

ARTICLE 62 (2)

CONTENTS

	<i>Paragraphs</i>
Text of Article 62 (2)	
Introductory Note	1
I. General Survey	2-14
A. Recommendations	3-10
B. Studies and Reports	11-14
**C. Procedures for the handling of communications concerning human rights	
II. Analytical Summary of Practice	15-18
**A. The competence of the Economic and Social Council to make recommendations to non-member States	
**B. The competence of the Economic and Social Council to make recommendations to the Trusteeship Council	
**C. The power of the Economic and Social Council to conduct inquiries or investigations in matters relating to human rights	
D. The power of the Economic and Social Council to evaluate allegations of violations of human rights and to make recommendations thereon	15-17
**E. Questions relating to the procedure for dealing with communications concerning human rights	
**F. Questions relating to the procedure for dealing with allegations regarding infringements of trade union rights	
G. Human rights and domestic jurisdiction	18
**H. The question of recommendations to non-member States	

TEXT OF ARTICLE 62 (2)

It [the Economic and Social Council] may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

INTRODUCTORY NOTE

1. The structure of this study is similar to the studies of Article 62 (2) in the *Repertory* and its *Supplements Nos. 1 and 2*, and includes additional material. There was little new material requiring discussion in the Analytical Summary of Practice.

I. GENERAL SURVEY

2. Article 62 (2) was referred to by the Economic and Social Council in the preamble to the draft recommendations on consent to marriage, minimum age of marriage and registration of marriages, transmitted by it to the General Assembly.¹

A. Recommendations

3. During the period covered by this *Supplement*, the Economic and Social Council has made recommendations on a variety of subjects in the field of human rights.² Among them there was a large number of recommendations dealing with the status of women, other recommendations dealt with racial prejudice and national and religious intolerance, the right of asylum, slavery, International Year for Human Rights, punishment of war criminals and persons who have committed crimes against humanity, national advisory committees on human rights, national information media, advisory services for human rights, promotion and encouragement of respect for human rights and fundamental freedoms, political rights, the question of the creation of the post of United Nations High Commissioner for Human Rights and the various aspects of violations of human rights and fundamental freedoms.

4. As in the past, recommendations have been addressed to States Members of the United Nations or members of the specialized agencies and of the International Atomic Energy Agency, also to "all eligible States" [concerning conventions],³ to "appropriate authorities",⁴ to a category of countries — the more developed countries,⁵ or simply to "govern-

ments".⁶ Recommendations have also been addressed to subsidiary organs of the Council such as the Commission on Human Rights and the Commission on the Status of Women, to the General Assembly, the Secretary-General, the specialized agencies and non-governmental organizations in general or those "in consultative status", including "women's non-governmental organizations in consultative status".⁷

5. Recommendations were also addressed to "the educational authorities in States Members of the United Nations and members of the specialized agencies",⁸ "the competent educational authorities",⁹ "professional institutions",¹⁰ "universities, institutes, learned societies, trade unions and other organizations which are concerned with human rights",¹¹ "commercial and industrial concerns",¹² and "the national non-governmental organizations and national and local affiliates of non-governmental organizations in consultative status".¹³

6. Recommendations to the States Members of the United Nations — variably described — and members of the specialized agencies dealt with the subjects mentioned in paragraph 3 above, more than twenty of the Council resolutions containing recommendations on various aspects of the status of women.¹⁴

7. Recommendations to the General Assembly included resolutions pertaining to violation of human

¹ E S C resolutions 821 III, (B) (XXXII) and 961 H (XXXVI); the General Assembly in adopting these draft recommendations in a slightly modified form (G A resolution 2018 (XX)), replaced the reference to Article 62 (2) with that to Article 13 (1) (b).

² See also this *Supplement* under Article 55.

³ E S C resolution 1101 (XL).

⁴ E S C resolution 1068 C (XXXIX).

⁵ E S C resolution 888 E (XXXIV). See also G A resolution 1778 (XVII).

⁶ E S C resolution 888 B (XXXIV).

⁷ E S C resolution 884 E (XXXIV).

⁸ E S C resolution 821 V, A (XXXII).

⁹ E S C resolution 821 V, B (XXXII).

¹⁰ E S C resolution 771 G (XXX).

¹¹ E S C resolution 958 D (XXXVI), Part II.

¹² E S C resolution 961 E II (XXXVI).

¹³ E S C resolution 1067 A (XXXIX).

¹⁴ Among these resolutions were resolution 771 B, D, E, G and H (XXX); resolution 821 IV A, B, C and V B (XXXII); resolution 884 B, C, D I and E (XXXIV); resolution 961 B, C, D, E I and II, F, G and H (XXXVI); resolution 1067 A (XXXIX); resolution 1068 B, E, F, G, H and I (XXXIX); and resolution 1133 (XLI).

rights and fundamental freedoms,¹⁵ promotion of human rights,¹⁶ slavery,¹⁷ and measures in implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination.¹⁸ Other recommendations included draft recommendations on consent to marriage, prepared by the Commission on the Status of Women,¹⁹ the draft declaration on the right of asylum, prepared by the Commission on Human Rights,²⁰ draft resolutions on the International Year for Human Rights,²¹ the draft declaration on the elimination of discrimination against women,²² the draft declaration on freedom of information²³ and the draft declaration on the elimination of all forms of racial discrimination.²⁴

8. Recommendations to the specialized agencies have been addressed generally to all or to specific specialized agencies, for example to the International Labour Organisation (ILO) concerning vocational guidance and training of girls and women,²⁵ age of retirement and right to pension,²⁶ economic rights and opportunities for women,²⁷ equal pay for equal work,²⁸ to the United Nations Educational, Scientific and Cultural Organization (UNESCO) on access of girls and women to elementary education,²⁹ on access of girls and women to out-of-school education,³⁰ on access of women to the teaching profession,³¹ on access of girls and women to the various forms of secondary education and to higher education,³² on literacy education and continuing education of women,³³ on education in the field of slavery,³⁴ on the development of information media in less developed countries,³⁵ jointly to ILO and UNESCO on access of girls and women to education in rural areas,³⁶ to the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO) and also to the United Nations Children's Fund (UNICEF) on the United Nations

programme for the advancement of women;³⁷ to ILO, UNESCO, FAO, WHO and also to UNICEF on technical assistance for the advancement of women in developing countries.³⁸

9. The Council continued as a rule to use the word "invites" in its recommendations to the specialized agencies, although in at least one instance the word "requests"³⁹ was used.

10. Recommendations to non-governmental organizations concerned access of girls and women to elementary education,⁴⁰ access of women to out-of-school education,⁴¹ equal pay for equal work,⁴² access of girls and women to education in rural areas⁴³ economic rights and opportunities of women,⁴⁴ use of the resources available for the advancement of women through technical assistance and other programmes,⁴⁵ and United Nations unified long-term programme for the advancement of women.⁴⁶

B. Studies and reports

11. The Council has continued to make or initiate studies and reports. In connexion with triennial reports on human rights submitted by States Members of the United Nations,⁴⁷ the Council decided to continue these reports,⁴⁸ and made further recommendations on the schedule, coverage and contents of these reports.⁴⁹

12. Other studies and reports during the period under review concerned the status of women,⁵⁰ slavery,⁵¹ and advisory services in the field of human rights.⁵²

13. The requests for studies and reports were addressed mostly to the Secretary-General and also to Member States, subsidiary organs of the Council, the specialized agencies and non-governmental organizations in consultative status.

14. The practice of the Council concerning methods used for preparation of studies and reports has remained essentially the same as that described in the *Repertory*.⁵³ Among the requests for studies there was one addressed to the Secretary-General to

¹⁵ E S C resolution 1164 (XLI).

¹⁶ E S C resolution 958 D I (XXXVI).

¹⁷ E S C resolution 890 (XXXIV).

¹⁸ E S C resolution 1146 (XLI).

¹⁹ E S C resolutions 821 III B (XXXII), and 961 H (XXXVI).

²⁰ E S C resolution 772 E (XXX).

²¹ E S C resolutions 1015 E (XXXVII), 1074 E (XXXIX) and 1160 (XLI).

²² E S C resolution 1131 (XLI).

²³ E S C resolution 756 (XXIX).

²⁴ E S C resolution 958 E (XXXVI).

²⁵ E S C resolution 771 E (XXX).

²⁶ E S C resolution 771 F (XXX).

²⁷ E S C resolution 821 (XXXII) IV A.

²⁸ E S C resolution 884 B (XXXIV).

²⁹ E S C resolution 884 C (XXXIV).

³⁰ E S C resolution 771 G (XXX).

³¹ E S C resolution 821 V A (XXXII).

³² E S C resolution 1068 I (XXXIX).

³³ E S C resolution 1068 H (XXXIX).

³⁴ E S C resolution 1126 (XLI).

³⁵ E S C resolution 888 E (XXXIV).

³⁶ E S C resolution 961 D (XXXVI).

³⁷ E S C resolution 1134 (XLI).

³⁸ E S C resolution 884 E (XXXIV).

³⁹ E S C resolution 888 E (XXXIV).

⁴⁰ E S C resolution 884 C (XXXIV).

⁴¹ E S C resolution 771 G (XXX).

⁴² E S C resolution 884 B (XXXIV).

⁴³ E S C resolution 961 D (XXXVI).

⁴⁴ E S C resolution 961 E II (XXXVI).

⁴⁵ E S C resolution 1068 E (XXXIX).

⁴⁶ E S C resolution 1134 (XLI).

⁴⁷ See *Repertory Supplement No. 1*, vol. II, under Article 62 (2) para. 8, footnote 7.

⁴⁸ E S C resolution 888 B (XXXIV).

⁴⁹ E S C resolution 888 B (XXXIV) and 1074 C (XXXIX).

⁵⁰ E S C resolutions 771 C, D, E and H (XXX), 821 IV B (XXXII), 884 B (XXXIV), 961 C and E I and II (XXXVI), 1132 (XLI) and 1136 (XLI).

⁵¹ E S C resolution 960 (XXXVI).

⁵² E S C resolutions 825 (XXXII) and 959 (XXXVI).

⁵³ See in *Repertory*, vol. III, under Article 62 (2), paras. 13-20.

appoint a special rapporteur on slavery to bring up to date the Engen report⁵⁴ on this subject.⁵⁵

****C. Procedures for the handling of communications concerning human rights**

II. ANALYTICAL SUMMARY OF PRACTICE

****A. The competence of the Economic and Social Council to make recommendations to non-member States**

****B. The competence of the Economic and Social Council to make recommendations to the Trusteeship Council**

****C. The power of the Economic and Social Council to conduct inquiries or investigations in matters relating to human rights**

D. The power of the Economic and Social Council to evaluate allegations of violations of human rights and to make recommendations thereon

15. At its forty-first session, the Council adopted a resolution entitled "Question of violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid* in all countries, with particular reference to colonial and other dependent countries and territories".⁵⁶ During the discussion of the draft several representatives, referring to operative paragraph 5 on the application of economic and diplomatic measures against the Republic of South Africa, expressed either doubts as to whether the Economic and Social Council could properly concern itself with sanctions, or felt that this matter was outside of the Council's powers to deal with.⁵⁷

16. In the discussion of the question of violation of human rights, at the thirty-seventh session of the Council, a view was expressed that the Council, under Article 62 (2), was competent to make recommendations, particularly when the General Assembly was not in session.⁵⁸

⁵⁴ E/2673.

⁵⁵ E S C resolution 960 (XXXVI).

⁵⁶ E S C resolution 1164 (XLI).

⁵⁷ E S C (XLI), 1445th mtg. paras. 17 and 24, and E/AC. 7/SR. 554.

⁵⁸ E S C (XXXVI), 1267th mtg., para. 26.

17. At the thirty-sixth session of the Council, a proposal was made to include in the agenda of the Council an additional item entitled "Policy of genocide which is being pursued by the Government of the Republic of Iraq against the Kurdish people". The proposal was rejected by the Council, by 13 votes to 2, with 3 abstentions.⁵⁹ In the discussion,⁶⁰ the sponsor of the proposal stated he was guided, *inter alia*, by the provisions of Article 62. A number of representatives contended that the Council was not competent to deal with the matter, and Article 62 was referred to in that connexion as enabling the Council to deal with the general problem of genocide but not with individual cases. Representatives supporting the Council's competence to consider the matter expressed the view that Articles 55 and 60 clearly permitted bringing it to the Council's attention.

****E. Questions relating to the procedure for dealing with communications concerning human rights**

****F. Questions relating to the procedure for dealing with allegations regarding infringements of trade union rights**

G. Human rights and domestic jurisdiction

18. During the discussion of the question of creating the post of United Nations High Commissioner for Human Rights, a view was expressed that national sovereignty and prerogatives were involved in this matter and interference in the internal affairs of sovereign States must be avoided. A view was also expressed that the provision of Article 2 (7) did not apply to this matter.⁶¹

****H. The question of recommendations to non-member States**

⁵⁹ E S C (XXXVI), 1278th mtg., para. 38.

⁶⁰ *Ibid.*, paras. 1-48.

⁶¹ E S C (XXXIX), E/AC. 7/SR. 518 and E S C (XLI), E/AC. 7/SR. 551. See also this *Supplement* under Article 2 (7).