

of a state to meet its reporting obligations on time will not be susceptible to the complaints procedure and will be handled through other means employed by the Committee; the state has a responsibility to ensure that an individual or group submitting a complaint is not subjected to any persecution or sanction as a result of taking this action.

- ♦ Article 3: communications that are anonymous or filed against a state that is not a party to the Covenant will not be considered; allegations must relate to the rights set out in the Covenant, must not abuse the right of complaint, and must only relate to state actions or events following entry into force of the Covenant in the country concerned; the doctrine of "exhaustion of domestic remedies" will be followed; complaints under examination through another procedure will not be considered unless that process of investigation or settlement is unreasonably long.
- ♦ Article 4: failure by the complainant to provide sufficient substantiation for the complaint may result in a declaration of inadmissibility; re-examination of a complaint may be undertaken if new or further information is received.
- ♦ Article 5: the Committee may request a state to take interim measures to prevent irreparable harm in cases where consideration of a submission has not been completed.
- ♦ Article 6: confidentiality of communications shall be governed by rules of procedure; the state against which the complaint has been made will have six months to provide the Committee with statements or explanations and the remedy, if any, provided; the Committee will facilitate friendly settlement of disputes where and when possible; a report containing a statement of fact and the solution reached will be prepared if a settlement is reached.
- ♦ Article 7: the Committee will adopt such procedures as it considers necessary to assess the extent to which the state has met its obligations under the Covenant; information may be collected from outside sources provided that any such information is communicated to the parties concerned for comment; the Committee may visit the country concerned with the agreement of the government; examination of communications will be conducted in closed-door meetings; the Committee will adopt its views on claims, transmit them to the state and the individual or group submitting the complaint and make them public at the same time.
- ♦ Article 8: the Committee will make specific recommendations to the state in the area of remedies for verified violations; the state will have six months, or longer if stipulated by the Committee, to inform the Committee of measures taken to implement the recommendations made.
- ♦ Article 9: follow-up will be undertaken, to the extent that the Committee may invite a state to discuss mea-

asures taken to implement recommendations; a state party may be invited to include in its reports details of measures taken to implement recommendations; the Committee will include in its annual report information on the communication submitted, examination of it, a summary of the explanations and statements of the state concerned, its own views and recommendations and the response of the state to those views and recommendations.

At the 1998 session, the Commission had before it two reports by the Secretary-General (E/CN.4/1998/84; E/CN.4/1998/84/Add.1) containing the responses of governments, UN organs and agencies and others to the draft text for an optional protocol. Substantive comments were received from Canada, Cyprus, Ecuador, Finland, Germany, Syria, the Office of the Legal Counsel of the UN, the Directorate of Human Rights of the Council of Europe, the American Association of Jurists, the Dutch Section of the International Commission of Jurists, the head office of the International Commission of Jurists, and the International Organization for the Development of Freedom of Education. In general, the comments reflected a range of views — from uncritical support for an optional protocol and the draft text, to qualified support with reservations raised on the issue of justiciability, to a query as to whether the rights set out in the Covenant, and violations thereof, could be better served through a series of detailed general comments by the Committee.

Resolutions of the Commission on Human Rights

Under the agenda item on economic, social and cultural rights the Commission adopted six resolutions and decisions.

Resolution on the realization of economic, social and cultural rights

The resolution (1998/33) was adopted by a vote of 52 in favour, 1 opposed. The Commission, *inter alia*: welcomed all relevant reports of the High Commissioner, the relevant activities of intergovernmental and non-governmental organizations, and the work related to economic, social and cultural rights arising from various UN conferences; noted the report of the Secretary-General, all resolutions of the Sub-Commission related to the realization of economic, social and cultural rights, the work of the Committee on Economic, Social and Cultural Rights and the recommendations adopted by the working group on structural adjustment programmes; reaffirmed that there is an inextricable link between respect for the rights set out in the Covenant on Economic, Social and Cultural Rights and the process of development; reaffirmed the universality and interdependence of human rights; called on states to give full effect to the universality of economic, social and cultural rights and to consider ratifying the ICESCR; called on states to secure full respect for these rights and give priority to individuals, most often women and children, and communities living in extreme poverty; called on states to consider drawing up national