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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
 IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
 AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Analysis of existing United Nations procedures for dealing with
 communications concerning violations of human rights

(Prepared by the Secretary-General pursuant to Commission
 resolution 16 (XXXIV))

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I. Introduction

1. By its resolution 16 (XXXIV), adopted at its 1470th meeting on 7 March 1978, the Commission on Human Rights requested the Secretary-General to prepare for the thirty-fifth session of the Commission "an analysis of existing United Nations procedures for dealing with communications concerning violations of human rights" to assist the Commission in studying measures to avoid possible duplication and overlapping of work in the implementation of these procedures.
2. The main existing procedure for dealing with communications concerning violations of human rights, established by the Economic and Social Council and implemented by the Commission on Human Rights and its subsidiary bodies, is that governed by Council resolution 1503 (XLVIII) and related resolutions. Paragraph 10 of Council resolution 1503 (XLVIII) calls for a review of the procedure in the event that a new organ, entitled to deal with communications relating to violations of human rights, is established. 1/ Such new organ, the Human Rights Committee, was established subsequent to the entry into force on 23 March 1976, of the International Covenant on Civil and Political Rights and the Optional Protocol thereto. The procedure laid down by the Optional Protocol is the first United Nations procedure for dealing with communications concerning violations of human rights, based on an international instrument, to enter into force. 2/
3. The question of possible overlapping or duplication of work would therefore appear to focus mainly on the procedure governed by Council resolution 1503 (XLVIII) and related resolutions on the one hand and the new procedure established by the Optional Protocol on the other hand. Accordingly, the present analysis will primarily deal with these two procedures. In that context the handling of communications by the Secretariat and the functions of the various bodies involved in the implementation of the two procedures will be described. An attempt will be made to identify areas where concern for possible duplication or overlapping might arise, and suggestions for practical measures aimed at avoiding possible duplication or overlapping will be made.
4. In view of the general wording in Commission resolution 16 (XXXIV) requesting an analysis of "existing United Nations procedures", other United Nations resolutions concerning the handling of communications in certain human rights fields (such as Council resolution 76 (V) concerning communications relating to the status of women, Council resolution 277 (X) concerning communications on violations of trade union rights and Council resolution 607 (XXI) concerning communications relating to forced labour) will be briefly referred to. Mention will also be made

1/ See also operative paragraph 1 of Commission resolution 8 (XXIII) and paragraph 4 of Council resolution 1235 (XLIII).

2/ As the procedure envisaged under article 14 of the International Convention on the Elimination of all Forms of Racial Discrimination is not yet in force, it falls outside the scope of the present analysis. The procedure will enter into force when 10 States parties to the Convention have recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications. So far, 7 States parties have made such declarations.

of other United Nations organs that receive or may receive communications, such as special bodies established by the General Assembly (the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee against Apartheid), the Security Council and the Trusteeship Council.

5. On the other hand the question of co-existence of public procedures for dealing with violations of human rights, based on Commission resolution 8 (XXIII) and Council resolution 1235 (XLII), and the confidential procedure for dealing with communications relating to violations of human rights, governed by Council resolution 1503 (XLVIII), appears to fall outside the scope of the Commission's request in its resolution 16 (XXIV), and will therefore not form a part of the present analysis. Since the question of co-existence of these procedures has however been the subject of discussion in recent years, the Commission may wish to consider, in connexion with its examination of the question of possible overlapping or duplication of work, whether communications relating to situations which it may decide to consider under the public procedure governed by Commission resolution 8 (XXIII) and Council resolution 1235 (XLII), or communications relating to situations in respect of which it decides to initiate other specific procedures, should continue to be handled under Council resolution 728 F (XXVIII) for channelling into the 1503 (XLVIII) procedure, or whether they should form part of the information made available in connexion with the implementation of other specific procedures decided on by the Commission, or other competent organs. 3/

II. The procedure governed by Economic and Social Council resolution 1503 (XLVIII) and the procedure laid down by the Optional Protocol to the International Covenant on Civil and Political Rights

(a) Secretariat handling of communications received

6. Paragraph 1 of Council resolution 1503 (XLVIII) lays down that the communications which may be dealt with under that resolution are those received by the Secretary-General under Council resolution 728 F (XXVIII). 4/ In practice this applies to the communications, "however addressed", which are summarized in the monthly confidential lists prepared for the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. 5/

3/ For example the Ad hoc Working Group established by the Commission on Human Rights to inquire into the present situation of human rights in Chile and the Special Committee to investigate Israeli practices affecting the Human Rights of the Population of the Occupied Territories.

4/ Council resolution 728 F (XXVIII) of 30 July 1959 consolidated the various amendments and modifications made through the years in the provisions of Council resolution 75 (V) of 5 August 1947, which established the original procedure for the handling of communications concerning human rights by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

5/ The annual list, provided for by paragraph 2 (b) of Council resolution 728 F (XXVIII), was converted into a monthly list in accordance with paragraph 4 of Council resolution 1503 (XLVIII). By decision 79 (LVIII) the Council decided that the lists should be made available to the members of the Commission on Human Rights every month, instead of annually.

7. The words "however addressed" in Council resolution 728 F (XXVIII) have been understood as meaning that, provided the communication is intended for the United Nations, it is receivable, irrespective of its form and the name of the addressee. It may be addressed to the United Nations or to any United Nations body, the Secretary-General or to any offices within the Secretariat. A communication may emanate from any author who identifies himself 6/ and relate to any State, both Member States of the United Nations and non-member States, the only common element of all communications being that they contain an allegation of violations of human rights. In practical terms, this exhausts the general criteria for receivability applied by the Secretariat to communications channelled through Council resolution 728 F (XXVIII) into the procedure governed mainly by Council resolution 1503 (XLVIII). The question, whether a communication thus received, is admissible within the terms of Council resolution 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV) then rests entirely with the bodies involved in the implementation of the procedure.

8. The acknowledgement of receipt of a communication under Council resolution 728 F (XXVIII), in which the author is briefly informed of the existence of the procedure and furnished with copies of the relevant resolutions, 7/ usually constitutes the end of correspondence concerning the handling of that communication. In the cases of inquiries about the fate of a communication, the author is informed with appropriate reference to paragraph 8 of Council resolution 1503 (XLVIII), that the confidential nature of the procedure precludes the Secretariat from furnishing him with any further information. Subsequent communications from the same author may as appropriate, be dealt with as new communications.

9. In accordance with paragraph 2 (3) of Council resolution 728 F (XXVIII) copies of all summarized communications are forwarded to the Member State concerned.8/ Any replies received are issued in monthly confidential lists of Government replies, in summary form or in full, in accordance with the wishes of the Governments concerned.

10. Any subsequent actions taken by the Secretariat with regard to the handling of the communications in question are based on the provisions of Council resolution 1503 (XLVIII) or decisions of the bodies concerned, and relate exclusively to the servicing of these bodies in the implementation of the procedure.

6/ In the processing of a communication the identity of the author is however not to be divulged, unless he has no objection to the disclosure of his name.

7/ Council resolutions 728 F (XXVIII), 1235 (XLII) and 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV).

8/ In the case of mass type communications (great numbers of similar or identical communications) the State concerned is furnished with several sample copies with an indication that they are samples of so and so many "similar" or "identical" communications.

11. The coming into force on 23 March 1976 of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, indirectly added to the criteria to be applied by the Secretariat as to the receivability of communications under Council resolution 728 F (XXVIII). Mainly, the question had to be addressed, whether some communications which, prior to the entry into force of the new instruments, would have been handled under Council resolution 728 F (XXVIII), should instead be channelled into the new procedure governed by the Optional Protocol. In the absence of any directives to be derived from the provisions of Council resolutions 728 F (XXVIII) and 1503 (XLVIII), the Secretariat has hitherto been guided by the terms of the Optional Protocol and the rules of procedures of the Human Rights Committee, with regard to the initial handling of received communications.

12. Under the terms of the Optional Protocol, the Human Rights Committee has competence, as regards States that are parties to the Optional Protocol, to receive and consider communications from individuals subject to the jurisdiction of a State party who claim to be victims of a violation by that State of any of the rights set forth in the Covenant. However, in its provisional rules of procedure 9/ the Human Rights Committee has instructed the Secretary-General to bring to its attention not only those communications that are clearly submitted under the Optional Protocol, but also communications which "appear" to be so submitted (rule 78). In this connexion the Secretary-General is authorized to request clarifications from the author, should there be any doubt as to his intent. The rules further provide that should there be any doubt as to the applicability of the Optional Protocol, the Secretary-General may request the necessary clarifications or informations from the author (rule 80). The Human Rights Committee has thus assigned to the Secretary-General an active role in the process of ascertaining which communications may be received by the Committee under the Optional Protocol. For this purpose the Committee has authorized the Secretary-General to furnish authors of communications with guidelines and a model communication to facilitate their task of providing the necessary information.

13. Communications which are clearly intended for submission to the Human Rights Committee under the Optional Protocol and which prima facie appear to fulfil the conditions for receivability laid down in the Optional Protocol, should not be channelled into the 1503 (XLVIII) procedure through Council resolution 728 F (XXVIII). The same would apply in cases where the above-mentioned verification process has revealed that a communication may duly be brought to the attention of the Committee under the Optional Protocol. However, there may still be uncertainties as to the choice to be made regarding the receivability of materials between the Optional Protocol procedure and the 1503 (XLVIII) procedure.

(b) Implementation of the 1503 (XLVIII) procedure; functions of the bodies concerned

14. By resolution 1235 (XLII) the Economic and Social Council authorized the Commission with the assistance of the Sub-Commission, to make appropriate use of the vast source of information concerning alleged gross violations of human rights

and fundamental freedoms, contained in the communications received by the United Nations under Council resolution 728 F (XXVIII). This authorization was granted at the Commission's request set out in its resolution 8 (XXIII), which recognized communications as one of the categories of sources meriting the Commission's attention in connexion with its task of identifying situations which reveal a consistent pattern of violations of human rights.

15. The machinery for selecting from the tens of thousands of communications received annually those that "appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms", was established by Council resolution 1503 (XLVIII). Further criteria for determining the admissibility of such communications, relating to their object, source, contents and timeliness, as well as the existence of other remedies, were laid down in Sub-Commission resolution 1 (XXIV).

16. Council resolution 1503 (XLVIII) provides that, as an initial stage, all communications received under Council resolution 728 F (XXVIII), are screened by a five member working group of the Sub-Commission. Those communications, which, in the view of the majority of the members of the Working Group on Communications, appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fulfil the conditions for admissibility laid down in Sub-Commission resolution 1 (XXIV), are referred to the Sub-Commission, together with replies of Governments, if any, also received under Council resolution 728 F (XXVII).

17. After the initial screening by the Working Group on Communications, the Sub-Commission as a whole, as a second stage, is called on to consider the communications and the Government replies brought before it with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. In this connexion the Sub-Commission is not restricted to the materials brought before it by the Working Group on Communications. It is also requested to consider "other relevant information" (paragraph 5 of Council resolution 1503 (XLVIII)). The resolution appears to leave it to the discretion of the Sub-Commission to decide which other sources of information may be relevant to any particular situation.

18. Whereas the Working Group on Communications refers "communications" to the Sub-Commission, the Sub-Commission is called on to refer "particular situations" to the Commission on Human Rights. The form in which the Sub-Commission shall do so is not prescribed, but since 1974 the Sub-Commission has annually communicated its findings to the Commission in confidential reports to which it has attached the materials which it has had before it for consideration.

19. The third stage in the procedure is implemented by the Commission on Human Rights, which is requested to examine any situation referred to it by the Sub-Commission and, thereupon, to decide: (a) whether it requires a thorough study by the Commission and a report and recommendations thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLIII), or (b) whether it may be the subject of an investigation by an ad hoc committee. However, the latter course of action can only be taken with the express consent of the State concerned.

20. In the course of the years several procedural additions have become part of the procedure. At its thirtieth session in 1974, the Commission decided that in all instances where the Sub-Commission decides to refer a particular situation to the Commission, the State concerned shall be so informed and invited to submit to the Commission its written observations on the particular situation in question (Commission decision 3 of 6 March 1974). At the same time the Commission decided for the first time to set up a working group of its own to meet the following year prior to the Commission's session to examine the materials which had reached the Commission under Council resolution 1503 (XLVIII). With the approval of the Council the Commission has annually since 1974 set up a working group for this purpose. These working groups, accordingly, appear to have become a permanent feature in the procedure, although not specifically envisaged under Council resolution 1503 (XLVIII).

21. At its thirty-fourth session in 1978 the Commission decided to make permanent the practices which had not been expressly provided for in Council resolution 1503 (XLVIII), namely, (i) to invite the States directly concerned to send their representatives to address the Commission and to reply to any questions put by the members (Commission decision 5 (XXXIV) and (ii) to invite the Chairman/Rapporteur of the Sub-Commission's Working Group on Communications to be present during the deliberations of the Commission and to take the floor if he so wishes (Commission decision 3 (XXXIV)). In line with established practice the Commission also decided that the Sub-Commission and the Working Group on Communications should henceforth have access to the records of the closed meetings of the Commission concerning its work under Council resolution 1503 (XLVIII) and all other confidential documents relating thereto (Commission decision 4 (b) (XXXIV)).

22. Paragraph 8 of Council resolution 1503 (XLVIII) lays down the rule of confidentiality which governs the functions of the bodies involved in its implementation. It stipulates that "all actions" envisaged in the implementation of the resolution by the Sub-Commission or the Commission "shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council". This rule of confidentiality applies also to the working groups of the Commission and the Sub-Commission. The meetings of all these bodies are, accordingly, held in private and their records and all other documents relating thereto are confidential.

23. It will be recalled that at the commencement of the public debate on the question of violations of human rights in any part of the world at the Commission's thirty-fourth session in 1978, the Chairman announced the names of the countries in respect of which the Commission had at that session taken decisions in private meetings under Council resolution 1503 (XLVIII). However, the nature of the decision and the contents of the documentary material on which it is based, the identity of the sources of information and the contents of any replies or observations which may have been received from the Governments concerned, remains confidential in conformity with paragraph 8 of Council resolution 1503 (XLVIII).

(c) Implementation of the Optional Protocol procedure; functions of the Human Rights Committee

24. As stated above, the Human Rights Committee has competence under the Optional Protocol to the International Covenant on Civil and Political Rights to receive and consider communications from individuals subject to the jurisdiction of a State party to the Optional Protocol who claim to be victims of a violation by that

State of any of the rights set forth in the Covenant. 10/ The Committee, as in the case of the 1503 (XLVIII) procedure, examines communications in closed meetings. The proceedings are divided into two stages, (a) consideration of the admissibility of a communication, and (b) consideration of the merits of the claim.

25. For the conduct of its work under the Optional Protocol the Committee has adopted a set of rules contained in chapter XVII in its provisional rules of procedure, rule 78 to 94. 11/ Under the provisional rules of procedure, no communication can be declared admissible under the Optional Protocol, unless the State party has received the text of the communication and has been given an opportunity to submit written information or observations relevant to the question of admissibility of the communication (rule 91 (2)). The Committee may also request the author to submit additional written information of relevance to the question of admissibility of his communication (rule 91 (1)). As a rule, both parties are also afforded an opportunity to submit comments on the information or observations received under rule 91 of the provisional rules of procedure. 12/ The rules also provide that any explanations or statements submitted by a State party under article 4 (2) of the Optional Protocol, after a communication has been declared admissible, shall be communicated to the author who may submit any additional written information at that stage (rule 93 (3)). As a final stage in the procedure the Committee forwards its views to the State party concerned and to the individual. It includes a summary of its activities under the Optional Protocol in its annual report.

26. The principle of equality of arms is therefore prevalent in the proceedings under the Optional Protocol. Both parties may at various stages be requested to furnish relevant information and both parties are, as appropriate, afforded an opportunity to comment on the information received from the other party. This is one of the elements which distinguish the Optional Protocol procedure from the 1503 (XLVIII) procedure, which does not envisage any contacts whatsoever with an author of a communication.

27. The Human Rights Committee commenced consideration of communications under the Optional Protocol at its second session in 1977. To assist it, the Committee has set up a Working Group to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5 (2) of the Optional Protocol. The Committee has in all had before it (at its second, third, fourth and fifth sessions) 40 communications, whereof 7 have been declared admissible, 25 are still under consideration at the admissibility stage, and 7 have been declared inadmissible. One communication has been withdrawn by the author.

10/ By 31 January 1979, 21 States had accepted the competence of the Human Rights Committee by ratifying the Optional Protocol.

11/ The provisional rules of procedure of the Human Rights Committee are reproduced in document CCPR/C/3.

12/ This does not apply if only the author has been requested to submit additional information under rule 91 (1) and his communication is subsequently declared inadmissible.

(d) Basic differences between the two procedures

28. The fundamental difference between the 1503 (XLVIII) procedure and the Optional Protocol procedure is that the former is concerned with the examination of situations, whereas the latter is concerned with the examination of individual complaints, i.e. isolated instances of alleged violations of human rights. This difference has been underscored by the Human Rights Committee in its second report to the General Assembly where the Committee deals with the question of application of article 5 (2)(a) of the Optional Protocol, which precludes the Committee from considering a communication if the same matter is being examined under another procedure of international investigation or settlement. The report states in this connexion: "... the Committee has determined that the procedure set up under ECOSOC resolution 1503 (XLVIII) does not constitute a procedure of international investigation or settlement within the meaning of article 5 (2)(a) of the Optional Protocol, since it is concerned with the examination of situations which appear to reveal a consistent pattern of gross violations of human rights and a situation is not "the same matter" as an individual complaint". ^{13/} This implies the view of the Committee that, in principle, there is no overlapping or duplication of work involved in the implementation of the 1503 (XLVIII) procedure on the one hand and the Optional Protocol procedure on the other hand, and that this flows from the different mandates given to the bodies entrusted with the implementation of the respective procedures.

29. Other differences between the 1503 (XLVIII) procedure and the Optional Protocol procedure include the following: (a) the former is based on a resolution of a United Nations organ and its implementation is to a high degree dependent on a voluntary co-operation of States, whereas the latter is based on a binding international treaty under which States parties have accepted the application of a specific procedure for the examination of certain claims brought against them; (b) the former is applicable with regard to all States, whereas the latter is applicable only with regard to States parties to the Optional Protocol, (c) the former embraces violations of all human rights as recognized in the Universal Declaration of Human Rights, whereas the latter is restricted to those civil and political rights which are protected by the International Covenant on Civil and Political Rights; (d) the former is applicable to communications from any person, group of persons or non-governmental organizations that claim to have reliable knowledge, direct or secondhand, of the alleged violations, whereas the latter requires a certain standing by the author, i.e. the communication must either be signed by the alleged victim or his duly appointed representative, or by someone having the authority to act on behalf of the alleged victim. In this connexion the Committee regards close family connexion as a sufficient link to justify an author acting on behalf of an alleged victim, but it has declined to consider communications where the authors have failed to establish any link between themselves and the alleged victims. ^{14/}

^{13/} See General Assembly Official Records: 33rd session, Supplement No. 40 (A/33/40), Report of the Human Rights Committee, paragraph 582.

^{14/} *Ibid.*, paragraph 580. See also rule 90 (1)(b) of the provisional rules of procedure of the Committee, document CCPR/C/3.

- (e) Identification of areas which may give rise to concern as to possible overlapping or duplication of work; suggestions for practical measures to avoid possible overlapping or duplication

30. In the light of what has been said above, there may not be any substantive overlapping or duplication in the work undertaken, on the one hand, under the 1503 (XLVIII) procedure and, on the other hand, under the Optional Protocol. The areas of concern may rather be of a technical nature, having mainly to do with the various aspects of sorting out mail at the initial Secretariat stage, with a view to ensuring proper channelling of material into each procedure. In this connexion a series of questions arise, which the Commission may wish to consider.

31. Firstly, it would appear to be logical that, once it has been ascertained that an individual complaint may properly be brought to the attention of the Human Rights Committee, it should not be included in the monthly confidential lists prepared for the Commission and the Sub-Commission under Council resolutions 728 F (XXVIII) and 1503 (XLVIII). Based on current experience, the chances are so remote as to be almost non-existent that the channelling of a relatively small number of individual complaints into the Optional Protocol procedure would distract from the materials made available under the 1503 (XLVIII) procedure to the extent that a situation revealing a consistent pattern of gross and reliably attested violations of human rights would thereby be overlooked. Further a specific procedure under an international treaty should, when it applies, take precedence over a general procedure based on a resolution.

32. Should this approach be accepted, the following communications would be brought to the attention of the Human Rights Committee only and not be received under Council resolution 728 F (XXVIII):

- (a) communications addressed to the Human Rights Committee by authors who have the necessary standing and direct an allegation of violation of any of the rights protected by the International Covenant on Civil and Political Rights against a State party to the Optional Protocol;
- (b) communications, however addressed, from authors who have the necessary standing to submit their complaint to the Human Rights Committee, and who, after it has been ascertained that they wish to avail themselves of the procedure laid down in the Optional Protocol, direct an allegation of violation of any of the rights protected by the International Covenant on Civil and Political Rights against a State party to the Optional Protocol.

33. On the other hand the Commission may deem it appropriate that communications, however addressed, which for one reason or another cannot be received under the Optional Protocol, although directed against a State party to the Protocol, should continue to be received under Council resolution 728 F (XXVIII). This would apply to the following categories of communications:

- (a) communications containing allegations of a general nature or describing in general terms an alleged situation, as opposed to individual complaints (this may also apply to communications from authors who make references to individual victims in connexion with a description of a general nature or enclose lists of names of alleged victims in substantiation of the alleged general violations);

- (b) communications which although seeking United Nations intercession on behalf of individual victims, clearly emanate from authors who do not have the necessary standing to submit a communication to the Human Rights Committee on behalf of the alleged victims (this would for example apply to mass type communications, i.e. large numbers of similar or identical communications from various sources);
- (c) communications (individual complaints or otherwise) containing allegations of violations of human rights that fall outside the provisions of the International Covenant on Civil and Political Rights.

34. In the same manner, communications that are addressed to the Human Rights Committee, or intended by their authors for submission to that body, but relate to States that are not parties to the Optional Protocol, or concern matters which are outside the scope of the Covenant, could be received under Council resolution 728 F (XXVIII). As appropriate, this may be explained to the authors. 15/

35. Once a communication has been duly submitted under the Optional Protocol by an individual or someone who has the standing to act on his behalf, the question arises, whether subsequent communications concerning the same person, received from other sources (not having the standing to act on his behalf under the Optional Protocol), should continue to be received under Council resolution 728 F (XXVIII). This may happen, in particular, when the alleged victim is a known personality. In this connexion the Commission may wish to consider the following approach:

- (a) communications (including mass type communications) which refer exclusively to the individual in question, should not be received under Council resolution 728 F (XXVIII) for inclusion in the monthly confidential list and transmittal to the Government concerned. It may be explained to the authors of such communications that the subject-matter is under consideration by the appropriate body;
- (b) communications which, in addition to the individual in question, refer to other alleged victims, or contain allegations of a general nature, which may be viewed as a description of a situation, as opposed to an individual complaint, should be received under Council resolution 728 F (XXVIII). In other words, the mere fact that the name of a person, whose case is being dealt with under the Optional Protocol, appears in a communication which would normally be received under Council resolution 728 F (XXVIII), should not exclude that communication from the materials channelled into the 1503 (XLVIII) procedure through Council resolution 728 F (XXVIII).

36. The suggestions above for the channelling of communications either into the 1503 (XLVIII) procedure or the Optional Protocol procedure are merely offered as practical working methods aimed at avoiding possible overlapping or duplication

15/ See in this connexion paragraph 590 of the report of the Human Rights Committee, General Assembly, Official Records of the 33rd session, Supplement No. 40 (A/33/40).

of work. They are prompted by the fact that relatively few of the thousands of writers who annually address themselves to the United Nations, drawing attention to alleged violations of human rights in a particular country or seeking United Nations intercession on behalf of an alleged victim of violations of human rights, have prior knowledge of the existing procedures or the functions of the bodies implementing them. It is therefore inherent in the role of the Secretariat, not only to assist authors, as appropriate, where specific procedures may be applicable, but also to endeavour to facilitate the work of the bodies concerned by a coherent and orderly handling of the material received.

III. Other United Nations procedures of relevance to the handling of communications concerning human rights

(a) Procedures established by resolutions of the Economic and Social Council

(i) Communications concerning the status of women - Council resolutions 76 (V) and 304 (XI)

37. By its resolution 76 (V) of 5 August 1947 the Economic and Social Council established a procedure for the handling of communications relating to the status of women, for implementation by the Commission on the Status of Women. As amended by a decision of the Commission on the Status of Women at its fourth session and by Council resolution 304 (XI), the procedure is essentially similar to that provided for in Council resolution 728 F (XXVIII).

38. Council resolution 76 (V), as amended, provides that two separate lists be prepared for the Commission on the Status of Women. A non-confidential list containing summaries of communications dealing with the principles relating to the promotion of the status of women in the political, economic, civil, social and educational fields, and a confidential list containing summaries of "other communications", i.e. communications containing allegations of violations of human rights affecting the status of women. A summary of all these communications are, however, also included in the lists prepared for the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 728 F (XXVIII) and 1503 (XLVIII).

39. The procedure provided for by Council resolution 76 (V) has been in suspension since 1974, when the Commission on the Status of Women decided to delete consideration of communications from its work programme, in view of the new and expanded procedure for dealing with communications relating to violations of human rights, established by Council resolution 1503 (XLVIII). The Economic and Social Council (fifty-sixth session in 1974) withheld its endorsement of the decision of the Commission on the Status of Women and, at its fifty-eighth session in 1975, invited the Commission on the Status of Women to reconsider its earlier decision.^{16/} At its resumed twenty-sixth session in 1976, the Commission adopted a draft resolution on the subject-matter which it recommended for adoption by the Council.

^{16/} Economic and Social Council decision 86 (LVIII) of 6 May 1975.

The draft resolution envisages that the Commission on the Status of Women would retain as part of its work programme the consideration of those communications received by the Secretary-General under Council resolution 728 F (XXVIII), which relate to the status of women. 17/

40. By its decision 223 (LXII) of 12 May 1977, the Economic and Social Council decided to defer action on draft resolution X of the resumed twenty-sixth session of the Commission on the Status of Women, taking into account, in particular, its resolution 2058 (LXII), by which the Council decided to submit to the General Assembly at its thirty-second session, for consideration and approval, the draft Convention on the Elimination of Discrimination against Women.

- (ii) Procedure for the handling of communications concerning infringement of trade union rights - Council resolutions 277 (X) and 474 A (XV)

41. In accordance with resolutions 277 (X) and 474 A (XV) of the Economic and Social Council, communications containing allegations of infringements of trade union rights received from Governments or trade union or employers' organizations against member States of the International Labour Organisation are to be forwarded by the Secretary-General to the Governing Body of the International Labour Organisation for its consideration as to referral to the Fact-Finding and Conciliation Commission. In the event that the State concerned is not a member of the International Labour Organisation, the Secretary-General must present the communication to the Council and on its behalf, seek the consent of the Government concerned to having it forwarded to the International Labour Organisation for onwards transmission to the Fact-Finding and Conciliation Commission. In the event that such consent is not forthcoming, the Council decides on any appropriate alternate action. 18/

- (iii) Procedure for the handling of communications relating to forced labour - Council resolution 607 (XXI)

42. In accordance with Economic and Social Council resolution 607 (XXI) of 1 May 1956, the Secretary-General transmits any information received on forced labour to the Director-General of the International Labour Office. The Council invited the International Labour Organisation, in the same resolution, to include in its annual report to the Council an account of action taken in this field.

- (b) Handling of communications by special bodies established by the General Assembly

43. The General Assembly does not as a rule deal with communications concerning human rights. However, communications relating to human rights in non-self-governing territories and communications relating to the policies of apartheid are received and considered by two of its special bodies, respectively.

17/ See document E/5909, Economic and Social Council Official Records, sixty-second session report of the Commission on the Status of Women, Chapter I, draft resolution X.

18/ In recent years the Council has on several occasions transmitted such cases to the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights for examination.

- (i) The Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

44. Communications concerning human rights in territories, which are included in the list of territories to which the Declaration on the granting of Independence to Colonial Countries and Peoples is applicable, are dealt with by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and are issued in the A/AC.109... series. The Special Committee has established a Sub-Committee which screens such communications, decides on their circulation, and makes recommendations to the Special Committee, as appropriate, on the measures which the Special Committee might take in the light of the substance of the communications.

- (ii) The Special Committee against Apartheid

45. The Special Committee against Apartheid receives communications relating to the racial policies of the South African Government. It has established a Sub-Committee which screens such communications and reports to the Special Committee with recommendations for appropriate action.

- (c) Handling of communications by the Security Council

46. A brief indication of communications which relate to matters of which the Security Council is seized appears in lists which are issued in the S/NC/... series, and circulated to the members of the Council. Copies of such communications are furnished, on request, to members of the Council.

- (d) The Trusteeship Council

47. By Article 87 (b) of the Charter, the Trusteeship Council is empowered to accept communications and to examine them in consultation with the administering authority. However, communications relating to the two remaining Trust Territories are now channelled to the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.