

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/6699/Add.1
14 September 1967

ORIGINAL: ENGLISH

Twenty-second session

QUESTION CONCERNING THE IMPLEMENTATION OF HUMAN RIGHTS THROUGH
A UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OR SOME
OTHER APPROPRIATE INTERNATIONAL MACHINERY*

Note by the Secretary-General

The Secretary-General has the honour to submit herewith information received in accordance with paragraph 2 of Economic and Social Council resolution 1238 (XLII), from the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization.

Both reports supplement information submitted by these agencies to the Economic and Social Council at its fortieth session which was held in February and March 1966. The reports submitted to the fortieth session of the Council are available to the Members of the General Assembly.^{1/}

* Item 62 of the provisional agenda.

^{1/} Official Records of the Economic and Social Council, Fortieth Session, Annexes, agenda item 9, documents E/4133 and E/4144.

INTERNATIONAL LABOUR ORGANISATION

[Original: English]
11 August 1967

The experience of the International Labour
Organisation concerning the implementation
of human rights in its sphere of acceptance

(Supplementary report prepared by the
International Labour Office in response
to resolution 1238 (XLII) of the Economic
and Social Council)

A. Introduction

1. In resolution 1238 (XLII) concerning the question of the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate machinery, the Economic and Social Council, inter alia, invited the Director-General of the International Labour Office to submit, for the assistance of the General Assembly at its twenty-second session, a report on the experience of the International Labour Organisation concerning the implementation of human rights in its sphere of competence.
2. It is recalled that, on 29 December 1965, the International Labour Office submitted, in pursuance of resolution 1075 (XXXIX) of the Economic and Social Council, a report on the organizational and procedural arrangements for the implementation of ILO Conventions and Recommendations in the field of human rights (E/4144). That report gave general indications regarding respectively ILO procedures for the submission of Conventions and Recommendations to the competent authorities at the national level, the system of periodic, routine supervision of national measures on the basis of reports from Governments, and procedures based on the presentation of complaints. It also brought out certain characteristic features common to these various procedures.
3. In general, the indications given in the previous report remain valid. The present report is accordingly intended merely to supplement it, by bringing out certain current developments in ILO systems of supervision and bringing up to date certain factual indications concerning the practical operation of these systems.

B. Developments envisaged in the methods utilized by ILO supervisory bodies

4. The ILO report of 29 December 1965 (E/4144, para. 2) indicated that ILO supervision procedures had undergone important developments over the years because of needs which had become apparent and of experience gained, and that such developments had been the result of gradually evolving practice as well as of constitutional amendment. The report also emphasized (para. 92) that the various ILO procedures all pursued the aim of ensuring - objectively, impartially and with full respect for the rule of law - the maximum effectiveness of international labour standards.

5. These considerations were re-emphasized by the Committee of Experts on the Application of Conventions and Recommendations in 1967 when, on the occasion of the fortieth anniversary of the establishment of the Committee, it reviewed the fundamental principles and methods of work followed by it.^{2/} The Committee indicated that it might well find it necessary, in the years to come, to continue to adapt its methods of work to current needs and circumstances. One suggestion which the Committee put forward concerned the possibilities of direct contacts with Governments in certain cases where its customary procedure, based on the examination of reports and legislative texts, might appear not to permit a full assessment of all aspects of a particular situation. The Conference Committee on the Application of Conventions and Recommendations has considered that these possibilities merit further exploration in view of the positive contribution which they might make to the harmonious functioning of the supervisory machinery, and it has expressed the hope that the Committee of Experts will submit more precise and detailed proposals regarding direct contacts with Governments.^{3/}

C. Co-ordination between procedures of routine supervision and procedures based on complaints

6. The ILO report of 29 December 1965 emphasized (para. 87) the complementary nature of the two major ILO supervision systems: the system of complaints and the

^{2/} International Labour Conference, 51st Session (Geneva, 1967), Report III (Part IV): Report of the Committee of Experts on the Application of Conventions and Recommendations, paragraphs 19 to 42.

^{3/} International Labour Conference, 51st Session (Geneva, 1967), Report of the Committee on the Application of Conventions and Recommendations, paragraphs 5-6.

system of periodical, routine supervision. Various practices have developed to ensure the co-ordination of the two systems. In particular, where special inquiries on the basis of complaints have taken place, it is normal for the follow-up of any conclusions and recommendations to be entrusted to the bodies responsible for routine supervision. Thus, the implementation of the recommendations of the two Commissions of Inquiry established under article 26 of the ILO Constitution is - in accordance with recommendations made by the Commission themselves - being followed up by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations. In one of these cases, at the request of the Governing Body, the Committee of Experts presented a special report on the measures taken to implement the recommendations of the Commission of Inquiry.^{4/} In a recent case of a representation presented by an association of workers under article 24 of the ILO Constitution, the Governing Body, at the conclusion of the examination of the matter, decided to refer all the information received to the Committee of Experts to pursue certain questions raised by the representation under the routine supervision procedures.^{5/} Similarly, as regards the two countries in respect of which complaints had been referred to the Fact-Finding and Conciliation Commission on Freedom of Association (E/4144, paras. 70-80), the implementation of the relevant Conventions - which have been ratified by the countries concerned - is now subject to the procedures of routine supervision. Similarly, the Governing Body Committee on Freedom of Association has frequently drawn the attention of the bodies responsible for routine supervision to matters considered by it which appeared to affect the implementation of ratified Conventions.

D. Bringing up to date of certain facts mentioned in the preceding report

7. It may be appropriate to bring up to date certain facts mentioned in the ILO report of 29 December 1965, as follows:

^{4/} Special Report by the Committee of Experts on the Application of Conventions and Recommendations concerning the measures taken by the Government of Portugal to implement the recommendations of the Commission appointed under article 26 of the ILO Constitution to examine the observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), in Report III (Part IV), 50th Session of the International Labour Conference (Geneva, 1966).

^{5/} See ILO Official Bulletin, Vol. L, No. 2 (April 1967), pp. 171-2 and 267.

(a) Paragraph 1 of the report. The total number of instruments adopted by the International Labour Conference up to and including its 51st session (1967) is 128 conventions and 131 recommendations. A further report on developments in the implementation of ILO standards designed to give effect to economic and social rights proclaimed in the Universal Declaration of Human Rights, for the period 1963-1966, has been presented by the ILO to the United Nations under the system of periodic reports on human rights (see E/CN.4/918/Add.1).

(b) Paragraph 6. By August 1967, the total number of ratifications of ILO Conventions had risen to over 3,300.

(c) Paragraph 19. In the past three years, the number of reports on ratified Conventions received from Governments has been approximately 85 per cent of those due by the time of the meeting of the Committee of Experts and approximately 90 per cent by the time of the meeting of the Conference.

(d) Paragraph 42(e). In the past four years, the Committee of Experts has noted close to 300 cases of action taken by Governments, in response to comments made by the Committee, to give fuller effect to ratified Conventions.

(e) Paragraph 44. The Governing Body has completed its consideration of the representation brought before it in November 1965 (see foot-note 4 above).

(f) Paragraph 67. By 1967, the number of cases considered by the Governing Body Committee on Freedom of Association had risen to over 500.

(g) Paragraph 80. The complaint concerning Greece which had been referred to the Fact-Finding and Conciliation Commission on Freedom of Association was withdrawn by agreement between the parties. The Commission's report^{6/} was noted by the Governing Body in November 1966.

^{6/} ILO Official Bulletin, Vol. XLIX, No. 3, Special Supplement, July 1966.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: English]
24 July 1967

Report on the Organizational and Procedural Arrangements for
the Implementation of Conventions and Recommendations adopted
by the General Conference of the United Nations Educational,
Scientific and Cultural Organization

(Revisions of the above-mentioned report,
initially appearing in document E/4133,
16 December 1965)

- I. In the title (above paragraph 1) as appearing in the document E/4133 transmitted with letter SO 218, 12 July 1967, the words "and Recommendations" have been apparently inadvertently omitted and should appear after the word "Conventions".
- II. Substitute for the existing paragraphs 14 and 15 the following:
- "14. Until 1966, the General Conference had only considered the initial special reports dealing with submission to the competent national authorities. In 1964, steps were initiated in accordance with the resolution of the General Conference adopted at its thirteenth session for the submission of reports describing the ways in which the Member States apply a convention or give effect to the principles contained in a recommendation, more particularly, the Convention and Recommendation against Discrimination in Education.
- "As a result of the General Conference resolution mentioned above and the decision taken by the Executive Board at its seventieth session Member States of Unesco have been requested to submit a report to the Organization on the implementation of the Convention, or the Recommendation, against Discrimination in Education. A detailed questionnaire with seven main headings enumerated the questions to which States were required to reply.
- "The reports of the States were examined in September 1966 by a Special Committee of the Executive Board and transmitted, together with the Committee's analysis and the Board's comments, to the General Conference which decided to continue its work. The questionnaire was clarified and supplementary information requested of individual Member States. The Special Committee will be called upon in July 1968 to establish a definitive report containing an evaluation. The implementation of the instruments against discrimination in education will be continued and strengthened: this will be reflected, particularly, by the establishment of a Conciliation and Good Offices Commission, with the entry into force of the 1962 Protocol which institutes it, and presumably, in the continuing application and improvement, in the light of the experience acquired, of the reporting procedure.

"15. In 1966, the General Conference decided to invite Member States, at the dates and in accordance with the procedures to be stipulated by the Executive Board after consultation with the International Labour Organisation, to transmit periodic reports on the action taken by them upon the Recommendation concerning the Status of Teachers which was adopted on 5 October 1966 by the Special Intergovernmental Conference convened by the Director-General in pursuance of a decision of the Executive Board."

III. In paragraph 17, the last sentence is to be modified to read as follows:

"The Protocol, which has already been ratified by Denmark, the United Kingdom, France, the Philippines, Madagascar, Malta, the Netherlands and Italy, has not yet entered into force."

IV. In paragraph 19, the last two lines should be revised to read:

"which was subsequently approved by the United Nations General Assembly."
