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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS
AND MEASURES FOR IMPLEMENTATION

Existing Procedures for Periodic Reporting
to Specialized Agencies

(Note by the Secretary-General)

1. The procedures for periodical reports in operation in the International Labour Organisation, Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, have been summarized below. The States referred to in the following paragraphs are the States Members of the specialized agency concerned. Generally speaking, the provisions for periodical reports flow directly from the Constitutions of the agencies concerned and it is with such provisions and their elaboration that the following paragraphs are concerned.

The International Labour Organisation

2. The International Labour Organisation has in its Constitution certain provisions dealing with periodical reports from its member States (Articles 19, 22 and 35). These provisions refer specifically to Conventions and Recommendations adopted by the International Labour Conference. Ninety-eight conventions and eighty-eight Recommendations have been adopted by the International Labour Conference; they deal with most of the subjects within

the sphere of the International Labour Organisation, and with all of the topics of interest to the organisation covered in the economic and social provisions proposed for insertion in the draft International Covenant on Human Rights.

3. Each member State has agreed to make an annual report to the International Labour Office on the measures which it takes to give effect to the provisions of Conventions to which it is a party. These reports are made in such form and contain such particulars as the Governing Body of the International Labour Office may request (Article 22 of the Constitution).

4. A Member State which has not ratified a Convention reports to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is supposed to be given to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention. In the case of federal States or where the subject-matter of a Convention is within the self-governing powers of any non-metropolitan territory, or territory which is held under joint authority by States or territory administered in virtue of the Charter of the United Nations or otherwise, the position of the law and practice of the federation and its constituent states or the territory in question has to be supplied by the State or States concerned in the same manner as stated above, except that in the case of federal States there is no requirement for a statement concerning the difficulties which prevent or delay the ratification of the Convention (Article 19, 5 (e), 7 (iv) and Article 35, 8 of the Constitution).

5. With respect to Recommendations, States report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in any Recommendation, showing the extent

to which effect has been given or is supposed to be given to the provisions of the Recommendation, of such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them. The same obligation applies to federal States, which have to supply information concerning both the federation and its constituent units (Article 19, 6 (d) and 7 (v) of the Constitution). Information relating to recommendations submitted by States includes information on them concerning non-metropolitan territories, for which no special provision on the lines of Article 35 of the Constitution relating to Conventions has been laid down.

6. It may be noted that in addition to the information submitted in accordance with the provisions noted above, reports from States also contain information, which are known as "voluntary reports". This applies specially in cases where a Convention has not received the necessary number of ratifications to bring it into force, or when the period which, according to the terms of the Convention must expire before its coming into force for a given country is not yet over, or, finally, when a country has ratified a Convention subject to the conditions which have not yet been fulfilled.*)

7. The matters that should be contained in the reports are prescribed by the Constitution and the Governing Body lays down the form and the particulars for them. The International Labour Office classifies the information and transmits them either in full or in summary form to the appropriate bodies of the International Labour Organisation,

8. It may be noted that the information and reports are submitted by States not only to the Director-General of the International Labour Office but also communicated to recognized representative organizations (Article 23 of the Constitution).

*) See Record of proceedings of International Labour Conference, thirty-first session, 1948, Annex (IV).

9. The preliminary examination of the reports is carried out by the Committee of Experts appointed by the Governing Body. The reports and information receive a detailed and technical examination by the Committee, which makes its report in the form of a summary of deliberations and decisions to the Governing Body. The Governing Body transmits a summary of the Governments' reports and information, and the report of the Committee of Experts to the International Labour Conference. The International Labour Conference, through its Committee on the Application of Conventions considers the summary of the reports submitted by Governments as well as the report of the Committee of Experts. It may be noted that the Committee on the Application of Conventions has representation on the basis of the tripartite system as opposed to the Committee of Experts which is appointed by the Governing Body on an expert basis. The Committee on the Application of Conventions has to decide in particular whether the situation described by the annual reports is satisfactory, for instance, in the following respects: whether the reports had been submitted in due time and in accordance with prescribed forms; whether the national legislation is in conformity with ratified Conventions, and whether this legislation is being effectively applied. Finally, the Conference itself examines the report in the light of the observations made by the Committee of Experts and the Committee on Application.
10. In addition to these detailed reports, the annual report of the Director-General to the International Labour Conference contains a general survey of developments in the fields covered by the International Labour Organisation.

Food and Agriculture Organization of the United Nations

11. Article XI of the Constitution of the Food and Agriculture Organization of the United Nations lays down certain provisions concerning reports from Member States. Each member nation shall communicate periodically to the organisation reports on the progress made towards achieving the purpose of the organisation set forth in the Preamble of the Constitution and on the action taken on the basis of recommendations made and Conventions submitted by the Conference. These reports shall be made at such times and in such form

and shall contain such particulars as the Conference may request. The Director-General shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference together with any reports relating thereto adopted by the Conference. The above provisions will be found in paragraphs 1 to 3 of Article XI. In addition, paragraphs 4 and 5 of Article XI provide that the Director-General may request any member State to submit information relating to the purpose of the organization, and each State shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

12. At the third session of the Conference a resolution was adopted which recommended that periodic reports designed to fulfil the requirements of paragraphs 1 to 3 of Article XI of the Constitution be termed "Progress and Programme Reports" to distinguish them from the other types of reports mentioned above under paragraphs 4 and 5 of the same Article. This resolution also lays down in detail the procedure for such reports.

In order to recognize the wide differences in the conditions and the amount of information available in the different countries it was recommended that the progress and programme reports be developed at two levels of intensity, namely, a "minimum" report and a more "comprehensive" report. The submission of "minimum" reports would be obligatory upon all Member States. The more "comprehensive" reports would be submitted by those Governments that have the requisite data and personnel to permit the development of this more comprehensive report. It is left to each Government to elect which type of report it will submit.

13. Subject to any further definition, the "minimum" report is to be primarily a qualitative discussion in a limited number of chapters of the prevailing situation, the critical problems being faced, and the step taken and success achieved in improving the status of food, nutrition, agriculture, forestry and fisheries. This report should stress the major fields of FAO activity including the social and economic aspects of the problems.

14. The comprehensive report, subject again to further definition, is to be in two parts. Part I should contain the same topics and same sequence of information required in the "minimum" report. Part II should show the production, consumption, import, and export targets for food and agricultural products for the year ahead including estimates of the specific production materials, prices, finances and other conditions that will be required if such targets are to be attained.

15. The FAO is directed to formulate more detailed suggestions on the form, nature and arrangement of each of these types of reports. After clearing them with the Council they will be transmitted to Member Governments at least five months in advance of the date when the reports are due.

16. Member Governments are asked to communicate in reasonable time indicating the types of reports they elect to make. Thereupon, they will be rendered whatever assistance that can be furnished in the form of expert advice and working schedules to ensure that all reports are of the quality desired and that they are sufficiently comparable to permit summarization.

17. The reports are to reach the FAO office at least six weeks prior to the meeting of the annual Conference, and copies of reports are sent to Member Governments. Further, a summary of the reports is to be prepared and circulated to the Member Governments in advance of the annual conference. Along with these should go such analyses and interpretations as the Director-General may wish to bring to the attention of Member Governments and the Conference.

18. The summaries of the report, together with supplementary reports on the world situation with respect to food and agriculture as developed from other sources, are made the central basis of the "Annual Consultation of Governments" at the annual Conference.

United Nations Educational, Scientific and Cultural Organization

19. The Constitution of the United Nations Educational, Scientific and Cultural Organization provides that "each member State shall report periodically to the organization, in a manner to be determined by the General Conference, on its laws,

regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions adopted by the General Conference" (Article VIII). These reports are received and considered by the General Conference (Article IV, B, 6).

20. At present there are two systems of reporting by member States: the normal annual reports and special periodical reports required in case of recommendations and conventions adopted by the General Conference, references to which are also to be included in the normal annual reports (Records of General Conference of the United Nations Educational, Scientific and Cultural Organization, Fifth Session, 1950, pp.109-110, 137). Moreover, besides these reports, which are presented according to a set procedure, UNESCO invites Member States to present special reports on various particular aspects of their educational system and on the situation existing in their country in matters of education and culture. In some cases, the enquiries made by UNESCO in the fulfilment of its programme imply active co-operation of Member States, who are requested to present detailed information in reply to questionnaires.

21. The normal annual reports from States are to include in particular: information on the most important changes in laws and regulations in the fields of education, science and culture made during the year; statement on measures taken in pursuance of the recommendations and conventions adopted by the General Conference; statement on measures taken to create, promote or assist a National Commission or other co-operating bodies, or to associate with UNESCO's work all appropriate bodies or institutions in the territory; statement on action taken by State, its national commission, its co-operating bodies and all its appropriate bodies or institutions, both in giving effect to the resolutions adopted by the General Conference and in more general ways, to assist the development of education, science and culture in the furtherance of the aims of UNESCO.

22. The Director-General of UNESCO is to communicate within three months after the termination of each session of the General Conference, the plan which the States are requested to conform to in the preparation of their reports.

The reports cover the whole calendar year as far as possible. The date for their submission is determined by the Executive Board in such a way that they are distributed and studied before the opening of the General Conference. The Director-General is asked to issue all the reports, if possible, in one volume, accompanied by a factual analysis and by such observations as he may consider appropriate.

23. The General Conference is to appoint a Special Committee at an earlier session to study the reports together with the observations made thereon by the Director-General, and to draw up its own observations and recommendations, which are to be submitted, together with other questions concerning the co-operation of States in UNESCO's work, to a plenary session of the Conference.

24. As stated above, in addition to the procedure for normal annual reports, the General Conference has adopted, during its Fifth Session, in 1950, a procedure for special reports to be presented by Member States on the action taken by them to give effect to conventions or recommendations adopted by the General Conference. (See Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution, VI, Articles 18-22). Such reports are due initially not less than two months prior to the opening of the second ordinary session of the General Conference following that at which such recommendations or conventions were adopted. Thereafter, additional reports may be requested by the General Conference. Such reports are considered by the General Conference at the second ordinary session following that at which the convention or recommendation has been adopted, or at any subsequent session, if it so decides, in connection with the convention or recommendation in question. The reports of the Conference, which embody its comments on the reports presented by Member States, are to be transmitted to Member States, to the United Nations, to National Commissions, and to any other authorities specified by the General Conference.

World Health Organization

25. The Constitution of the World Health Organization provides for reports from each Member State of the Organization in Articles 61 to 65. These provisions relate to reports on recommendations, conventions, agreements and regulations of the Organization as well as on general conditions of health and other matters as indicated below.

26. Each Member State has to report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations (Article 62).

27. Each Member State has to report annually on the general question of action taken and progress achieved in improving the health of its people (Article 61). It also communicates promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned (Article 63). States may also be asked to provide statistical and epidemiological reports in a manner which may be determined by the World Health Assembly (Article 64).

28. Besides the reports and information to be supplied by the States in accordance with the provisions mentioned above, the Executive Board of the Organization may also request from States such additional information pertaining to health as may be practicable (Article 65).

29. The Executive Board at its last session adopted a resolution in which it was agreed that the transmission by Member States of the annual reports published by their health administrations meets their obligation under Article 61. Furthermore, the Executive Board decided that Member States which do not publish such reports, and transmit them in one of the official languages should be asked to supply simple accounts of action taken and progress achieved or such monographs on special subjects as may be requested, and recommended that the Regional Organizations use their influence to obtain information from the Members of the regions, in the form of uniform or comparable annual reports and statements suitable for incorporation in the records of the World Health Organization.