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COMMISSION ON HUMAN RIGHTS
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Item 19 of the provisional agenda

PERIODIC REPORTS ON HUMAN RIGHTS

Report of the Ad Hoc Committee on Periodic Reports

Chairman/Rapporteur: Mr. Michael P.L. Hoyt (United States of America)

I. ORGANIZATION OF THE 1979 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; (b) in the second year, on economic, social and cultural rights; (c) in the third year, on freedom of information. In resolution 1596 (L) of 21 May 1971, the Council 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. The Economic and Social Council, by its resolution 1988 (LX) of 11 May 1976, decided that States Parties to the International Covenant on Economic, Social and Cultural Rights which submit reports under the 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. By its resolution 1978/20 of 5 May 1978 the Council, having noted that the States Parties to the International Covenant on Civil and Political Rights had undertaken, in accordance with article 40 of that Covenant, to submit reports to the Human Rights Committee on the measures they have adopted which give effect to the rights recognized therein and on the progress made in the enjoyment of those rights, decided to exempt States Parties to the Covenant from submitting reports on similar questions under the periodic reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX).

4. In accordance with Council resolutions 1074 C (XXXIX) and 1596 (L), the Ad Hoc Committee, at its 1979 session, took up reports on civil and political rights for the period from 1 July 1971 to 30 June 1977 received from Governments and specialized agencies, and contributions on this subject-matter from non-governmental organizations in consultative status.

Attendance

5. The Committee held its 1979 session at the Office of the United Nations at Geneva, from 29 January to 2 February 1979. Membership at the session was as follows:

Canada	Mr. Richard McKinnon Mr. Jacques Gaudreau
France	Mrs. Solange Shulman-Perret
India	Mr. Sharat Sabharwal
Peru	Miss Rosa Silva y Silva
Senegal	Mr. Alioune Sene Mr. Samba Mbodj
Union of Soviet Socialist Republics	Mr. Pavel G. Dzioubenko
United States of America	Mr. Michael P.E. Hoyt
Yugoslavia	Mrs. Gordana Diklic-Trajkovic

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

Election of officers

7. At its 87th meeting, on 29 January 1979, Mr. Michael P.E. Hoyt (United States of America) was unanimously elected as Chairman/Rapporteur of the Committee.

Agenda

8. At its 87th 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 civil and political rights received under the terms of Economic and Social Council resolution 1074 C (XXXIX)
4. Review of 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

9. The Committee held five meetings, from 29 January to 2 February 1979.

Documentation before the Committee

10. The Committee had before it:

(a) Reports on civil and political rights for the period 1 July 1971 to 30 June 1977, received from the following States Members of the United Nations: Algeria, Austria, Bahamas, Belgium, Cyprus, France, Germany, Federal Republic of, Greece, Israel, Japan, Kuwait, Netherlands, Philippines, Portugal, Seychelles, Thailand, Tunisia, United Republic of Cameroon, Upper Volta and Yugoslavia (E/CN.4/1300 and Add.1-2).

(b) Reports on civil and political rights for the period 1 July 1971 to 30 June 1977, received from the following specialized agencies: International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO) and Universal Postal Union (UPU) (E/CN.4/1301);

(c) An analytical summary of the reports and other material on civil and political rights for the period 1 July 1971 to 30 June 1977 (E/CN.4/1302) prepared by the Secretary-General in accordance with Commission on Human Rights resolution 16 B (XXIII);

(d) A subject and country index of the reports on civil and political rights (E/CN.4/1303) prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);

(e) Information in tabular form on the status of multilateral international agreements in the field of human rights, concluded under the auspices of the United Nations (ST/HR/4/Rev.1), prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX);

(f) A note by the Secretary-General concerning the Yearbook on Human Rights (E/CN.4/1338) prepared in accordance with General Assembly resolution 33/171 of 20 December 1978;

(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): Friends World Committee for Consultation, International Federation of Resistance Movements, International Federation of University Women, International Institute of Administrative Sciences, International Organization - Justice and Development, International Union of Lawyers and World Young Women's Christian Association (E/CN.4/AC.20/NGO/R.14). Comments on the contributions of non-governmental organizations were received from the Government of the Federal Republic of Germany (E/CN.4/AC.20/NGO/R.14/Add.1).

The Committee was informed that copies of the report the United States of America intended to submit were available for the information of the Committee.

II. STUDY AND EVALUATION OF THE PERIODIC REPORTS AND OTHER MATERIAL RELATING TO CIVIL AND POLITICAL RIGHTS RECEIVED UNDER THE TERMS OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1074 C (XXXIX) AND REVIEW OF THE PRESENT SYSTEM OF PERIODIC REPORTS

11. In a preliminary consideration of this item, members of the Ad Hoc Committee noted that a very limited number of periodic reports on civil and political rights had been received from Governments. They were aware that the Economic and Social Council in its resolutions 1988 (LX) of 11 May 1976 and 1978/20 of 5 May 1978 had decided to exempt States parties to the International Covenants on Human Rights from submitting reports on similar questions under the periodic reporting procedure established under Council resolution 1074 C (XXXIX). The fact remained nevertheless that taking into account the number of States which reported under the procedure established by the Covenants and the procedure established under Council resolution 1074 C (XXXIX), approximately one half of the membership of the United Nations had submitted no information under either reporting system. This situation was considered regrettable.

12. There was general agreement in the Committee to reaffirm its view that the reporting system established under Council resolution 1074 C (XXXIX) was still a very useful procedure for Member States which were not parties to the Covenants to supply information regularly on human rights and fundamental freedoms in the territories subject to their jurisdiction. It was also the common opinion in the Committee that Member States concerned should be asked in future to submit periodic reports once every two years in a continuing cycle covering alternately economic, social and cultural rights on the one hand, and civil and political rights and freedom of information on the other.

13. In this perspective, the Ad Hoc Committee reconsidered its recommendations to the Commission on Human Rights contained in draft resolution I included in the report on the work of its 1977 session (E/CN.4/1226) and, believing that some of them needed modifications, decided to prepare a new draft resolution on the system of periodic reports on human rights to be recommended for adoption to the Commission on Human Rights.

14. Members of the Committee were of the view that it was difficult for them to evaluate which important general trends at the international level were emerging from periodic reports on civil and political rights on the basis of the limited number of national reports which had been received.

15. A member of the Committee, nevertheless, pointed out that from the analytical summary of reports and other material on civil and political rights prepared by the Secretary-General (E/CN.4/1302) it appeared that in a number of reporting States the execution of death penalties tended to be increasingly exceptional and that in some reporting States, the death penalty was considered practically obsolete or had been abolished by legislative act. It also appeared that there was a trend in several reporting States to lower the minimum voting age to 18 years.

16. In connexion with the contents of the Government reports before the Committee, one member expressed the opinion that the information on civil and political rights submitted by Israel in its report did not correspond to the real situation because of the continuing gross and mass violations of human rights in the occupied Arab territories by the above-mentioned country. Some other members expressed the view that, if the reports of Member States had been considered in substance, they would have proposed that the report of Israel not be considered because some of the aspects of human rights in occupied Arab territories are

17. Another member stated that, in view of the general approach adopted by the Committee for the consideration of reports submitted by Governments, it would not be appropriate to discuss and assess the content of any individual report.

18. The view was also expressed that the Ad Hoc Committee could renew its invitation to Governments, to include in their reports detailed information on legislative and other measures taken with the aim of overcoming specific difficulties encountered in ensuring the promotion and protection of human rights in their countries.

19. It was the general view of the Ad Hoc Committee that Member States should be encouraged to submit or to continue to submit periodic reports on human rights. For this purpose, the suggestion was made that the Secretary-General, in his request for a timely submission of periodic reports, could bring to the attention of Member States concerned that the information they give on human rights developments in their respective countries would serve not only to achieve the objectives of Economic and Social Council resolution 1074 C (XXXIX), but also contribute substantively to the contents of the Yearbook on Human Rights which would be structured in a new presentation.

III. SUGGESTIONS FOR IMPROVING THE YEARBOOK ON HUMAN RIGHTS

20. The Ad Hoc Committee took note of General Assembly resolution 33/171 of 20 December 1978, by which the Commission on Human Rights was requested to review at its thirty-fifth session the objectives, contents and format of the Yearbook on Human Rights and examined the document prepared by the Secretary-General, in accordance with the request made to him in resolution 33/171, containing suggestions for new contents and format of the Yearbook (E/CN.4/1338).

21. Members of the Committee welcomed the suggestions made by the Secretary-General which they considered generally acceptable. In the course of the discussion a number of modifications were proposed with a view to further improve the contents of the Yearbook. It was agreed that with appropriate amendments the Secretary-General's suggestions would provide effective guidelines for the new presentation of the Yearbook and that they should be recommended to the Commission on Human Rights.

22. Members of the Committee felt that, because of the abundance of material which would be available each year and the desirability of disseminating information of current interest, the Yearbook should be published annually, instead of biannually as at present, and at a specific regular date.

23. As regards the contents of the section of the Yearbook dealing with national developments in the field of human rights, members of the Committee agreed that material selected from the periodic reports submitted under Council resolution 1074 C (XXXIX) should be included in addition to the material selected from reports submitted by States participating in the reporting procedures established under the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

24. As regards the contents of the section of the Yearbook devoted to international developments in the field of human rights, it was suggested that the relevant activities of organizations within the United Nations system should be reflected as appropriate. A member of the Committee expressed the opinion that resolutions and decisions adopted in international conferences organized by the United Nations, like the World Conference to Combat Racism and Racial Discrimination, should also be included in the Yearbook.

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

25. At its 90th meeting, on 31 January 1979, the Ad Hoc Committee considered the item relating to the draft provisional agenda for its next session in 1981. One member suggested that at its next session the Committee should give consideration to the composition and methods of work of the Committee with a view to improving its efficiency in the implementation of its mandate. It was also suggested that the wording of the item covering the Yearbook should be adjusted in the light of developments as a result of the decision of the Committee and the Commission on Human Rights. The Committee took note of the items suggested for inclusion in the provisional agenda of its 1981 session and of the list of documents which would be expected to be submitted at that time.

V. CONSIDERATION OF DRAFT RESOLUTIONS

26. At its 90th meeting, on 31 January, the Chairman/Rapporteur presented a draft resolution on periodic reports, prepared on the basis of various proposals and suggestions submitted by members of the Committee.

27. Following an exchange of views at the 90th and 91st meetings, the draft resolution, as orally revised, was adopted without a vote on 2 February 1979. (For the text, see below, paragraph 31, draft resolution I.)

28. At its 90th meeting, the Chairman/Rapporteur also presented a draft resolution on the Yearbook on Human Rights, which included as an annex guidelines for the contents and format of the Yearbook on Human Rights, based on suggestions made by the Secretary-General (E/CN.4/1338, para. 14).

29. Following an exchange of views at the 90th and 91st meetings, the draft resolution, as orally revised, was adopted without a vote on 2 February 1979. (For the text, see below, paragraph 31, draft resolution II.)

30. In view of the economies and efficiencies that would be introduced as a result of the recommendation contained in the above draft resolutions, the Committee urges that the Commission consider them for adoption at its thirty-fifth session.

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

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

I. Periodic reports on human rights

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,

"Noting that only 20 States, including some States parties to the International Covenants on Human Rights, submitted periodic reports on civil and political rights for the period 1 July 1971 - 30 June 1977, under resolution 1074 C (XXXIX),

"Conscious that States parties to the International Covenants on Human Rights are exempted from submitting reports under the reporting procedure established under Council resolution 1074 C (XXXIX),

"Noting however that approximately one half of the membership of the United Nations has submitted no information under either reporting system,

"Convinced that it is only through the timely submission of reports by Member States and specialized agencies 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 for informative and comparative purposes at the international level rests on their being submitted on a timely basis by as many States as possible,

"Desiring to increase the efficiency of the system by introducing a simplified reporting cycle,

"1. Decides that Member States concerned shall be asked in future to submit periodic reports once every two years in a continuing cycle; the first report, on economic, social and cultural rights, to be submitted in 1980, and the second on civil and political rights and freedom of information, to be submitted in 1982;

"2. Regrets that the very limited number of reports on civil and political rights precludes a meaningful determination of trends and developments of those rights at the international level;

"3. Reaffirms the necessity for Member States not reporting under the International Covenants on Human Rights to submit their reports on a timely basis when requested to do so under the newly established reporting cycle.

"4. Decides that the chart on human rights international instruments which is now issued as a United Nations publication (ST/HR/4/Rev.1) adequately fulfils the request made to the Secretary-General in resolution 1074 (XXXIX), paragraph 10, to submit to the Commission on Human Rights a document indicating the status of multilateral international instruments in the field of human rights concluded under the auspices of the United Nations and that therefore this document is no longer required."

II. Yearbook on Human Rights

The Commission on Human Rights,

Having considered the note by the Secretary-General (E/CN.4/1338) and the report of the Ad Hoc Committee on Periodic Reports (E/CN.4/1304),

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

"The Economic and Social Council,

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

"Having noted General Assembly resolution 33/171 of 20 December 1978,

"Considering that the Yearbook on Human Rights is an important means of disseminating information on developments at the national and international level concerning the promotion and protection of human rights,

"Bearing in mind that States which have become parties to such international instruments as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, submit reports on an established basis in accordance with the requirements of those instruments,

"Mindful that the system of periodic reports established under Council resolution 1074 C (XXXIX) of 28 July 1965 continues to provide a useful source of information on human rights developments in States which are not participating in reporting procedures established under the relevant international instruments,

"Considering that the Yearbook on Human Rights should be conceived to reflect human rights developments in a maximum number of States,

"1. Decides that henceforth the part of the Yearbook on Human Rights devoted to national developments shall consist of extracts from reports made by States under such instruments as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, or the International Convention on the Elimination of All Forms of Racial Discrimination, and from the periodic reports submitted by States under the reporting procedure established under Council resolution 1074 C (XXXIX);

"2. Decides that States will no longer be invited to submit separate contributions either directly or through correspondents for inclusion in the Yearbook; however, individual States wishing to provide a contribution intended specifically for the Yearbook shall be free to do so;

"3. Further decides that, beginning as soon as possible the Yearbook be issued annually in accordance with the guidelines annexed to the present resolution;

"4. Recommends that an appropriate date be adopted for the issuance of the Yearbook and that the same date be adhered to thereafter."

Annex

GUIDELINES FOR THE CONTENTS AND FORMAT OF
THE YEARBOOK ON HUMAN RIGHTS

INTRODUCTION - The introduction would refer to the legislative authority for the publication and would give a brief description of the organization and contents of the Yearbook. It would also give the sources of information, including a list of States from which reports had been received, during the period covered.

PART ONE: "National developments"

Part one would consist of material reflecting legislative, administrative, judicial and other national measures and court decisions. The material would be selected from government reports submitted under the international human rights instruments, periodic reports submitted by States under the reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX), or contributions submitted by States intended specifically for the Yearbook. The material would be arranged under country headings with subheadings by subject and would include information on Trust and Non-Self-Governing Territories. Appropriate documentary references would be given in footnotes.

PART TWO: "Activities of the supervisory bodies"

Part two would consist of two separate sections:

Section A to reflect the practice of the supervisory bodies concerning the examination of government reports, and, as appropriate, reports from specialized agencies, and other tasks entrusted to those bodies under the relevant international instruments. This section would consist of extracts of the reports of supervisory bodies to the respective parent organs, with appropriate documentary references given in footnotes.

Section B to include relevant decisions, general recommendations, general comments and observations adopted by the supervisory bodies in connexion with their examination of reports submitted by governments and the specialized agencies concerned, and other tasks entrusted to those bodies under the international instruments. The relevant decisions and resolutions of the parent bodies (i.e. General Assembly, Economic and Social Council, Commission on Human Rights) could also be included.

PART THREE: "International developments"

Part three would consist of other international developments and activities in the field of human rights in the United Nations system drawn up along the lines of part III of the Yearbook on Human Rights for 1973-1974,

but excluding activities that would be covered in part two. Part three would also include extracts from important documents adopted by the relevant organs of the United Nations system or submitted in accordance with decisions of such organs selected with a view to enhancing their wider dissemination, and statements of policy or principle by the Secretary-General on questions of human rights.

ANNEXES - Selected material could be included as annexes such as:
(a) texts of general guidelines adopted in connexion with various reporting procedures; (b) status of the ratifications and accessions and reservations to international human rights instruments; (c) list of documents of the United Nations system of interest within the field of human rights.

INDEX - A subject index to be included.

VII. ADOPTION OF THE REPORT

32. At its 91st meeting, on 2 February 1979, the Ad Hoc Committee on Periodic Reports considered the draft report on the work of its 1979 session and adopted it, as orally amended, without a vote.