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REPORT OF THE FIFTH SESSION OF THE COMMISSION ON HUMAN RIGHTS
TO THE ECONOMIC AND SOCIAL COUNCIL,
Lake Success, New York, 9 May - 20 June 1949

CHAPTER	CONTENTS	PARAGRAPHS
I.	Organization of the Fifth Session of the Commission	1 - 9
II.	Agenda	10
III.	Invitation to the Commission on the Status of Women	11
IV.	The Prevention of Discrimination and the Protection of Minorities, including consideration of General Assembly Resolution 217(III)C (The Fate of Minorities) and Council Resolution 191(VIII).	12 - 15
V.	Draft International Covenant on Human Rights and Measures of Implementation	16 - 24
VI.	The Right of Petition	25
VII.	Communications concerning Human Rights	26 - 27
VIII.	Continuing Validity of the Minorities Treaties and Declarations	28
IX.	Examination of texts submitted by the Subcommission on the Prevention of Discrimination and the Protection of Minorities	29
X.	Local Human Rights Committees	30
XI.	Yearbook on Human Rights	31
XII.	Provisional Questionnaire of the Trusteeship Council	32
XIII.	Right of Asylum	33
XIV.	Old Age Rights	34
XV.	Programme of Future Work	35
XVI.	Adoption of the Report of the Commission on Human Rights to the Economic and Social Council	36
	ANNEXES	PAGE
ANNEX I.	Draft International Covenant on Human Rights	27
ANNEX II.	Proposals and Statements by representatives on the Commission	52
ANNEX III.	Proposals on Implementation and Questionnaire on Measures of Implementation	61
ANNEX IV.	Draft Resolutions for the Economic and Social Council	100
ANNEX V.	Financial Implications of the Report of the Commission	106

CHAPTER I

ORGANIZATION OF THE FIFTH SESSION OF THE COMMISSION

1. The fifth session of the Commission on Human Rights opened on Monday, 9 May 1949, at the Interim Headquarters of the United Nations, Lake Success, New York. The Commission held fifty-two plenary meetings and terminated its work on 20 June 1949.

2. The following representatives of Member States on the Commission attended:

Chairman:

Mrs. F.D. Roosevelt (United States of America) Representative

Vice-Chairmen:

Mr. P.C. Chang (China) Representative

Mr. R. Cassin (France) Representative

Rapporteur:

Mr. C. Malik (Lebanon) Representative

Members:

Mr. J.D.L. Hood (Australia) Representative

Mr. R. Lebeau (Belgium) Alternate

Mr. O. Sagues (Chile) Alternate

Mr. M. Soerensen (Denmark) Representative

Mr. O. Loutfi (Egypt) Representative

Mr. C. Garcia Bauer (Guatemala) Representative

Mrs. Hansa Mehta (India) Representative

Mr. N. Entezam (Iran) Representative

Mr. J.D. Inglés (Philippines) Alternate

Mr. V.P. Kovalenko (Ukrainian Soviet Socialist Republic) Representative

Mr. A.P. Pavlov (Union of Soviet Socialist Republics) Representative

Miss J.M. Bowie (United Kingdom) Representative

Mr. J. Mora (Uruguay) Representative

Mr. J. Vilfan (Yugoslavia) Alternate

The following representatives of specialized agencies were also present at the session:

Dr. Rudolf A. Métaill)	International Labour Organisation
Mr. Jacques Lemoine)	
Mr. Solomon Arnaldo)	
Mr. Gerald Carnes)	United Nations Educational, Scientific and Cultural Organization

4. The following consultants from non-governmental organizations were also present:

Category (a)

Mr. George Fisher)	World Federation of Trade Unions
Mrs. Emma Louise Meagher)	
Miss Toni Sender	American Federation of Labor
Miss Julia Stuart	World Federation of United Nations Associations

Category (b)

Mr. Isaac Lewin	Agudas Israel World Organization
Mrs. Grace V. Aieta)	Catholic International Union for Social Service
Mrs. A.V. Vergara)	
Dr. O. Frederick Nolde)	Commission of the Churches on International Affairs
Mr. Robert L. Steiner, Jr.)	
Mr. Moses Moskowitz	Consultative Council of Jewish Organizations
Mr. Bernard Bernstein)	Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social Council of the United Nations
Mr. Maurice Bisgyer)	
Mr. A.G. Brotman)	
Mr. Joseph B. Friedman)	
Mr. Frank Goldman)	
Mr. Earl O. Cruikshank	Inter-American Council of Commerce and Production
Mrs. M. Baker van den Berg	International Alliance of Women - Equal Rights, Equal Responsibilities
Mrs. Rose P. Parsons	International Council of Women
Miss Margaret A. Hickey	International Federation of Business and Professional Women
Dr. Janet Robb	International Federation of University Women
Dr. Max Beer	International League for the Rights of Man

Miss Catherine Schaefer	International Union of Catholic Women's Leagues
Mrs. Betty Millard	Women's International Democratic Federation
Mr. Grossman Mrs. Marie Levy) World Jewish Congress
Dr. Maurice L. Perlzweig Mr. Eugene E. Barnett Mr. Wesley E. Rennie) World's Alliance of Y.M.C.A.'s
Miss Helen L. Amerman Mrs. C.E. Fox Dr. Kathleen W. MacArthur) World's Y.W.C.A.

5. The following were designated as alternates for the entire session of the Commission: Mr. Roland Lebeau (Belgium) for Mr. Fernand Dehousse; Mr. O. Sagues (Chile) for Mr. H. Santa Cruz; Mr. J.D. Ingles for General Carlos P. Romulo (Philippines); Mr. Roberto Fontaina (Uruguay) for Mr. José Mora; and Mr. Joza Vilfan (Yugoslavia) for Mr. V. Ribnikar. All of the alternates named above were given the right to vote. At its one hundred and seventh meeting the Commission decided, by 14 votes to none with 1 abstention, in view of the length of its session and of the fact that its recommendation for a change in the rules regarding alternates had not yet been acted upon by the Economic and Social Council, to allow Mr. José Mora (Uruguay) to resume his seat in the Commission with the right to vote. At its one hundred and thirty-fourth meeting the Commission decided to grant the right to vote to Mrs. C.M. Wright, alternate for Mr. Soerensen (Denmark).

In various meetings during the session Mr. G. Jockel and Mr. K. Shann substituted for Mr. Hoed (Australia); Mr. L. Steyaert and Mr. J. Woulbroun substituted for Mr. Lebeau (Belgium); Mr. H. Cha substituted for Mr. P.C. Chang (China); Mr. J. Larraín substituted for Mr. H. Santa Cruz and Mr. O. Sagues (Chile); Mr. M. Simon substituted for Mr. R. Cassin (France); Mr. A. Chocano substituted for Mr. C. García Bauer (Guatemala); Mr. M. Goudarzi substituted for Mr. N. Entezam (Iran); Mr. K. Azkoul substituted for Mr. C. Malik (Lebanon); and Mr. M.P. Aquino, Mr. H. Mendez and Mr. S.P. Lopez for Mr. J.D. Ingles (Philippines). These temporary alternates were not given the right to vote.

6. The commission at its eighty-third meeting re-elected Mrs. Franklin D. Roosevelt (United States of America) as Chairman, Mr. P.C. Chang (China) and Prof. René Cassin (France) as Vice-Chairmen, and Mr. Charles Malik (Lebanon) as Rapporteur.

7. Mr. J.P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. E. Lawson and Miss M. Kitchen acted as Secretaries of the Commission.

8. The expression of the views of the members of the Commission is embodied in the summary records of the plenary meetings (E/CN.4/SR.33 to E/CN.4/SR.135), of its Committee on the Prevention of Discrimination and the Protection of Minorities Committee on Communications (E/CN.4/AC.7/SR.1 to 4), (E/CN.4/AC.9/SR. 1 and 2) and its Committee on the Trusteeship Questionnaire (E/CN.4/AC.10/SR. 1 and 2).

9. Because several members of the Commission had not completed their work as members of the General Assembly, the Commission held only three plenary meetings during the week of 9 to 14 May.

CHAPTER II

AGENDA

10. At its eighty-third meeting the Commission adopted the provisional agenda (E/CN.4/161), without objection, as its agenda. The representatives of the Ukrainian SSR and of the USSR abstained in that adoption. Subsequently the Commission considered three proposals put forward by the representative of the Union of Soviet Socialist Republics for the revision of its agenda under rule 9. The first of these proposals, to delete part (iii) of item 5 from the agenda, was defeated by 12 votes to 3. The second, to delete item 9 from the agenda, was defeated by 11 votes to 3, with 1 abstention. The third, to delete item 10 from the agenda, was defeated by 11 votes to 3 with 1 abstention. The agenda of the Commission, in its final form, was as follows:

1. Adoption of the agenda
2. Election of officers
3. Invitation to the officers of the Commission on the Status of Women

4. Sub-Commission on the Prevention of Discrimination and the Protection of Minorities:
 - (a) Terms of reference of the Sub-Commission
 - (b) Election of new members of the Sub-Commission
5. Draft International Covenant on Human Rights and Measures of Implementation
 - (i) Draft prepared by the Drafting Committee
(Annex B of E/800)
 - (ii) Examination of documentation referred to the Commission by the General Assembly and by the Economic and Social Council in connection with the drafting of the Covenant and Measures of Implementations:
 - (a) The Freedom of Association and the Protection of the Right to Organize Convention, 1948, and Resolution on International Machinery for Safeguarding Freedom of Association adopted by the thirty-first International Labour Conference (Council resolution E/1300);
 - (b) Infringement of Trade Union Rights (Council resolution E/1236);
 - (c) Survey of forced labour and measures for its abolition (Council resolution E/1237);
 - (iii) Suggestions for Implementation (Annex C. of E/800).
6. Right of Petition (General Assembly resolution 217(III)B and Council resolution E/1162.)
7. Report by the Secretary-General on the present situation with regard to communications concerning human rights.

8. The Fate of Minorities (General Assembly resolution 217(III)C and Council resolution E/1162).
9. Report by the Secretary-General on the question of the continuing validity of the Minorities Treaties and Declarations (Council resolution 116(VI)C).
10. Examination of texts submitted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (Paragraph 40 of E/600).
11. Local Human Rights Committee (paragraph 49 of E/600 and paragraph 22 of E/800).
12. Year-Book on Human Rights:
 - (a) Year-Book on Human Rights for 1946 and 1947.
 - (b) Examination of pilot papers (Council resolution E/1163/Rev.1).
13. Trusteeship Questionnaire (Paragraph 43 of E/600).
14. Right of Asylum (paragraph 48 of E/600).
15. Old Age Rights (General Assembly resolution 213(III) and Council resolution E/1219).
16. Confidential list of communications concerning human rights.
17. Adoption of the report to the Economic and Social Council.

CHAPTER III

INVITATION TO THE COMMISSION ON THE STATUS OF WOMEN

11. In accordance with Part A(f) of resolution 46 (IV) of the Economic and Social Council, the Commission invited a representative of the Commission on the Status of Women to be present and participate without vote in its deliberations when sections of the draft of the International Covenant on Human Rights concerning the particular

rights of women were being considered. Miss Dorothy Kenyon, Representative of the United States of America on the Commission on the Status of Women, thereafter was present and participated in various meetings of the Commission

CHAPTER IV

PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, INCLUDING CONSIDERATION OF GENERAL ASSEMBLY RESOLUTION 217(III)C (FATE OF MINORITIES) AND COUNCIL RESOLUTION 191(VIII)^{1/}

12. At its eighty-third meeting the Commission established a Committee on the Prevention of Discrimination and the Protection of Minorities, composed of the representatives of the United States of America (Chairman; Rapporteur); China, France, India, Union of Soviet Socialist Republics, United Kingdom, Uruguay and Yugoslavia. In the course of four meetings on 10 and 11 May (E/CN.4/AC.7/Sr.1 to E/CN.4 AC. 7/SR.4) this Committee considered items 4 and 8 of the agenda of the Commission. It submitted a report on these items (E/CN.4/181) to the Commission.

13. The Commission considered the report from its eighty-fourth to its eighty-sixth and eighty-seventh meetings. It also had before it a new proposal on the terms of reference of the Sub-Commission introduced by the representative of the Union of Soviet Socialist Republics (E/CN.4/185). The Commission voted on those sections of the Soviet Union's text which differed in substance from the text

^{1/} Draft resolutions for the Economic and Social Council on this subject appear as resolution 8(I) & (II) of Annex IV; the financial implications of these draft resolutions are set forth in Annex V of this Report.

proposed by the Committee and rejected each of the proposed amendments and additions. It thereupon adopted as a whole, by 12 votes for, none against and 3 abstentions, the draft resolution on the prevention of discrimination and the protection of minorities proposed by the Committee in its report, as follows:

A.

Terms of reference of the Sub-Commission

The Commission on Human Rights

Resolves that the terms of reference of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be clarified and extended in scope to read as follows:

- (a) to undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and
- (b) to perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights.

B.

Term of office and membership of the Sub-Commission

The Commission on Human Rights

Resolves:

- (a) to extend the term of office of the present members of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities for a period of three years; and
- (b) to add one additional member of the Sub-Commission to make it more representative from the point of view of geographical distribution.

C.

The fate of Minorities

The Commission on Human Rights

Resolves:

- (a) to refer to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities the texts submitted to the General Assembly by the delegations of Denmark, the Union of Soviet Socialist Republics and Yugoslavia on the subject of minorities contained in A/C.3/307/Rev.2 for its consideration in the light of the discussion of this subject by the General Assembly at its third session, by the Commission on Human Rights at its fifth session, and by the latter's Committee on the Prevention of Discrimination and the Protection of Minorities; and
- (b) to defer its own consideration of that subject until it has received the report of the Sub-Commission's study.

D

Priority of Work

The Commission on Human Rights

Requests the Sub-Commission to postpone consideration, until its third session of questions of implementation of human rights.

14. Each member of the Commission was asked to nominate, not later than 6 June 1949, one person, either a national or a non-national of his country, who would be available to serve as an additional member of the Sub-Commission, and to indicate briefly his qualifications.

Three communications were received, each nominating Ambassador Joseph Winiewicz of Poland (documents E/CN.4/291, 294 and 295) and, at its one hundred and thirty-third meeting, the Commission declared Ambassador Joseph Winiewicz elected as the additional member of the Sub-Commission.

15. At its eighty-eighth meeting the Commission considered a proposal by the representative of Egypt concerning co-ordination between the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities and the Trusteeship Council (E/CN.4/189). This proposal, amended at the suggestion of the representatives of China and France, was adopted by 9 votes for, 2 against, and 1 abstention. The Commission thereby recommended that the Economic and Social Council request the Trustee Council to authorize the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to participate in visits to Trusteeship Territories arranged by the Trusteeship Council with a view to the preparation of measures to extend the full enjoyment of human rights and fundamental freedoms to the non-self-governing populations.

CHAPTER V

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION^{1/}

16. At its ninetieth meeting the Commission adopted, by nine votes to none with three abstentions, the following resolution:

The Commission on Human Rights,

Having regard to resolution 217 E(III) of the General Assembly,

transmitted to the Commission by resolution 191 (VIII) of the Economic and Social Council, by which the Commission on Human Rights was asked to continue to give priority in its work to the preparation of a Draft Covenant on Human Rights and

Draft Measures of Implementation,

^{1/} A draft resolution for the Economic and Social Council appears as resolution A of Annex IV.

Decides

1. To complete the Draft Covenant on Human Rights and Draft Measures of Implementation during its present (fifth) session;
 2. To request the Secretary-General to transmit the Draft Covenant and Draft Measures of Implementation to Member Governments for their comments, fixing 1 January 1950 as the final date by which all comments and further proposals should be received by the Secretariat, and to circulate to the members of the commission the replies of Member Governments as soon as they are received;
 3. To revise at its next (sixth) session, the Draft Covenant on Human Rights and Draft Measures of Implementation in the light of such replies as will be received;
 4. To present these revised Drafts to the Economic and Social Council in time to enable the Council to submit them to the General Assembly at its fifth (1950) session.
17. After a general debate, the Commission examined the Draft International Covenant on Human Rights article by article. It decided by a vote of seven for, none against, and six abstentions, to begin its examination with Article 5 of the Draft, and to examine Articles 1, 2, 3, and 4 after all the Articles of Part II had been considered.

At its one hundred and nineteenth meeting the Commission decided, by a vote of eleven for, none against and three abstentions, to concentrate on the preparation of the Draft International Covenant on Human Rights, to the exclusion of anything else, until and including 16 June.

At its one hundred and twenty-fourth meeting, the Commission decided, by six votes to three, with six abstentions, to finish its work on Parts I (Articles 1, 2, 3 and 4) and III (Articles 23 - 26)

of the draft Covenant before examining additional articles^{1/}, and in any case to forward these additional articles to Governments, together with the record of the discussion^{2/} and any statements which the proponents wished to submit^{3/}.

At its one hundred and thirty-second meeting, the Commission adopted, by twelve votes to none, with three abstentions, the following resolution:

The Commission on Human Rights,

Considering the importance of securing to everyone the enjoyment of economic and social rights as set forth in Articles 22 - 27 of the Universal Declaration of Human Rights,

Considering that it is necessary to include provisions on this subject in the Covenant on Human Rights;

Recognizing the wide-spread activities of a number of functional bodies of the United Nations and the specialized agencies in these fields;

Requests the Economic and Social Council to ask the Secretary-General to prepare before the next session of the Commission on Human Rights, a survey of the activities of other bodies of the United Nations and the specialized agencies in matters within the scope of Articles 22 - 27 of the Universal Declaration of Human Rights for the purpose of enabling the

^{1/} Parts I, II and III of the draft Covenant, and the Proposed Additional Articles are contained in Annex I of this Report.

^{2/} E/CN.4/SR.130, 131, 132, 133.

^{3/} Statements and Proposals are contained in Annex II of this Report.

Commission to determine what action it should take in these fields, in particular for the inclusion of these subjects either in the Covenant on Human Rights or in later conventions; and

Requests the Secretary-General to transmit to governments for their comments all proposals for new articles on economic and social matters at the fifth session of the Commission together with the summary records^{1/} of the discussions which took place on them.

18. In its consideration of item 5 of the agenda, the Commission had before it the draft prepared by the Drafting Committee (Annex B of document E/800); and the following documentation referred to it by the General Assembly and by the Economic and Social Council:

(a) The Freedom of Association and the Protection of the Right to organize Convention 1948, and the resolution on International Machinery for Safeguarding Freedom of Association adopted by the thirty-first International Labour Conference (Council resolution 194(VIII));

(b) Infringement of Trade Union Rights (Council resolution 193(VIII));

(c) Survey of Forced Labour and measures for its abolition (Council resolution 195(VIII));

The Commission also had before it the following proposals;

United States and United Kingdom: Paper on Enforcement Article
(document E/CN.4/274/Rev.1)

Australia: Draft Proposals for an International Court of
Human Rights. (document E/CN.4/AC.1/27)

India: Proposal for the Machinery of Implementation
(document E/CN.4/276)

Guatemala: Articles on the implementation of human rights

(document E/CN.4/293)

France: Supplementary Proposals on the Measures of Implementation

(Amendment to document E/CN.4/82/Add.10)-(doc.E/CN.4/82/
Add.10/Rev.1)

USSR: Statement made by the USSR delegation in the Commission
on Human Rights on 18 May 1948, with regard to the drafts
and proposals on implementation.

(document E/CN.4/154)

19. At its one hundred and tenth meeting the Commission requested the Secretary-General to prepare for its use a working document based on the plan entitled "General Protocol for the International Protection of Human Rights (or Articles of Implementation for inclusion in the Covenant)" contained in document E/CN.4/168. This memorandum (E/CN.4/292 and E/CN.4/293) was accepted as a basis for discussion by the Commission with the understanding that provisional votes on the heading of each chapter should be taken before the specific proposals collated in the chapters were considered in detail. This procedure was followed for the first two chapters of the Memorandum (see paras. 21 and 22) but the other chapters were not acted upon.

20. At its one hundred and tenth meeting, the Commission decided that while considering item 5 of the agenda it would also consider those parts of item 6 which related to item 5.

21. The Commission decided at its one hundred and fifteenth meeting, by a vote of twelve for, none against, and two abstentions, to include, as a heading of a chapter in the Memorandum referred to in paragraph 19 above (E/CN.4/292), the principle that signatory states would have the right to enter complaints initiating proceedings under whatever form implementation was finally adopted.

22. At its one hundred and eighteenth meeting, the Commission considered a proposal by the representative of the Philippines that the Commission resolve that the Covenant on Human Rights should at this time include provisions for individual and group petitions. The representative of France submitted an amendment to the effect that the Commission decide that provisions for individual and group petitions should be included in the measures of implementation at this time. The representative of China asked that his proposal for a negative vote on the French amendment (i.e. that provisions should not be included at this time) be voted on first. This was rejected by eight votes for and eight against. The French amendment was also rejected by eight votes for and eight against. The Philippine proposal was rejected by eight votes to seven, with one abstention.

23. The Commission requested the Secretary-General to prepare, on the basis of his memorandum concerning proposals relating to implementation (document E/CN.4/292) and of the proposals submitted thereafter relating to the means of implementation^{1/} a methodical questionnaire for the consideration of the Commission with a view to its submission to Governments for their comments. The draft questionnaire prepared by the Secretary-General (document E/CN.4/327)^{2/} was considered by the Commission at its one hundred and thirty-second and one hundred and thirty-third meetings.

The Commission adopted by eleven votes for, none against, and four abstentions the proposal of the representative of Australia that the questionnaire should include an additional question, as follows:
"In the event of the inclusion of the economic and social articles in the Covenant, what would be your view on the most appropriate means

^{1/} See Annex III, part I.

^{2/} See Annex III, part II.

of implementation?". The Commission also adopted by ten votes for, none against, and four abstentions the proposal of the representative of the Union of Soviet Socialist Republics for the inclusion of the following question in the Questionnaire:

"Is it necessary to have in the text of the Convention or in the Protocol attached to it or in a separate document any articles providing for international measures and the setting up of international institutions for the implementation of human rights and freedoms, or should these questions be left within the competence of each State as the particular concern of each country and people?".

The place for the insertion of these questions in the questionnaire was left to the Secretary-General. The representative of the USSR objected against the decision to forward the questionnaire to Governments, as its substance had not been discussed and it contained questions which had not been voted upon by the Commission.

The Commission adopted by ten votes for, none against and three abstentions the following resolution which was based on a proposal submitted by the representatives of France and Egypt:

The Commission on Human Rights,

Considering that the Commission adopted on 8 June 1949 a resolution requesting the Secretary-General to prepare a questionnaire relating to the means of implementation;

Having Taken Note of the draft questionnaire prepared by the Secretariat;

Decides to request the Secretary-General to transmit the questionnaire to the Member States, together with the documents to be transmitted to them in conformity with the resolution

relating to means of implementation, so that the States may reply to the questions put to them and may submit their comments thereon by 1 January 1950.

24. At its one hundred and thirty-second meeting, the Commission adopted by twelve votes to none, with three abstentions, the following resolution:

The Commission on Human Rights,

Considering that the Commission adopted a resolution on 18 May 1949 to transmit draft measures of implementation as well as the Draft Covenant to Member Governments for their comments, and

Considering that no agreement has been reached at this session of the Commission on a draft text on implementation,

Decides to request the Secretary-General to transmit to Member Governments for their comments, the proposals submitted by Australia (E/CN.4/AC.1/27), France (E/CN.4/82/Add.10/Rev.1), Guatemala (E/CN.4/293) and India (E/CN.4/276), the joint proposal of the United Kingdom and the United States (E/CN.4/274/Rev.1) and the statement of the Union of Soviet Socialist Republics (E/CN.4/154)^{1/}, together with the records of the meetings of this session^{2/} during which the subject of implementation was discussed

CHAPTER VI

THE RIGHT OF PETITION^{3/}

25. As outlined in paragraphs 20, 21 and 22, the Commission

^{1/} These proposals are contained in Annex III, Part I, of the Report.

^{2/} E/CN.4/SR.105, 110, 111, 114, 115, 118, 119, 132 and 133.

^{3/} A draft resolution for the Economic and Social Council appears as resolution C in Annex IV.

discussed the right of petition (item 6) when it discussed measures of implementation (Item 5 (iii).)

At its one hundred and thirty-third meeting, the Commission adopted by 10 votes in favour, 4 against and 3 abstentions, the following resolution:

The Commission on Human Rights.

Noting that the Economic and Social Council has, by its resolution 191 (VIII), transmitted to the Commission for appropriate action part B of resolution 217 (III) of the General Assembly concerning the problem of the right of petition;

Considering the importance and urgency of the question of the right of individuals, groups and organizations to petition in the case of violations of human rights;

Considering that the procedure for handling such petitions has to be defined;

Considering that different members of the Commission believe that such procedure should be gradually developed; and

Considering that a further study on this question is desirable in its continued effort to establish a practical procedure for handling petitions,

Resolves to request the Economic and Social Council to ask the Secretary-General:

- (a) to prepare a study on this question, including the receivability and the preliminary examination of petitions, taking into consideration the comments of Governments on pertinent proposals put forward in the fifth session of the Commission; and
- (b) to examine the communications concerning human

rights received by the United Nations with a view to submitting to the Commission on Human Rights for consideration at its next session such communications as may be receivable under the conditions suggested in the study referred to in paragraph (a)

CHAPTER VII

COMMUNICATIONS CONCERNING HUMAN RIGHTS^{1/}

26. At its eighty-ninth meeting, the Commission established a Committee on Communications, composed of the representatives of the United States (Chairman), Chile, Egypt, France, India, Lebanon, Philippines, Union of Soviet Socialist Republics, United Kingdom and Uruguay. In the course of two meetings on 10 and 11 May 1949, (documents E/CN.4/AC.9/SR.1 and 2) this Committee considered items 7 and 16 of the Agenda of the Commission and submitted a report to the Commission (document E/CN.4/302).

27. The Commission considered the report at its one hundred and thirty-third meeting and adopted resolutions thereon as follows:

A.

THE COMMISSION ON HUMAN RIGHTS

TAKES NOTE of the confidential list of communications concerning human rights prepared for its fifth session by the Secretary-General in accordance with resolution 75(V) as amended by resolution 116A(VI).

The Commission adopted the above resolution by 9 votes to none, with 4 abstentions.

^{1/} A draft resolution for the Economic and Social Council appears as Resolution D of Annex IV of this Report.

B.

THE COMMISSION ON HUMAN RIGHTS

RECOMMENDS to the Economic and Social Council that paragraph (s) of resolution 75(V) as amended by resolution 116A(VI) and resolution 192(VIII) be amended to read as follows:

"In the future, to furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in paragraph (B) above ^{1/}"

The Commission adopted the above resolution by 11 votes to 2, with one abstention.

C.

THE COMMISSION ON HUMAN RIGHTS

RECOMMENDS to the Economic and Social Council that paragraphs (a) and (b) of resolution 75(V) as amended by resolution 116A(VI) be amended to read as follows:

REQUESTS the Secretary-General

(a) To compile and distribute to members of the Commission

2/ In connection with the above resolution, the representative of Guatemala stated that communications concerning violations of human rights in the Guatemalan territory of Belize should be submitted to Guatemala by the Secretary-General as this territory belongs to Guatemala. He requested that this statement be included in the report.

The representative of the United Kingdom stated that this resolution provided for the transmission to Governments concerned of communications concerning human rights referring to territories under their jurisdiction. If the representative of Guatemala intended a reference to British Honduras, the representative of the United Kingdom must make it clear that neither Belize nor any other part of that territory was under the jurisdiction of Guatemala. The representative of the United Kingdom requested the inclusion of this statement in the report of the Commission.

on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication, however addressed, which deals with the principles involved in the promotion of universal respect for and observance of human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;

(b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged.

The Commission adopted the above resolution by 9 votes to 3, with 2 abstentions.

CHAPTER VIII

CONTINUING VALIDITY OF MINORITIES TREATIES

AND DECLARATIONS

28. At its one hundred and thirty-third meeting, the Commission decided by twelve votes to none, with two abstentions, to postpone consideration of Item 9 "Report by the Secretary-General on the Question of the Continuing Validity of the Minorities Treaties and Declarations", as the report was not ready for the fifth session

of the Commission. The representative of the USSR expressed the opinion that this item should not be included in the agenda of the Commission at any session.

CHAPTER IX

EXAMINATION OF TEXTS SUBMITTED BY THE SUBCOMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

29. At its one hundred and thirty-third meeting, the Commission decided, by 12 votes to none, with 2 abstentions, to postpone consideration of Item 10, "Examination of texts submitted by the Subcommittee on Prevention of Discrimination and Protection of Minorities" until the Subcommittee had submitted the report of its second session. The representative of the USSR expressed the opinion that this item should not be included in the agenda of the Commission at any session.

CHAPTER X

LOCAL HUMAN RIGHTS COMMITTEES

30. At its one hundred and thirty-third meeting, the Commission decided, by nine votes to none, with five abstentions, to postpone Item 11, "Local Human Rights Committees", until after the measures of implementation have been drafted.

CHAPTER XI

YEARBOOK ON HUMAN RIGHTS^{1/}

31. At its eighty-ninth meeting the Commission established a Committee

^{1/} A draft resolution for the Economic and Social Council on this subject appears as Resolution E. of Annex IV; the financial implications thereof are set forth in Annex V of this document.

on the Yearbook on Human Rights, composed of the Representatives of China (Chairman), Australia, Belgium, Iran, Guatemala and the Ukrainian Soviet Socialist Republic and referred item 12 of its agenda to this Committee. The Committee held two meetings, on 1 and 3 June, and submitted its report (E/CN.4/290) and documents E/CN.4/AC.8/1 (proposal by the representative of the Ukraine) and E/CN.4/AC.8/2 (proposal by the representative of Guatemala), at the one hundred and thirteenth meeting of the Commission. Having considered this report, the Commission adopted the following Resolution:

The Commission On Human Rights.

Having considered, on the basis of the Economic and Social Council resolution No. 192 (VIII) of 9 February 1948 the question of including court decisions concerning human rights in the Yearbook on Human Rights,

Recommends:

1. that the Yearbook on Human Rights should be published as of 1949 also in Chinese, Russian and Spanish;
2. that, as soon as circumstances permit, a summary of the decisions or the decisions in extenso of the highest court in every country which are relevant to human rights be included in a special chapter of the Yearbook on Human Rights, if they are of international interest;
3. that, as an exception, a summary or full verbatim report of decisions by other courts should be included in the Yearbook if it is of distinct value that other countries should know of such decisions;
4. that the United Nations Secretariat collect and include in the Yearbook all the texts of laws on human rights in respect of Non-Self-Governing and Trust Territories

CHAPTER XII

PROVISIONAL QUESTIONNAIRE OF THE TRUSTEESHIP COUNCIL^{1/}

32. At its one hundred and twenty-fifth meeting, the Commission established a Committee on the Trusteeship Questionnaire composed of the representatives of Belgium, Denmark, India, (Chairman), Philippines, Union of Soviet Socialist Republics, and United Kingdom. In the course of two meetings, on 14 and 15 June 1949 (E/CN.4/AC.10/SR.1 and 2) the Committee considered Item 13 of the agenda of the Commission and submitted a report to the Commission (E/CN.4/334).

The Commission considered the report at its one hundred and thirty-third meeting, and adopted the following resolution by 12 votes to none, with 2 abstentions:

The Commission on Human Rights

Requests the Economic and Social Council to recommend to the Trusteeship Council that it:

1. Take into consideration the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, in the revision of its Provisional Questionnaire, particularly in the light of the additional questions suggested by the Commission on Human Rights which are attached hereto (documents E/CN.4/174 and E/CN.4/329) insofar as they are not already covered by the Provisional Questionnaire; and
2. Urge the Administering Authorities to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in said Declaration, among the peoples of the Trust Territories under their administration.

^{1/} A draft resolution for the Economic and Social Council on this subject appears as resolution F of Annex IV.

CHAPTER XIII
RIGHT OF ASYLUM

33. At its one hundred and thirty-third meeting, the Commission decided, by six votes to four with three abstentions, to postpone consideration of Item 14, "Right of Asylum."

CHAPTER XIV
OLD AGE RIGHTS

34. At its one hundred and thirty-third meeting, the Commission decided to postpone Item 15, "Old Age Rights", as no report had been submitted by the Secretary General to its fifth session.

CHAPTER XV
PROGRAMME OF FUTURE WORK^{1/}

35. At its one hundred and third meeting the Commission considered a proposal by the representative of France (E/CN.4/268) that the regular session of the Commission for 1950 be held in Geneva; and the financial implications of this proposal (E/CN.4/268/Add.1). It adopted this proposal by 10 votes for, 2 against, and 4 abstentions.

CHAPTER XVI
ADOPTION OF THE REPORT OF THE COMMISSION
TO THE ECONOMIC AND SOCIAL COUNCIL

36. At its one hundred and thirty-fifth meeting the Commission adopted, by nine votes to none, with 2 abstentions, the report of its fifth session to the Economic and Social Council

^{1/} A draft resolution for the Economic and Social Council on this subject appears as Resolution G of Annex IV; the financial implications thereof are set forth in Annex IV of this document.

ANNEX I

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS ^{1/}

A

PART I.

Note: The Commission decided, by 13 votes to none, with 2 abstentions, that the following texts of the Preamble and Article 1, would both be discussed after Part II of the Covenant was completed:

(Text contained in the Report of the Third Session of the Commission (E/800):

Preamble

(The States parties hereto, bearing in mind the general principles proclaimed in the United Nations Charter and in the Declaration of Human Rights, agree to give effect in this Covenant to certain of the principles specified in the Declaration, as follows:)

(Texts before the Commission at its fifth session:

(Text proposed by the representative of the United States:

(The States parties hereto, bearing in mind the general principles proclaimed in the United Nations Charter and in the Universal Declaration of Human Rights, approved by the General Assembly of the United Nations on 10 December 1948, agree upon the following articles with respect to certain human rights and fundamental freedoms:)

(Text proposed by the representative of France:

(The States parties hereto, determined to conform to the United Nations Charter and bearing in mind the general principles proclaimed in the Declaration of Human Rights, agree to give effect in this Covenant to certain of the principles specified in the Declaration, as follows:)

^{1/} The texts which appear below in parentheses are those on which the Commission did not take a vote.

Article 1

(Text contained in the report of the Third Session of the
Commission E/800):

(The States parties hereto declare that they recognize the rights and freedoms set forth in Part II hereof as being among the human rights and fundamental freedoms founded on the general principles of law recognized by civilized nations).

Article 2 ^{2/}

1. Each State party hereto undertakes to ensure to all individuals within its jurisdiction the rights defined in this Covenant. Where not already provided by legislative or other measures, each State undertakes, in accordance with its constitutional processes and in accordance with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures to give effect to the rights defined in this Covenant.

2. Each State party hereto undertakes to ensure that any persons whose rights or freedoms as herein defined are violated shall have an effective remedy before the competent national tribunals notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 3

Note: The Commission decided by 7 votes to none with 8 abstentions to postpone consideration of the following text of Article 3 until it considered measures of implementation at its sixth session.

^{2/} The Commission decided that it would adopt Article 2 provisionally pending the completion of its work on Part II of the Covenant.

(Text contained in the Report of the Third Session of the
Commission:

(On receipt of a request to this effect from the Secretary-General of the United Nations made under the authority of a resolution of the General Assembly, the Government of any party to this Covenant shall supply an explanation as to the manner in which the law of that State gives effect to any of the provisions of this Covenant.)

Article 4^{3/}

1. In time of war or other public emergency threatening the interests of the people, a State may take measures derogating from its obligations under Part II of the Covenant to the extent strictly limited by the exigencies of the situation.
2. No derogation from Articles..... can be made under this provision.
3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when such measures cease to operate and the provisions of Part II of the Covenant are being fully executed.

PART II

Article 5^{4/}

1. No one shall be deprived of his life.
2. In countries where capital punishment exists, sentence of death may be imposed only as a penalty for the most serious crimes.
3. No one may be executed save in virtue of the sentence of a competent court and in accordance with a law in force and not contrary to the principles expressed in the Universal Declaration of Human Rights.

^{3/} The Commission decided that it would adopt Article 4 provisionally pending the completion of its work on Part II of the Covenant.

4. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

Article 6

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

Note: The Commission decided by 4 votes to 3, with 4 abstentions to refer the following text, together with the proposals and amendments made thereon at its fifth session to the World Health Organization for an advisory opinion.

(No one shall be subjected to any form of physical mutilation or medical or scientific experimentation against his will).

Article 8

1. No one shall be held in slavery; slavery and the slave trade shall be prohibited in all their forms.

2. No one shall be held in servitude.

3. No one shall be required to perform forced or compulsory labour except pursuant to a sentence to such punishment for a crime by a competent court.

4. For the purposes of this Article, the term "forced or compulsory labour" shall not include:

(a) any work, not amounting to hard labour, required to be done in the ordinary course of prison routine by a person undergoing detention imposed by the lawful order of a court;

(b) any service of a military character or, in the case of conscientious objectors, in countries where they are recognized, exacted in virtue of laws requiring compulsory national service;

(c) any service exacted in cases of emergencies or calamities threatening the life or well-being of the community;

(d) any work or service which forms part of the normal civic obligations.

Article 9

Note: The Commission decided that no vote would be taken on the following text of Article 9 as a whole until a final vote had been taken on Article 4.

1. No one shall be subjected to arbitrary arrest or detention.
2. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as established by law.
3. Any one who is arrested shall be informed promptly of the reasons for his arrest and of any charges against him.
4. Any one arrested or detained on the charge of having committed a crime or of preparing to commit a crime shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Pending trial, release may be conditioned by guarantees to appear for trial.
5. Every one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
6. Every person who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation.

Article 10

No one shall be imprisoned merely on the grounds of inability to fulfil a contractual obligation.

Article 11

1. Subject to any general law, adopted for specific reasons of national security, public safety or health:

(a) every one has the right to liberty of movement and is free to choose his residence within the borders of each State;

(b) any one shall be free to leave any country including his own.

2. Any one is free to return to the country of which he is a national.

Article 12

No alien legally admitted to the territory of a State shall be expelled therefrom except on such grounds and according to such procedure and safeguards as are provided by law.

Article 13

1. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, every one is entitled to a fair and public hearing, by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security, or where the interest of juveniles or incapacitated persons so require.

2. Every one charged with a penal offence has the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, every one is entitled to the following minimum guarantees, in full equality:

(a) to be informed promptly of the nature and cause of the accusation against him;

(b) to defend himself in person or through legal assistance which shall include the right to legal assistance of his own choosing,

or, if he does not have such, to be informed of his right and, if unobtainable by him, to have legal assistance assigned;
(c) to examine, or have examined, the witnesses against him and to obtain compulsory attendance of witnesses in his behalf;
(d) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

3. Every one who has undergone punishment as a result of an erroneous conviction of crime shall have an enforceable right to compensation. This right shall accrue to the heirs of a person executed by virtue of an erroneous sentence.

Article 14

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 15

Every one has the right to recognition everywhere as a person before the law.

Article 16

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 17

Note: The Commission decided by 12 votes to 3, with one abstention, to postpone consideration of Article 17 until its sixth session. It was suggested by the representative of China that in the preparation of their comments on this Article Governments might be asked to consider the following questions:

(a) Should an Article on freedom of information be included in the Draft International Covenant on Human Rights even though there may be an independent convention on freedom of information?

(b) If so, what form should such an Article take?

(Texts contained in the Report of the third session of the Commission (E/800):

(The Drafting Committee did not decide which of the following texts it preferred:

(A. Text submitted by the Representative of France:

(1. Speech is free. Every person shall be free to express and publish his ideas in any way he chooses.

2. Every person shall be free to receive and disseminate information of all kinds, including facts, critical comment and ideas, by the medium of books, newspapers, oral instructions or in any other manner.

3. The freedoms referred to in the preceding paragraphs may be subject only to the restrictions, penalties or liabilities provided by law for the protection of public order, national security, good morals, respect for law and the reputation or rights of other persons.)

(B. Text submitted by the Representative of the Soviet Union ^{5/}

(In the interests of democracy, everyone shall be guaranteed by law the right of free expression of opinion, and in particular freedom of speech, of the press and of artistic

expression, provided that freedom of speech and of the press is not used for war propaganda for inciting enmity among nations, racial discrimination and the dissemination of slanderous rumours.)

(C. Text submitted by the United Nations Conference on Freedom of Information

(1. Every person shall have the right to freedom of thought and the right to freedom of expression without interference by governmental action; these rights shall include freedom to hold opinions, to seek, receive and impart information and ideas, regardless of frontiers, either orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices.

2. The right to freedom of expression carries with it duties and responsibilities and may, therefore, be subject to penalties, liabilities or restrictions clearly defined by law, but only with regard to:

(a) matters which must remain secret in the interest of national safety;

(b) expressions which invite persons to alter by violence the system of Government;

(c) expressions which directly incite persons to commit criminal acts;

(d) expressions which are obscene;

(e) expressions injurious to the fair conduct of legal proceedings;

(f) infringements of literary or artistic rights;

(g) expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefiting the public;

5/ This text was submitted during the fifth session of the Commission, to replace the corresponding one submitted to the Drafting Committee and reproduced in document E/800.

(h) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states.

A State may establish on reasonable terms a right to reply or a similar corrective remedy.

3. Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

4. Nothing in this Article shall be deemed to affect the right of any State to control the entry of persons into its territory or the period of their residence therein.)

(Note: The Drafting Committee decided to forward this text to the Commission together with a list of possible additional limitations.

The list is as follows:

1. The disclosures of professional secrets contrary to law.
2. Disclosures arising out of marital and personal relationships.
3. Expressions which are fraudulent or part of a fraudulent scheme.
4. Expressions detrimental to public decency or morals (for example, detailed crime stories, reports on executions and suicides, sensational court reports).
5. Matters of contract.
6. Control of advertising or economic matters.
7. Proper conduct of political elections or campaigns.
8. Matters affecting the civil service.
9. Disclosures of governmental information (other than in cases involving national safety, for example, in economic and social matters, such as crop reports, income tax reports, recipients of unemployment relief, and pending judicial decisions).

10. Communications with foreign governments.
11. Profanity in public places.
12. Operation of radio broadcasting and similar media without a license.
13. Statements by corporations, partnerships or individuals, in the issue of bonds and shares of stock.
14. Unforeseeable future matters relating to development of new media of information or new social practices.)

(These fourteen possible limitations arose out of discussions at the United Nations Conference on Freedom of Information.)

15. Expressions about governmental or public authorities, or groups or persons who are all or in part nationals of a High Contracting Party or who belong all or in part to a certain race. (Netherlands)
16. The prohibition of the dissemination of information calculated to engender feelings of hostility among inhabitants of various races. (Union of South Africa)
17. The prohibition of notices of prohibited meetings. (Union of South Africa)
18. The prohibition of opprobrious epithets, jeers or jibes in connection with the fact that any person has continued or returned to work or has refused to work for any employer, or the sending of information as to any such fact to any person in order to prevent any other person from obtaining or retaining employment, etc., etc. (Union of South Africa)
19. Other statements, expressions or publications which constitute offences or parts of offences under the common law or in terms of statutes, such as blasphemy, treasonable statements, uttering a forged instrument, perjury, contempt of court (covered in the drafts only to the extent to which it may be injurious to the independence of the judiciary,

or the fair conduct of legal proceedings), the use of indecent abusive or threatening language in public places, fraudulent statements, statements amounting to crimen injuriae, false statements in a prospectus, the offer of any inducement to enter into a hire purchase agreement. (Union of South Africa)

20. The restrictions imposed upon the publications of preparatory examination and trial proceedings, where the offence charged involves any indecent act or an act in the nature of extortion, or upon the publication of information which is likely to reveal the identity of an accused person under nineteen years of age or of a child concerned in proceedings before a children's court. (Union of South Africa)

21. The prohibition of the disclosure of information obtained in an official or semi-official capacity, whether or not the disclosure will affect the national safety or the "vital" interests of the State. (Union of South Africa)

22. Restrictions upon the publication of a picture or a public entertainment, where the picture or entertainment is calculated to give offence to the religious convictions or feelings of any section of the public, or where it is calculated to bring any section of the public into ridicule or contempt, or is contrary to the public interest or good morals. (Union of South Africa)

23. Restrictions upon the publication of certain electoral matters. (Union of South Africa)

24. The restrictions imposed by the laws relating to copyright. (Union of South Africa)

25. Restrictions which it may be considered necessary to impose in order to eliminate or control subversive ideological propaganda. (Union of South Africa)

Article 18

Everyone has the right to freedom of peaceful assembly. No restrictions shall be placed on the exercise of this right other than those prescribed by law and which are necessary to ensure national security, public order, the protection of health or morals, or the protection of the rights and freedoms of others.

Article 19

1. Everyone has the right to freedom of association with others.
2. This freedom shall be subject only to such limitations as are pursuant to law and which are necessary for the protection of national security, public order, public safety, health or morals, or the fundamental rights and freedoms of others.
3. National legislation shall neither prejudice, nor be applied in such a manner as to prejudice, the guarantees provided for in the International Convention on Freedom of Association and Protection of the Right to Organize, in so far as State parties to that Convention are concerned.

Article 20

1. All are equal before the law and shall be accorded equal protection of the law.
2. Everyone shall be accorded all the rights and freedoms defined in this Covenant without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Everyone shall be accorded equal protection against any incitement to such discrimination.

Article 21

Note: The Commission decided by 5 votes to 3, with 4 abstentions to postpone consideration of the following texts of Article 21 until it had considered Article 17:

(Texts before the Commission at its fifth session:

(Text proposed by the representative of the Union of Soviet Socialist Republics:

(The propaganda in whatever form of Fascist-Nazi views and the propaganda of racial and national superiority, hatred and contempt shall be prohibited by law.)

(Text proposed by the representative of France:

(Any advocacy of national, racial or religious hostility that constitutes an incitement to violence or hatred shall be prohibited by the law of the State.)

Article 22

1. Nothing in this Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms defined herein or at their limitation to a greater extent than is already provided for in this Covenant.
2. Nothing in this Covenant may be construed as limiting or derogating from any of the rights and freedoms which may be guaranteed to all under the laws of any contracting State or any conventions to which it is a party.

PART III

Article 23

1. This Covenant shall be open for signature or accession on behalf of any State Member of the United Nations or of any non-Member State to which an invitation has been extended by the General Assembly.

2. Ratification of or accession to this Covenant shall be effected by the deposit of an instrument of ratification or accession with the Secretary-General of the United Nations, and as soon as States have deposited such instruments, the Covenant shall come into force between them. As regards any State which ratifies or accedes thereafter the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.
3. The Secretary-General of the United Nations shall inform all Members of the United Nations and other States which have ratified or acceded, of the deposit of each instrument of ratification or accession.

Article 24

Note: The Commission decided by 12 votes to none, with 3 abstentions to submit the following texts to Governments, together with the record of the discussions at its fifth session.^{6/}

(Text contained in the Report of the Third Session of the Commission (E/800):

(In the case of a Federal State, the following provisions shall apply:

- (a) With respect to any Articles of this Covenant which the Federal Government regards as wholly or in part appropriate for federal action, the obligations of the Federal Governments shall, to this extent, be the same as those of parties which are not Federal States;

(b) In respect of Articles which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, Provinces, or Cantons, the Federal Government shall bring such provisions, with favourable recommendation, to the notice of the appropriate authorities of the States, Provinces or Cantons at the earliest possible moment.)

(Texts before the Commission at its fifth session:

(Text proposed by the representative of the United States:

(The United States proposes that paragraph (a) of article 24 be revised to read as follows:

(a) With respect to any Articles of this Covenant which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for federal action, the obligations of the Federal Government shall to this extent, be the same as those of parties which are not Federal States;).

(Text proposed by the representative of India:

((a) In respect of any articles of the Covenant, the implementation of which is, under the constitution of the federation, wholly or in part within federal jurisdiction, the obligations of the federal government shall, to that extent, be the same as those of parties which are not federal states.

(b) In respect of any articles of this Covenant, the implementation of which is under the constitution of the federation, wholly or in part within the jurisdiction of the constituent units (whether described as States, Provinces, Cantons, Autonomous Regions, or by any other name), the federal government shall bring such provisions with favourable recommendation to the notice of the appropriate authorities of the units).

(Text proposed by the representative of the United Kingdom:

(For paragraph 2:

(Each Federal State party to this Covenant shall at the request of another State party report what effect has been given to the provisions of this Covenant by the governments of the constituent states, provinces or cantons following the recommendation referred to in the preceding paragraph.)

Article 25

Note: The Commission decided by 7 votes to 4, with 2 abstentions to submit the following texts to Governments, together with the record of the discussion at its fifth session.^{7/}

(Texts contained in the Report of the Third Session of the Commission E/800):

((The Drafting Committee voted in favour of the first of the following texts:

(A State party to this Covenant may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that this Covenant shall extend to any of the territories for the international relations of which it is responsible, and the Covenant shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The Contracting States undertake, with respect to those territories on behalf of which they do not accede to this Covenant at the time of their accession, to seek the consent at the earliest possible moment of the Governments of such territories and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.)

(Text proposed by the representative of the USSR:

(The conditions of the present Covenant shall extend or be applicable both to the metropolitan territory which is signatory to the present Covenant, as well as to all the other territories (non-self-governing, trust, and colonial territories) which are being administered or governed by the metropolitan power in question.)

(Texts before the Commission at its fifth session:

(Text proposed by the representative of the United States:

(Any State may, at the time of signature or the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Covenant shall extend to all or any of the territories for the international relations of which it is responsible. This Covenant shall extend to the territory or territories named in the notification from the date of receipt by the Secretary-General of the United Nations of this notification.

Each State party to this Covenant undertakes to take as soon as possible the necessary steps in order to extend the application of this Covenant to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.)

(Text proposed by the representative of the USSR:

(If the Commission adopts in full the wording of Article 25 proposed by the Drafting Committee (E/800) or a similar wording, redraft the first line to read:

"A State party to this Covenant shall .."

If the Commission adopts the following text for Article 25, proposed by the representative of the Soviet Union and contained in document E/800 (page 28), the above amendment will disappear:

"The conditions of the present Covenant shall extend or be applicable both to the metropolitan territory which is signatory to the present Covenant, as well as to all the other territories (non-self-governing, trust, and colonial territories) which are being administered or governed by the metropolitan power in question."

(Text proposed by the representative of the Philippines:

(The provisions of the present Covenant shall extend or be applicable to a signatory metropolitan State as well as to all the territories, be they non-self-governing, trust, or colonial territories, which are being administered or governed by such metropolitan State.)

Article 26

Note: The Commission decided by 9 votes to none, with 3 abstentions to examine the following texts when Article 23 was finally established, and to submit them to Governments, together with the record of the discussion at its fifth session. 10/

(Text contained in the report of the Third Session of the Commission (E/800):

((The Drafting Committee decided not to discuss the following Geneva text until the question of implementation had been considered.)

(1. Amendments to this Covenant shall come into force when they have been adopted by a vote of two-thirds of the Members of the General Assembly of the United Nations and ratified in accordance with their respective constitutional processes by two-thirds of the parties to this Covenant.

2. When such amendments come into force they shall be binding on those parties which have ratified them, leaving other parties still bound by the provisions of the Covenant which they have accepted by accession, including earlier amendments which they have ratified.)

(Texts before the Commission at its fifth Session:

(Text proposed by the representative of the United States :

(An amendment to this Covenant shall come into force when it has been ratified by two-thirds of the States parties to this Covenant. Such an amendment shall be binding only on those parties which have ratified it.)

(Text proposed by the representatives of Iran and the Philippines as an amendment to the above United States text

(Any signatory State or Member State of the United Nations shall have the right to initiate amendments to this Covenant.)

(Text submitted by the representative of the United Kingdom:

(1. Proposed amendments to this Covenant shall first be considered by a Committee consisting of representatives of all parties to the Covenant and shall be submitted to the General Assembly for approval.

2. Such amendments shall come into force when they have been adopted by a resolution of the General Assembly and accepted by States parties to the Covenant in accordance with their respective constitutional processes.

3. When such amendments come into force they shall be binding on those parties which have accepted them, leaving other parties still bound by the provisions of the Covenant which they have accepted by accession, including earlier amendments which they have accepted.)

B

PROPOSED ADDITIONAL ARTICLES 11)

(Text of Article proposed by the representative of France to follow the present Article 9 or 10 of the draft covenant:

(All persons deprived of their liberty shall be treated with humanity. Accused persons shall be preserved from any corrupting influence.

The penitentiary system shall comprise treatment directed to the fullest possible extent towards the reformation and social rehabilitation of prisoners.)

(Text of Article proposed by the representative of the USSR to precede the present Article II of the draft Covenant:

(Every citizen, irrespective of race, colour, nationality, social position, property status, social origin, language, religion or sex, shall be guaranteed by the State an opportunity to take part in the government of the State, to elect and be elected to all organs of authority on the basis of universal, equal and direct suffrage with secret ballot, and to occupy any state or public office. Property educational or other qualifications restricting the participation of citizens in voting at elections to representative organs shall be abolished.)

(Text of Article proposed by the representative of the USSR to precede the present Article 20 of the draft Covenant:

(Every people and every nation shall have the right to national self-determination. States which have responsibilities for the administration of non-self-governing territories shall promote the fulfilment of this right, guided by the aims and principles of the United Nations in relation to the peoples of such territories.

The State shall ensure to national minorities the right to use their native tongue and to possess their national schools, libraries, museums and other cultural and educational institutions.)

(Text of Articles proposed by the representative of the USSR to precede
the present Article 22 of the draft Covenant:

(It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to create conditions which will exclude the threat of death from hunger and from exhaustion.)

(Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.)

(The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable limitation of working hours and for periodic holidays with pay.)

(Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.)

(The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.)

(Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provision of free elementary education, a system of scholarships and the requisite system of schools.)

(The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.)

(1. The implementation of trade union rights, which are inviolable and essential for improving the life and economic welfare of workers, shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views.

2. All regulations of whatever kind directed against trade union rights and against the joining of trade union organizations by hired workers and employees shall be prohibited.
3. Trade union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade unions and their members. Public authorities or officials shall be required to abstain from founding, financing or interfering in the direction of trade union organizations.
4. The right to strike shall be guaranteed.
5. Legislative measures shall be adopted to enable trade union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.
6. Trade union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade union organizations.
7. No one may prevent an international trade union organization from fulfilling its functions and communicating with the organizations affiliated to it.)

(Text of Articles proposed by the representative of Australia :

(Every person shall have the right to work, and each State shall take such measures as may be within its power to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.)

(In order to ensure fair and reasonable wages and working conditions, in occupations where wages and conditions are not determined by collective bargaining, or other arrangements are not available against exceptionally low wages, the State shall establish and maintain machinery for fixing minimum wages and conditions.)

(Everyone shall have the right to social security through medical care and to safeguards against abasnce of livelihood caused by unemployment, illness or disability, old age, or other reasons beyond his control).

(Each State shall ensure by law that there shall be reasonable limitations on working hours.)

(Everyone has the right to education. Free education shall be available for all at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be equally accessible to all on the basis of merit.)

(No one shall arbitrarily be deprived of his nationality or denied the right to change his nationality.)

(Text of Article proposed by the representative of the United Kingdom to follow the present Article 23 of the draft Covenant:

(Every instrument of accession shall be accompanied by a statement that the provisions of this Covenant have been accepted as international obligations in accordance with the necessary constitutional procedure of the acceding State, and by a solemn declaration of the State that full and complete effect to these provisions is or is about to be given by the law of that State.)

(Text of Article proposed by the representative of Denmark to follow the present Article 23 of the draft Covenant :

(If the existing laws of a State regarding any of the specific rights and freedoms defined in this Covenant do not give full effect to the provisions of the Covenant, such State may, by an express statement made to that effect on deposit of its instrument of

ratification or accession, reserve its right to maintain its existing law on the subject.

Any State making such a reservation shall furnish the Secretary-General of the United Nations with full information on its domestic law regarding the questions covered by the reservation, and the Secretary-General shall bring such information to the attention of other States Parties to the Covenant. Furthermore, a State making any such reservation undertakes to examine the possibilities of modifying its legislation, within a reasonable space of time, with a view to giving full effect to the provisions of this Covenant. The competent organs of the United Nations may request the State to inform them what progress is being made in this respect.)

ANNEX II

PROPOSALS AND STATEMENTS BY REPRESENTATIVES ON THE COMMISSION ^{1/}

COMMENTS BY THE REPRESENTATIVES OF AUSTRALIA, DENMARK, FRANCE,
LEBANON AND THE UNITED KINGDOM

The representatives of Australia, Denmark, France, Lebanon and the United Kingdom desire to place on record their view regarding the method of drafting Part II of the Covenant, as follows:

The Covenant is intended to be an international agreement imposing legal obligations and conferring legal rights, and the first requisite of a legal instrument is that it should state precisely the rights which it confers and the limitations on those rights which it permits. Whereas the Covenant in general, in the form in which it is now accepted by the majority of the members of the Commission, satisfies this requirement, two important Articles, Numbers 5 and 9, appear not to do so.

Thus, to take the case of Article 9:-

- (i) It is doubtful what value if any can be placed on the first paragraph in view of the imprecise meaning to be attached to the word "arbitrary" and to the variety of different meanings which it can bear.
- (ii) The relation between paragraph 1 and paragraph 2 is obscure. Does paragraph 2 repeat, expand or limit paragraph 1?
- (iii) The words "as established by law" in paragraph 2, although intended as a safeguard against abuse, do not appear to be effective for that purpose. As was pointed out in the course of debate, any dictator would be prepared to accept such an article.

^{1/} The proposals and statements included in this Annex were submitted to the Rapporteur for inclusion in the report of the Commission, but have not been discussed or voted upon by the Commission.

Thus the representatives of Australia, Denmark, France, Lebanon and the United Kingdom feel obliged to place on record their doubt whether their respective governments will feel able to accede to a Covenant imposing such imprecise obligations and to restate their view that these two articles should be drafted on more precise lines before the Covenant is submitted to the General Assembly for approval.

For this purpose the following texts appear to offer a more satisfactory basis for further consideration:-

Article 5

1. No one shall be deprived of his life intentionally.
2. There shall be no exception to this rule save where the death results;
 - (a) in those States where capital punishment is lawful, from the execution of such a penalty in accordance with the sentence of a Court;
 - (b) from the use of force which is no more than absolutely necessary
 - (i) in defence of any person from unlawful violence
 - (ii) in order to effect a lawful arrest or to prevent an escape from lawful custody; or
 - (iii) in action lawfully taken for the purpose of quelling a riot or insurrection, or for prohibiting entry to a clearly defined place to which access is forbidden on grounds of national security.

Article 9

1. No person shall be deprived of his liberty save by legal procedure in the case of:-

- (a) the lawful detention of a person after a conviction or as a security measure involving deprivation of liberty;
- (b) the lawful arrest and detention of a person for non-compliance with the lawful order or injunction of a court;
- (c) the arrest of a person effected for the purpose of bringing him before the competent legal authority on a reasonable suspicion of having committed an offence or which is reasonably considered to be necessary to prevent his committing a crime or fleeing after having done so;
- (d) the lawful detention of persons of unsound mind or of minors, by lawful order, for the purpose of educational surveillance;
- (e) the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom deportation or extradition proceedings are pending.

2 to 5 as in paragraphs 3 - 6 of the text adopted by the Commission.

The representatives of Australia, Denmark, France, Lebanon and the United Kingdom believe that it is possible thus to define all the limitations of these rights which contracting states can reasonably require, in a form that is both brief and comprehensive, and they further believe that a Covenant drafted on such lines will be a much more effective instrument for the purpose for which it is intended, namely the guarantee of human rights.

COMMENTS BY THE REPRESENTATIVE OF CHINA

Article 1

The representative of China indicated that some phrase other than "by civilized nations" should be used.

COMMENTS BY THE REPRESENTATIVE OF EGYPT

Article 16

The representative of Egypt considers that in the Covenant on Human Rights only the basic principles of freedom of religion should be dealt with. Thus when it is recognized that everyone has the right to freedom of thought, conscience and religion, and everyone is guaranteed the right to practice or manifest his religion, the concept of freedom of religion is applied and realized. Any attempt to deal with non-essential principles in connexion with so delicate a question is likely, however, to result in the discussion of contentious problems and lead States not to ratify the Covenant, which is a legal document. The Egyptian delegation therefore considers that the words "to change his religion or belief" should be deleted.

Measures of Implementation

As regards the system of petitions provided in the drafts relating to measures of implementation, the Egyptian delegation, while not opposed in principle to petitions from organizations or individuals, considers, in accordance with the draft submitted by the United States and the United Kingdom, that it would be well to proceed by stages and that a beginning should be made by examining complaints (petitions) received from States.

COMMENTS BY THE REPRESENTATIVE OF FRANCE

Article 4

The representative of France submits the following amendment to paragraph 2 of Article 4:

"No derogation may be made from the rights and freedoms defined in Articles 5, 7, 8 (paragraphs 1, 2, 3, 4, a.b.d.); 9 (paragraphs 1, 2, 3, 4, 6); 10, 11 (paragraph 2); 12; 13 (paragraphs 1, 2, 3); 14, 15 or from the freedom of thought, conscience and religion provided in Article 16.

The right defined in Article 11, paragraph 2, may only be limited in the interests of public health.

The right defined in Article 9, paragraph 5, may only be suspended in the event of invasion or disturbance."

Articles 18 and 19

The representative of France proposes that the words "in a democratic society" should be added immediately after the words "public order."

COMMENTS BY THE REPRESENTATIVE OF INDIA

Article 5

The representative of India associates herself with the views expressed regarding Article 5, which she thinks could be made more precise.

Article 2

With regard to Article 2, she thinks that the word "individuals" is very ambiguous. Does it mean that the rights in the Covenant are to be guaranteed to all the individuals irrespective of the fact that they are citizens or non-citizens? It is also not clear whether these individuals are individuals belonging to Covenanting States or non-Covenanting States. This article, also, needs to be more precisely worded.

COMMENTS BY THE REPRESENTATIVE OF THE USSR

The representative of the USSR submitted no statement on the draft Covenant of Human Rights for inclusion in the Report of the Commission, but the Summary Record of the one hundred and thirty-fifth meeting (E/CN.4/SR.135) contains the text of the statement made by him concerning the work of the fifth session as a whole, and includes his evaluation of the articles of the draft Covenant worked out by the Commission.

Articles 18 and 19

The representative of the USSR proposes the following text for Articles 18 and 19:

"In the interests of democracy freedom to hold assemblies, meetings, street processions and demonstrations, and to organize voluntary societies and unions shall be guaranteed by law.

"All societies, unions and other organizations of a Fascist or anti-democratic nature and their activity in in whatever form shall be forbidden by law on pain of punishment."

COMMENTS BY THE REPRESENTATIVE OF THE UNITED KINGDOM

Article 4

The representative of the United Kingdom proposes the following text of paragraph 2 of Article 4:

"No derogation from Articles 5, except in respect deaths resulting from lawful acts of war, 6, 7, 8 (i) and (ii) or 14 can be made under this provision."

COMMENTS BY THE REPRESENTATIVE OF THE UNITED STATES

Preamble

The representative of the United States proposes that the Preamble read as follows:

"The States parties hereto, bearing in mind the general principles proclaimed in the United Nations Charter and in the Universal Declaration of Human Rights, approved by the General Assembly of the United Nations on 10 December 1948, agree upon the following articles with respect to certain human rights and fundamental freedoms:"

Article 1

The representative of the United States proposes the deletion of this article since it is included in essence in the proposed Preamble.

Article 2

Paragraph 1

The representative of the United States pointed out during the discussion of paragraph 1 of Article 2 that in the view of the United States, when the Covenant is signed and ratified, the obligations of the Covenant should be carried out by the parties to it through legislative and other measures, existing or to be enacted, giving effect to the provisions of the Covenant, particularly with regard to Articles 5 to 22. She pointed out that under this procedure, these articles of the Covenant should not themselves become operative as domestic law.

Paragraph 2

The representative of the United States also wishes to point out that in the opinion of the United States the proposed paragraph 2 of Article 2 should not be included in the Covenant. It causes ambiguity to refer in a broad general sweep to "an effective remedy before the competent national tribunals" in this paragraph, when the safeguards relating to competent courts and tribunals have been separately dealt with in the various substantive articles of the Covenant, as for example, in Articles 5, 8, 9, 13, etc.

Article 5

The representative of the United States points out that in the view of the United States the word "arbitrarily" should be added to the first paragraph of Article 5 so that it would read "No one shall be deprived of his life arbitrarily."

Article 9

The representative of the United States expresses the view of the United States that paragraph 6 of Article 9 concerning compensation should not be included in the Covenant.

Article 13

The representative of the United States points out that in the view of the United States, paragraph 3 of Article 13 concerning compensation should not be included in the Covenant.

Article 20

Paragraph 3

The representative of the United States wishes to point out that in the view of the United States, paragraph 3 of Article 20 concerning "equal protection against any incitement to such discrimination" is unnecessary, since paragraph 1 of this article already provides for "equal protection of the law."

Article 21

The representative of the United States points out that the proposals of the Union of Soviet Socialist Republics and France for Article 21 should not be included in the Covenant since such language would encourage the enactment of legislation limiting freedom of speech and of the press.

Article 23

The representative of the United States proposes that the Covenant should come into force when 15 States have deposited their instruments of ratification or accession to the Covenant, pointing out, however, that she has no objection to any other substantial number. She feels that the figure "two" is too low and "two-thirds" too high.

Article 24

The representative of the United States recommends that the Drafting Committee text for this article should be retained in the Covenant with the inclusion of a reference to "under its constitutional system" in paragraph (a) so that the entire article would read as follows:

"In the case of a Federal State, the following provisions shall apply:

(a) With respect to any Articles of this Covenant which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for federal action, the obligations of the Federal Government shall to this extent, be the same as those of parties which are not Federal States;

(b) In respect of articles which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons, the Federal Government shall bring such provisions, with favourable recommendation, to the notice of the appropriate authorities of the states, provinces or cantons at the earliest possible moment."

The representative of the United States stresses the importance of including such an article in the Covenant to make it possible for federal states to adhere to the Covenant

ANNEX III

PROPOSALS ON IMPLEMENTATION AND QUESTIONNAIRE ON MEASURES
OF IMPLEMENTATION.

PART I

PROPOSALS ON IMPLEMENTATION

AUSTRALIA: DRAFT PROPOSALS FOR AN INTERNATIONAL
COURT OF HUMAN RIGHTS

The following proposals are intended to give effect to the decisions of the Commission's working group on implementation.

It is proposed that the following draft articles relating to the Court of Human Rights be inserted in the Covenant:

"Draft Articles for Inclusion in Covenant

International Court of Human Rights

1. There is established an International Court of Human Rights. The Court shall be constituted and shall function in accordance with the Statute of the Court, which forms an integral part of this Covenant.
2. All parties to this Covenant are ipso facto parties to the Statute of the Court.
3. (1) Each party to this Covenant undertakes to comply with the decision of the Court in any case to which it is a party.
(2) If any party fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party or the Commission on Human Rights may have recourse to the General Assembly of the United Nations, which may, if it deems necessary, make recommendations as to measures to be taken to give effect to the judgment.
4. The Commission on Human Rights may request the Court to give an advisory opinion on any question relating to human rights or fundamental freedoms.
5. The Court shall make an annual report to the Economic and Social

Council on the working of the Court in relation to the rights and freedoms within its jurisdiction. . . The Court may also make other reports to the Economic and Social Council if and when it thinks proper to do so."

The following is a draft Statute of the Court. It is based to a large extent on the Statute of the International Court of Justice although it has not been thought necessary to make detailed provisions as to its procedure. It appears to us that the Court of Human Rights is a new concept and the procedure adopted by it should be as flexible as is necessary to ensure its adequate functioning in the field which is assigned to it.

DRAFT STATUTE OF THE INTERNATIONAL COURT
OF HUMAN RIGHTS

Article 1

The International Court of Human Rights established by the Covenant on Human Rights shall be constituted and shall function in accordance with the provisions of the present Statute.

Organization of the Court

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices.

Article 3

1. The Court shall consist of six members, no two of whom may be nationals of the same State.
2. A person who for the purposes of membership in the Court could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly of the United Nations on the recommendation of the Economic and Social Council.
2. The members of the Court shall be recommended and elected from a list of candidates nominated by States Members of the United Nations, each of whom shall be entitled to nominate one candidate.

Article 5

1. The members of the Court shall be elected for nine years and may be re-elected; provided however that of the judges elected at the first election, the terms of two judges shall expire at the end of three years, and the terms of two more judges shall expire at the end of six years.
2. The judges whose terms are to expire at the end of the above-mentioned

periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places are filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 6

1. Vacancies shall be filled by the same method as that laid down for the first election.

2. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 7

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. No member of the Court may act as agent, counsel or advocate in any case.

3. Any doubt on these matters shall be settled by decision of the Court.

Article 8

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 9

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 10

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

Article 11

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.
2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 12

The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

Article 13

1. The Court shall remain permanently in Session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court.
3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 14

A quorum of three judges shall suffice to constitute the Court.

Article 15

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive an allowance for every day on which he acts as President.
4. These salaries and allowances shall be fixed by the General Assembly. They shall not be decreased during the term of office.
5. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
6. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the

Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses paid.

7. The above salaries and allowances shall be free of all taxation.

Article 16

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

Competence of the Court

Article 17

1. The following may be parties in cases before the Court:

- (a) States
- (b) individuals
- (c) groups of individuals
- (d) associations, whether national or international.

2. The Court, subject to and in conformity with its rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

Article 18

1. The Court shall be open to the States or nationals of States parties to the present Statute.

2. The conditions under which the Court shall be open to other States or their nationals, shall, subject to the special provisions contained in treaties in force, be laid down by the Economic and Social Council, but in no case shall conditions place the parties in a position of inequality before the Court.

3. Where a State which is not a member of the United Nations or a national of such a State, is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court.

Article 19

1. The jurisdiction of the Court shall comprise the following:

- (i) All disputes arising out of the interpretation and application of the Covenant on Human Rights referred to it by any party to such Covenant;
 - (ii) All disputes arising out of the interpretation and application of Articles concerning human rights in any treaty or convention between States referred to it by any party to such treaty or convention;
 - (iii) All matters concerning the observance of human rights by the parties to such Covenant or to any such treaty or Convention referred to it by the Commission on Human Rights.
2. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 20

1. The Court may refer the whole or part of a dispute which is before it, or any matter arising out of the dispute, to the Commission on Human Rights for investigation and report, and may delegate to that Commission such of the powers of the Court as the Court may deem desirable to enable the Commission to reach a settlement of the dispute by amicable agreement, and may at any time revoke such reference.
2. The Court may also, in relation to any matter referred to it by the Commission on Human Rights, request that Commission to investigate and report to it on the matter in such respects as may be specified by the Court, and for that purpose may delegate to the Commission such of the powers of the Court as the Court may deem desirable, and may at any time revoke such request.

Article 21

The Court in reaching its decision shall apply:

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting or interested states;
- (b) international customs, as evidence of a general practice accepted as law;

- (c) the general principles of law recognized by civilized nations;
- (d) subject to Article 26, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law;
- (e) general principles of equity and justice.

Procedure

Article 22

1. The official languages of the Court shall be French and English.
2. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 23

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down its own rules of procedure, including the method of presentation of matters to the Court, the procedure to be followed in the conduct of the proceedings and the delivery and promulgation of the judgment. So far as they may be applicable, the procedures adopted by the International Court of Justice shall be followed.
2. The Court may amend such rules from time to time as occasion may require, and may, if it considers it desirable in the interest of a speedy and just determination, suspend any such rule.

Article 24

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who is authorized by him to act in his place, shall have a casting vote.

Article 25

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.
3. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 26

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 27

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 28

Unless otherwise decided by the Court, each party shall bear its own costs.

Advisory Opinions

Article 29

1. The Court may give an advisory opinion on any question relating to human rights at the request of the Commission on Human Rights.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 30

The Court shall adopt rules of procedure for the purpose of carrying out its functions with respect to advisory opinions, and, in so doing, shall be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Amendment

Article 31

Amendments to the present Statute shall be effected by decision of the General Assembly made by a two-thirds majority of the members present and voting.

Article 32

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 31.

FRANCE: PROPOSALS ON MEASURES OF IMPLEMENTATION

Article 21

A Special Commission consisting of eleven members and established by the General Assembly of the United Nations shall be responsible for ensuring that the human rights and fundamental freedoms as defined in the foregoing articles are respected.

Article 22

The members of the said Commission shall be appointed by a two-thirds majority of the Assembly, including at least two-thirds of the States Members Parties to the present Covenant, for their competence and standing, subject to equitable geographical distribution. They shall be elected from a panel of candidates nominated by the States Members Parties to the Covenant, one candidate by each State from among its own nationals. They shall be elected for three years and be re-eligible.

Article 23

By the same majority the Assembly shall appoint a permanent Secretary-General to the Commission who shall serve for a period of five years and be re-eligible.

Article 24

The Commission shall consider the provisions of the laws and regulations in force in the various States, and of the agreements between them, and their administrative provisions and jurisprudence, with a view to verifying that they are consistent with the provisions of the present Covenant.

Article 25

1. The Commission shall be moved by applications or petitions submitted by any of the States Parties to the Covenant, a non-governmental organization or a private person or group of private persons.

2. Any application or petition concerning the violation of the human rights and fundamental liberties as defined in the present Covenant shall be submitted by a State Party to the said Covenant or by an organization, private

person or group that at the time of the alleged violation was under the jurisdiction of a State Party to the present Covenant. Such application or petition shall concern an alleged violation committed in a territory or place situated within the jurisdiction of a State Party to the Covenant. Except where the application is submitted by a State Party to the Covenant, the Commission may make the consideration of any petition conditional upon the preliminary favourable opinion of one of the non-governmental, national or international organizations granted consultative status in category (a) or (b) and included in a special list approved by the Commission for this purpose.

3. Any international non-governmental organization granted consultative status in category (a) or (b) is also qualified to submit petitions concerning the violation of the human rights and fundamental liberties defined in the present Covenant, if that organization is included in the above-mentioned list of organizations approved by the Commission for this purpose. In each case the petition must concern an alleged violation committed in a territory or place within the jurisdiction of a State Party to the Covenant.

Article 26

The Commission, in considering applications and petitions, may draw upon any sources of information which it may deem necessary. It may not carry out verifications or investigations on the spot save with the consent of the State or States concerned.

Article 27

The Commission shall make recommendations to the contracting parties based upon its investigations and after holding discussions with the party or parties concerned.

Such recommendations may be accompanied by all or part of the documents on which they are based.

The Commission may also make recommendations to the other organs of the United Nations and to other international organizations.

Article 28

The Commission may propose draft recommendations to the General Assembly for amendments to the present Covenant.

Article 29

The Commission shall establish its own rules of procedure. It shall meet three times a year. Should circumstances so require, it may hold special sessions. Such special sessions shall be called by the Secretary-General at the request of a majority of the members of the Commission.

Article 30

The Secretary-General shall attend all the meetings of the Commission. He shall submit an annual report to the Commission on its activities. He shall classify the applications addressed to the Commission. He shall be generally responsible for the preparation and execution of the work of the Commission.

He may submit proposals to the Commission for action.

Article 31

The Secretary-General shall appoint the staff of the Secretariat in conformity with the staff regulations to be submitted to the Commission for its approval.

Article 32

The Commission, after being duly authorized to do so by the General Assembly of the United Nations in accordance with Article 96, paragraph 2, of the Charter, may request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

Article 34

The headquarters of the Commission and its Secretariat shall be at Geneva. The Commission may meet elsewhere if it should so desire.

Article 35

The provisions of Articles 21 to 33 shall not be construed as excluding private proceedings which may be prescribed by convention in such matters as the protection of the right to life or the regulation of labour.

"Where a State Party to the Covenant considers that another State also Party to the Covenant is not implementing its provisions, nothing in the present Covenant shall restrict the right of either State to submit the question to either another conciliation procedure or an arbitration or judicial procedure, or to submit it to the competent organ of the United Nations."

Article 36

The present Covenant shall not affect the operation of organizations established by the Economic and Social Council within the sphere of its jurisdiction.

Article 37

Subject to the provisions of Chapters XII and XIII of the Charter of the United Nations, the present Covenant shall apply to any territory not enjoying full independence in international relations when the State on which it is dependent has acceded to the Convention in its name. If necessary the responsible State shall endeavour to obtain the consent of the competent authorities of such territories for this purpose.

Article 38

In the case of federal States the provisions of the present Covenant shall be binding upon the federal State as well as upon the individual States, provinces or cantons.

Article 39

1. Amendments to this Covenant shall come into force when they have been adopted by a vote of two-thirds of the Members of the General Assembly of the United Nations and ratified in accordance with their respective constitutional processes by two-thirds of the parties to this Covenant.

2. When such amendments come into force they shall be binding on those parties which have ratified them, leaving other parties still bound by the provisions of the Covenant which they have accepted by accession, including earlier amendments which they have ratified.

Article 40

1. (a) This Covenant shall be open for accession to every Member of the United Nations or State party to the Statute of the International Court of Justice and to any other State which the General Assembly of the United Nations shall, by resolution, have invited to accede.
(b) Accession to the present Covenant shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
(c) The Secretary-General of the United Nations shall notify the Members of the United Nations and the other States mentioned in paragraph 1 above of the deposit of each instrument of accession.
2. As regards the States which have acceded, this Covenant shall come into force as soon as two-thirds of the Members of the United Nations, including at least two permanent members of the Security Council, have deposited their instruments of accession. As regards any State acceding subsequently, the Covenant shall come into force at the date of the deposit of its instrument of accession.

GUATEMALA: ARTICLES ON THE IMPLEMENTATION OF HUMAN RIGHTS.

ARTICLE. Each State party to the present (Covenant, protocol) shall set up in its territory a Commission to promote respect for human rights and for fundamental freedoms for all its inhabitants without distinction as to race, sex, language or religion.

ARTICLE. States Members undertake to respect in good faith the rights contained in the Covenant and to take suitable steps, nationally and internationally, to ensure the enjoyment of those rights by their inhabitants.

ARTICLE. Without prejudice to the provisions of the previous article, respect for the human rights embodied in this Covenant shall be encouraged by the appropriate organs of the United Nations, the specialized agencies and the regional organizations under its authority.

The parties concerned may by common consent employ procedures other than those set forth in the following articles.

ARTICLE. States ratifying this (protocol, Covenant), non-governmental organizations and private individuals of States ratifying the Covenant may be parties to the present procedure.

ARTICLE. Complaints regarding violations of human rights shall be transmitted, with the relevant documentation, to the Secretary-General of the United Nations who may request such information as he deems necessary. He shall submit the complaint to a committee presided over by the Chairman of the Commission on Human Rights and consisting, in addition, of two persons elected by a two-thirds majority of the General Assembly, one being selected from a list submitted by the States parties to the Covenant and the other from a list submitted by governmental organizations recognized by the United Nations. The election shall be made on the basis of the personal qualifications of the candidates.

The Committee, whose rules of procedure shall be approved by the Economic and Social Council, shall determine, on the basis of examination of the documentation submitted to it by the Secretary-General, whether complaints submitted by non-governmental organizations or individuals are to be considered by conciliators or, if not, the manner of their disposal.

ARTICLE. The Committee, in consultation with the parties and in accordance with its rules of procedure, shall act as a conciliation committee or shall appoint not more than three conciliators from the panel of persons recommended by States for that purpose (the system established in the resolutions regarding panels of inquiry and conciliation, document A/833, may be followed).

ARTICLE. The conciliation committee or conciliators, as the case may be, may request reports from the Governments of the States in which the acts giving rise to the accusation occurred, or appoint a committee of inquiry to investigate the violations, with the consent of the Government concerned.

ARTICLE. If the conciliation committee or conciliators are unable to reach a settlement acceptable to the parties, the matter shall be referred to the International Court of Justice, whenever the plaintiff so requests, or to an arbitrator, if the parties so agree.

ARTICLE. Accusations against States not parties to the present (Protocol or Covenant) shall be dealt with in accordance with the present procedure if the General Assembly so determines or the accused State consents thereto.

INDIA: PROPOSAL FOR THE MACHINERY OF IMPLEMENTATION

1. A Standing Committee composed of not less than five independent (non-government) men and women, shall be established by the Economic and Social Council. The term of office of the members, their style and qualifications shall be decided by Resolution of the Economic and Social Council. The members of the Committee will be elected by the Council from lists submitted by those States which have ratified the Convention or Conventions on Human Rights.
2. The function of the Committee shall be to supervise the observance of the provisions of the Convention or Conventions on Human Rights. To this purpose, it shall:
 - (a) collect information, i.e., it will keep itself and the United Nations informed with regard to all matters relevant to the observance and enforcement of human rights within the various States. Such information will include legislation, judicial decisions and reports from the various States, as well as writings and articles in the press, records of parliamentary debates on the subjects and reports of activities of organizations interested in the observance of human rights;
 - (b) receive petitions from individuals, groups, associations or states; and
 - (c) remedy through negotiations any violations of the Convention or Conventions on Human Rights and report to the Commission on Human Rights those cases of violation which it is unable to remove by its own exertions. The Committee may act on its own information or on receipt of petitions from individuals, groups, associations or States.
3. The Committee will proceed in private session to examine the petitions and conduct negotiations, it being understood that the decisions arrived at will appear in reports submitted by the Committee to the Commission on Human Rights. Such reports will be made public by that Commission, should the latter deem it advisable.

USSR: STATEMENT MADE BY THE REPRESENTATIVE OF THE USSR
ON THE COMMISSION OF HUMAN RIGHTS ON 18 MAY 1948
WITH REGARD TO THE DRAFTS AND PROPOSALS ON IMPLEMENTATION

The Soviet delegation has studied the drafts and implementation proposals presented to the Commission on Human Rights, in particular, those submitted by the United States, China, France, Australia and the Working Committee set up by the Commission at its second session. It notes that all these drafts and proposals interpret implementation to mean not a system of measures for ensuring that human rights are implemented and guaranteed in every country by the State and society, but rather, a system of international methods of pressure to be exercised through special organs established for this purpose (e.g. an international court, international committee or a United Nations public prosecutor, etc.), and intended to force individual States to take particular steps connected with execution of the Convention on Human Rights.

It is clear, therefore, that such "implementation" may become a means of interfering in the internal affairs of a State party to the Convention, and of undermining the sovereignty and independence of particular States.

The implementation plan entails the establishment of various international instances in which communications and complaints with regard to the violation of human rights, from both States and Governments and private individuals or associations of such individuals, would be considered. It thus conflicts with the whole system of international public law regulating the relations between States. In addition the plan, if it is adopted, will have the effect of transforming a dispute between a private individual or group of individuals and their State or Government into an international dispute, thereby substantially enlarging the area of international differences, frictions and incidents, unnecessarily burdening and aggravating international relations and undermining the foundations of peace.

Furthermore, the transference to a special committee, special international court or even, as contemplated in some implementation plans to the Commission on Human Rights of the prerogative conferred upon the General Assembly and the Economic and Social Council of making recommendations to States on questions of human rights would upset the powers as established by the Charter and the distribution of those powers as between the main and auxiliary organs of the United Nations, and would further encourage interference in the internal affairs of Members of the United Nations which is contrary to the Charter.

Since what is required is an international document calculated to serve the purpose of maintaining and strengthening international peace and developing good neighbourly relations between nations, the Soviet delegation disapproves of all the drafts and proposals on implementation presented to the Commission and considers them unsatisfactory.

UNITED STATES AND UNITED KINGDOM: PROPOSAL FOR IMPLEMENTATION
ARTICLE

1. If a State Party to the Covenant considers that another State Party is not giving effect to a provision of the Covenant, it may bring the matter to the attention of that State. If the matter is not adjusted between them within six months, either State shall have the right to refer it, by notice to the Secretary-General of the United Nations and to the other State, to a Human Rights Committee to be established in accordance with the provisions of this Article.
2. The Secretary-General of the United Nations shall establish a panel of persons of high moral character and of suitable ability and qualifications, designated by States Parties to the Covenant from among their nationals, to serve on Human Rights Committees in their personal capacity. Each State Party to the Covenant may designate two persons for periods of five years.
3. Upon notice being given to the Secretary-General, a Human Rights Committee shall be established of five members selected from the panel, one member by the State or States referring the matter, one member by the other States and three by agreement between them. If any place on the Committee has not been filled within three months, the Secretary-General shall select a person from the panel to fill it.
4. The Committee shall meet at the Headquarters of the United Nations in the absence of agreement to the contrary between the Parties to the dispute and the Secretary-General, and shall establish its own rules of procedure provided that:
 - (a) the States concerned shall have the right to be represented at the hearings of the Committee and to make submissions to it orally and in writing; and
 - (b) the Committee shall hold its hearings and other meetings in closed session.

5. The Secretary-General of the United Nations shall provide the necessary services and facilities for the Committee and its members.
6. The Committee may call for relevant information from any State concerned and such State shall supply the information requested.
7. The Committee may ask the United Nations Commission on Human Rights* to request the International Court of Justice for an advisory opinion on legal questions.
8. The Committee shall within six months of its first meeting report its findings of fact to the States concerned, and to the Secretary-General for publication.

The record of the Committee shall be deposited with the Secretary-General.

9. Nothing in this Article shall preclude reference of the matter to the International Court of Justice for decision if the States referred to in paragraph 1 so agree.

* [It will be necessary for the General Assembly to authorize the Commission on Human Rights to request advisory opinions of the International Court of Justice in accordance with Article 96 of the Charter of the United Nations.]

PART II

QUESTIONNAIRE ON MEASURES OF IMPLEMENTATION

Table of Contents

	<u>Pages</u>
Introduction.....	84
Part I - Preliminary Questions	85
Part II - Questions concerning the initiation of proceedings...	85
Chapter 1. Questions relating to the right of signatory States to enter complaints.....	85
Chapter 2. Questions relating to the right of individuals, groups of individuals and of organizations, to petition.....	86
A. The right to petition.....	86
B. Conditions for the exercise of the right to petition.....	86
Part III - Questions concerning conciliation.....	88
Chapter 3. Questions relating to the establishment of permanent and <u>ad hoc</u> bodies.....	88
I. Permanent and <u>ad hoc</u> bodies.....	88
A. Establishment.....	88
B. Manner of establishment.....	88
C. Composition.....	86
D. Secretariat.....	89
E. Functions.....	89
(1) General	89
(2) Collection of information.....	90
(3) Commencement of action.....	90
(4) Procedure.....	91
(5) Powers	92
(6) Advisory opinions.....	92

Table of Contents (continued)

	<u>Pages</u>
II. <u>Ad hoc</u> fact-finding bodies	93
A. Establishment and composition.....	93
B. Functions.....	93
Chapter 4. Questions relating to the establishment of local agencies of implementation.....	94
Part IV - Questions concerning judicial settlement.....	94
General.....	94
Chapter 5. Questions relating to an international court of human rights.....	95
A. General.....	95
B. Statute of the court.....	95
(1) General.....	95
(2) Competence.....	96
(3) Advisory opinions.....	96
Part V - Questions concerning general provisions.....	97
General.....	97
Chapter 6. Questions relating to the right of the Secretary-General of the United Nations to request information from Governments.....	97
A. Questions relating to the authority and powers of the United Nations under the Charter.....	97
B. Questions relating to the status of non-member States under the instrument.....	98
C. Questions relating to notification by signatory States, either at the time of ratification or subsequently, whether it adheres to the whole instrument or to certain parts thereof, and in the latter case enumerating the parts to which adherence is made.....	98
D. Questions relating to the status under the instrument of dependent, non-self- governing and trust territories.....	99

INTRODUCTION

1. The Secretary-General has the honour to present for the consideration of the Commission, in accordance with its resolution of 8 June 1949, a methodical questionnaire prepared on the basis of memorandum E/CN.4/292 and of proposals submitted thereafter (i.e. proposals by the representative of Guatemala (E/CN.4/293) and the supplementary proposals by the representative of France (E/CN.4/82/Add.10/Rev.1)).
2. In the preparation of this questionnaire the Secretary-General was faced with the difficulty that the proposals made by the various representatives constitute units in themselves and are not readily separable into different categories without losing much of their significance. Thus, the proposal of the representative of Australia concerning an International Court of Human Rights (E/CN.4/AC.1/27) is a most comprehensive and all inclusive proposal. The Secretary-General had the alternative either of including the entire proposal in questionnaire form or of taking the major suggestions therein only and putting them into the questionnaire. The latter method has been followed, because it was the understanding of the Secretary-General that, whatever decision the Commission may take regarding the present questionnaire, the proposals of the various representatives on the Commission would in any case be forwarded to the Governments of Member States.
3. It is suggested that if and when the questionnaire is sent to Governments the attention of the latter should be drawn to the fact that it is based on proposals made by the members of the Commission on Human Rights and that it should be read in the light of these proposals.

PART I

PRELIMINARY QUESTIONS

1. Is it necessary to have in the text of the Convention or in the Protocol attached to it or in a separate document any articles providing for international measures and the setting up of international institutions for the implementation of human rights and freedoms, or should these questions be left within the competence of each State as the particular concern of each country and people? (1)
2. In the event of the inclusion of the economic and social articles in the Covenant, what would be your view on the most appropriate means of implementation? (2)
3. In your opinion should the provisions relating to implementation be included
 - (a) in the Covenant
 - (b) in a protocol annexed to the Covenant
 - (c) in a separate instrument?
4. Have you any other suggestions or observations?

PART II

QUESTIONS CONCERNING THE INITIATION OF PROCEEDINGS

Chapter 1. Questions relating to the right of signatory States to enter complaints

1. In your opinion, should States be under an obligation to settle disputes insofar as possible by direct negotiation?
2. In the event that a dispute is not settled by negotiation or otherwise within _____ time, should a State have the right (by notice to the Secretary-General of the United Nations and the other State) to refer the dispute

(1) This question is included at the suggestion of the representative of the USSR.

(2) This question is included at the suggestion of the representative of Australia.

- (a) to an ad hoc fact-finding body
 - (b) to a body appointed by covenanting States
 - (c) to some other body?
3. In your opinion should signatory States have the right to enter complaints
- (a) in respect only of an alleged violation committed in a territory or place within the jurisdiction of another signatory State
 - (b) without such limitation
 - (c) with any other limitation?
4. In your opinion should the receivability of complaints be subjected to
- (a) a preliminary examination
 - (b) or any other requirements?
5. Should the right to initiate proceedings be limited to signatory States?
6. Have you any other suggestions or observations?

Chapter 2. Questions relating to the right of individuals, groups of individuals and of organizations to petition

A. RIGHT TO PETITION

1. Should the right of petition be open to
 - (a) individuals
 - (b) groups of individuals
 - (c) non-governmental organizations?
2. Have you any other suggestions or observations?

B. CONDITIONS FOR THE EXERCISE OF THE RIGHT TO PETITION

1. Should the right of petition by individuals or groups of individuals or non-governmental organizations be limited to such individuals or groups of individuals or non-governmental organizations which were at the time of the alleged violation within the jurisdiction of a signatory State?

2. Should such petitions relate only to alleged violations committed in a territory or place situated within the jurisdiction of a signatory State
3. Should such petitions relate to
 - (a) the grievances of individuals or
 - (b) only to the grievances of a community or body of persons generally?
4. Are you in favour of including detailed regulations for such petitions concerning
 - (a) their receivability
 - (b) their preliminary examination?
5. Should the consideration of such petitions be conditional upon the preliminary favourable opinion of one of the non-governmental organizations granted consultative status in category a or b by the Economic and Social Council which are included in a special list approved by the implementation organ for this purpose?
6. Should petitions be transmitted in the first instance to the Secretary-General of the United Nations?
7. Should the Secretary-General have the right to request such information from signatory States as he deems necessary with a view to the submission of a petition together with any documentation thereon to the implementation organ?
8. (a) Should non-governmental organizations granted consultative status in category a or b by the Economic and Social Council and included in the list of organizations approved by the implementation organ for this purpose, have the right to petition without any other condition except that such petition must relate to an alleged violation committed in a territory or place within the jurisdiction of a signatory State?
 - (b) Are you in favour of giving a similar right to organizations granted consultative status in category c by the Economic and Social Council?
9. Have you any other suggestions or observations?

PART III

QUESTIONS CONCERNING CONCILIATION

Chapter 3. Questions relating to the establishment of permanent
and ad hoc bodies

1. PERMANENT AND AD HOC BODIES

A. Establishment

1. In your opinion should such bodies be established

(a) by the Economic and Social Council

(b) by the General Assembly

(c) by the signatory States

(d) by any other method?

2. Have you any other suggestions or observations?

B. Manner of establishment

1. Should this body be

(a) elected

(b) appointed?

2. Should this body be elected by

(a) a simple majority

(b) a 2/3 majority

(c) a 2/3 majority of the General Assembly

(d) a 2/3 majority of the General Assembly including at least

2/3 of the signatory States

(e) signatory States

3. Have you any other suggestions or observations?

C. Composition

1. Should the bodies be composed of

(a) Government representatives

(b) independent (non-government) persons

(c) representatives from governmental organizations recognized
by the United Nations

(d) a combination of such representatives or persons?

2. Should specialized agencies be represented on the body?
3. Should non-governmental organizations (with or without consultative status) be represented on the body?
4. Should the composition of the body be determined in some way?
5. In your opinion should such a body consist of the Chairman of the Commission of Human Rights as president and two persons elected by a majority of the General Assembly, one being selected from a list submitted by covenanting States and the other from a list submitted by governmental organizations recognized by the United Nations?
6. Have you any other suggestions or observations?

D. Secretariat

1. Should the Secretary-General of the United Nations
 - (a) be generally responsible for the preparation and execution of the work of the implementation organ;
 - (b) attend or be represented at all the meetings of such an organ
 - (c) classify complaints and petitions addressed to such an organ
 - (d) submit an annual report to such an organ on its activities
 - (e) submit proposals to such an organ for action?or should these functions be performed by a special Secretary-General appointed for the purpose?
2. Have you any other suggestions or observations?

E. Functions

(1) GENERAL

1. In your opinion, should such an organ
 - (a) supervise the observance of the provisions of
 - (i) the Covenant
 - (ii) other conventions on human rights
 - (b) make recommendations to the other organs of the United Nations and to other international organizations
 - (c) have the right to propose amendments to the present instrument?
2. Have you any other suggestions or observations?

(2) COLLECTION OF INFORMATION

1. In your opinion should such an organ have the right to keep itself and the United Nations informed with regard to all matters relevant to the observance and enforcement of human rights within

- (a) various States
- (b) signatory States?

2. Should such information include

- (a) legislation
- (b) judicial decision
- (c) reports from various States
- (d) records of parliamentary debates on the subject
- (e) writings and articles in the press
- (f) reports of activities of organizations interested in the observance of human rights?

3. Have you any other suggestions or observations?

(3) COMMENCEMENT OF ACTION

1. In your opinion, should such an organ have the right to act on:

- (a) its own information
- (b) complaints received from signatory States
- (c) petitions from non-governmental organizations granted consultative status by the Economic and Social Council
- (d) petitions from other non-governmental organizations
- (e) petitions from individuals
- (f) petitions from groups of individuals?

2. Should the Secretary-General of the United Nations, in the case of all complaints and petitions, have the right to request such information as he deems necessary with a view to the submission of such information together with the complaint or petition to such an organ?

3. Except where a complaint is submitted by a signatory State, should the consideration of any petition by such an organ

be conditional upon

- (a) the preliminary favourable opinion of one of the non-governmental organizations granted consultative status in category (a) or (b) by the Economic and Social Council and included in a special list by such an organ
- (b) preliminary examination as to its receivability?

4. Should such an organ conduct a preliminary examination on petitions from non-governmental organizations or individuals on the basis of the documentation submitted thereon by the Secretary-General with a view to deciding whether such petitions are to be considered by conciliators or, if not, the manner in which it will dispose of them?
5. Have you any other suggestions?

(4) PROCEDURE

1. Where should such an organ have its headquarters?
2. Should it meet at headquarters only or should it have the right to meet elsewhere if it so desires?
3. Should the rules of procedure of such an organ be
 - (a) established by itself
 - (b) approved by the Economic and Social Council
 - (c) established in any other way?
4. Should such an organ conduct its proceedings in
 - (a) open meeting
 - (b) private meeting
 - (c) open or private meeting as it decides?
5. Should such an organ have the right to
 - (a) draw upon any source of information which it deems necessary
 - (b) request reports from signatory States
 - (c) carry out investigations on the spot without the consent of the State or States concerned
 - (d) appoint committees of inquiry?

6. Have you any other suggestions or observations?

(5) POWERS

1. In your opinion should the main function of such an organ be that of conciliation?

2. Should such an organ have the right to make recommendations to the parties concerned?

3. In your opinion should such an organ in consultation with the parties have the right to appoint not more than three conciliators recommended by States for that purpose?*

4. In your opinion should such an organ be under an obligation to report to the Commission on Human Rights?

5. Should the reports of such an organ be made public

(a) by the organ itself

(b) by the Commission on Human Rights?

6. In the event that such an organ fails to reach a settlement, should it have the right to

(a) report the matter to the Commission on Human Rights

(b) refer the matter to an arbitrator, if the parties so agree

(c) refer the matter to the International Court of Justice?

7. Have you any other suggestions or observations?

(6) ADVISORY OPINIONS

1. In your opinion should such an organ have the right to request

(a) the General Assembly to authorize it, in accordance with Article 96, paragraph 2 of the Charter, to obtain an advisory opinion from the International Court of Justice on legal questions

* The representative of Guatemala in making this proposal(E/CN.4/293) suggested that the system established in the resolutions of the General Assembly (A/833) regarding panels of inquiry and conciliation may be followed by that body.

(b) the Economic and Social Council to secure an advisory opinion from the International Court of Justice as provided for in the Charter and the Statute of the Court on any legal question?

2. Have you any other suggestions or observations?

II. AD HOC FACT-FINDING BODIES

A. Establishment and composition

1. In your opinion should the Secretary-General of the United Nations have the right to establish a panel of persons of high moral character to serve on ad hoc bodies?

2. Should each signatory State have the right to designate persons for the panel from among their nationals?

3. Should such persons serve in their personal capacity?

4. In your opinion should an ad hoc body of five members, selected from the panel, be set up for each complaint?

5. Should such an ad hoc body be composed of

(a) one member selected by the State referring the matter

(b) one member selected by the other States

(c) three members selected by agreement between the States?

6. In the event that any place on an ad hoc body has not been filled within three months, should the Secretary-General have the right to select a person from the panel to fill it?

7. Should any vacancy occurring on an ad hoc body be filled in the manner provided above?

8. Have you any other suggestions or observations?

B. Functions

1. In your opinion should the function of the ad hoc body be one of fact finding?

2. Should the ad hoc body also have power of conciliation?

3. Should the ad hoc body within six months of its first meeting report its findings to the

(a) States concerned

- (b) Secretary-General of the United Nations for publication?
4. Should the ad hoc body have the right to ask the Commission on Human Rights to request the International Court of Justice for an advisory opinion on legal questions?
5. Have you any other suggestions or observations?

Chapter 4. Questions relating to the establishment of local agencies of implementation

1. In your opinion should each signatory State set up in its territory a body to promote respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion?
2. In your opinion should local agencies of implementation be established in the signatory States with jurisdiction to supervise and enforce therein
- (a) the Covenant
- (b) any other convention on human rights?
3. Have you any other suggestions or observations?

PART IV

QUESTIONS CONCERNING JUDICIAL SETTLEMENT

General

1. In your opinion should signatory States have the right to refer a matter to the International Court of Justice notwithstanding any provisions which may be prescribed for implementation?
2. In the event that a court is empowered to be final guarantor of the Covenant, should this be
- (a) a new court (international court of human rights)
- (b) a special chamber of the International Court of Justice?
3. Have you any other suggestions or observations?

Chapter 5. Questions relating to an International Court
of Human Rights*

A. General

1. In your opinion should an international court of human rights be established?
2. Should all signatory States be ipso facto parties to the statute of the court?
3. Should an attorney-general of the United Nations be attached to the court?
4. Should there be an obligation on each signatory State to comply with the decision of the court?
5. In the event that any party fails to observe the decision of the court, should provision be made for recourse to the General Assembly by
 - (a) the other party
 - (b) the Commission on Human Rights?
6. In the event that such recourse to the General Assembly takes place, should the General Assembly have the right to make recommendations as to the measures to be taken to give effect to the judgement of the court?
7. Should the court make annual and other reports to the Economic and Social Council on its work?
8. Should the Commission on Human Rights have the right to request the court to give an advisory opinion on any question relating to human rights and fundamental freedoms?
9. Have you any other suggestions or observations?

B. Statute of the court

(1) GENERAL

1. In your opinion should the statute of the court be based on the Statute of the International Court of Justice?

* The Secretary-General draws the attention of the Commission in this connexion to his statement in paragraph 2 of the Introduction.

2. Have you any other suggestions or amendments?

(2) COMPETENCE

1. In your opinion should proceedings before the Court be initiated by:

(a) States

(b) individuals

(c) groups of individuals

(d) non-governmental organizations (whether with consultative status or otherwise)

(e) attorney-general of the United Nations?

2. Should the Court have the right to request and receive information relevant to cases before it from intergovernmental organizations?

3. Should the jurisdiction of the court comprise

(a) all disputes arising out of the interpretation and application:

(i) of the Covenant

(ii) of articles concerning human rights in any treaty or conventions between States,

(b) all matters concerning the observance of human rights referred to it by the Commission on Human Rights?

4. Should the court have the right to delegate some of its powers to the Commission on Human Rights?

5. Have you any other suggestions or observations?

(3) ADVISORY OPINIONS

1. In your opinion should the court have the right to give an advisory opinion on any question relating to human rights at the request of the Commission on Human Rights?

2. Have you any other suggestions or observations?

PART V

QUESTIONS CONCERNING GENERAL PROVISIONS

General

1. In your opinion should the signatory States have the right by common consent to employ procedure other than those that may be provided?
2. Notwithstanding any procedure which may be laid down, should there be a right in the case of a dispute between signatory States to submit the question to:
 - (a) another conciliation procedure
 - (b) arbitration
 - (c) judicial settlement?
3. Have you any other suggestions or observations?

Chapter 6. Questions relating to the right of the Secretary-General of the United Nations to request information from the Governments

1. In your opinion should the Secretary-General have the right to request information from signatory States in accordance with any procedure which may be laid down by
 - (a) permanent bodies
 - (b) ad hoc bodies?
2. Should the Secretary-General have the right under the authority of a resolution of the General Assembly of the United Nations to request the Government of a signatory State to supply an explanation as to the manner in which the law of that State gives effect to any of the provisions of the Covenant?
3. Have you any other suggestions or observations?

A. Questions relating to the Authority and powers of the United Nations under the Charter

1. In your opinion should there be a clause to the effect that whatever measures of implementation may be adopted, the powers of all the

organs of the United Nations under the Charter should remain intact?

2. Should the Economic and Social Council delegate to the Commission on Human Rights its right to make recommendations in respect of human rights as a joint authority with the Council, leaving the prerogatives of the Council intact?

3. Have you any other suggestions or observations?

B. Questions relating to the status of non-Member States under the instrument

1. In your opinion should the instrument be open for accession to every State

(a) which is a party to the Statute of the International Court of Justice

(b) which the General Assembly shall by resolution declare to be eligible?

2. Should allegations of violations against non-signatory States be dealt with in accordance with the procedure provided if the

(a) General Assembly so determines

(b) such a State consents thereto?

3. Have you any other suggestions or observations?

C. Questions relating to notifications by signatory States, either at the time of ratification or subsequently, whether it adhere to the whole instrument or to certain parts thereof, and in the latter case enumerating the parts to which adherence is made

1. In your opinion should there be provisions relating to such notifications?

2. If you are in favour of the inclusion of such provisions, have you any proposals to offer?

3. Have you any other suggestions or observations?

E/1371
E/CN.4/350
Page 99

- D. Questions relating to the status under the instrument of dependent, Non-Self-Governing and Trust Territories
1. In your opinion should the instrument extend to the non-self-governing and trust territories for the international relations of which a signatory State is responsible?
 2. Have you any other suggestions or observations?
-

ANNEX IV

DRAFT RESOLUTIONS FOR THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council.

Takes Note of the report of the fifth session of the Commission on Human Rights.

A

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

The Economic and Social Council

Considering the importance of securing to everyone the enjoyment of economic and social rights as set forth in Articles 22 - 27 of the Universal Declaration of Human Rights,

Considering that it is necessary to include provisions on this subject in the Covenant on Human Rights;

Recognizing the wide-spread activities of a number of functional bodies of the United Nations and the specialized agencies in these fields;

Requests the Secretary-General to prepare, before the next session of the Commission on Human Rights, a survey of the activities of other bodies of the United Nations and the specialized agencies in matters within the scope of Articles 22 - 27 of the Universal Declaration of Human Rights for the purpose of enabling the Commission to determine what action it should take in these fields, in particular for the inclusion of these subjects either in the Covenant on Human Rights or in later conventions.

B.

PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

I

The Economic and Social Council

Approves the decision of the Commission on Human Rights to add one additional member to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make it more representative from the point of view of geographic distribution. 1/

II 2/

The Economic and Social Council

Requests the Trusteeship Council to authorize the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to participate in visits to Trusteeship Territories arranged by the Trusteeship Council with a view to the preparation of measures to extend the full enjoyment of human rights and fundamental freedoms to the non-self-governing populations.

1/ The financial implications of this resolution are set forth in Annex V of this document.

2/ It is impossible for the Secretary-General to prepare an estimate of the financial implications of this draft resolution until a proposal has been made for the Sub-Commission to participate in a visit to a particular Trust Territory.

C.

THE RIGHT OF PETITION

The Economic and Social Council,

Considering the importance and urgency of the question of the right of individuals, groups and organizations to petition in the case of violations of human rights;

Considering that the procedure for handling such petitions has to be defined;

Considering that different members of the Commission believe that such procedure should be gradually developed; and

Considering that a further study on this question is desirable in its continued effort to establish a practical procedure for handling petitions,

Requests the Secretary-General:

(a) To prepare a study on this question, including the receivability and the preliminary examination of petitions, taking into consideration the comments of Governments on pertinent proposals put forward in the fifth session of the Commission; and

(b) to examine the communications concerning human rights received by the United Nations with a view to submitting to the Commission on Human Rights for consideration at its next session such communications as may be receivable under the conditions suggested in the study referred to in paragraph (a).

D

COMMUNICATIONS CONCERNING HUMAN RIGHTS

The Economic and Social Council

Decides to amend paragraphs (a), (b), and (e) of resolution 75(V), as amended by resolutions 116A(VI), and 192(VIII), to read as follows:

"The Economic and Social Council,

Requests the Secretary-General

- (a) To compile and distribute to members of the Commission on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication however addressed, which deals with the principles involved in the promotion of universal respect for and observance of human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;
- (b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged.
- (c) In the future, to furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in paragraph (b) above."

E.

YEARBOOK ON HUMAN RIGHTS 1/

The Economic and Social Council

Having further considered the inclusion of court decisions in the Yearbook on Human Rights

1/ The financial implications of this resolution are set forth in Annex V of this document.

Having noted the sample studies prepared by the Secretary-General,

Decides

1. that the Yearbook on Human Rights should be published as of 1949 also in Chinese, Russian and Spanish;
2. that, as soon as circumstances permit, a summary of the decisions or the decisions in extenso of the highest court in every country which are relevant to human rights be included in a special chapter of the Yearbook on Human Rights, if they are of international interest;
3. that, as an exception, a summary or full verbatim report of decisions by other courts should be included in the Yearbook if it is of distinct value that other countries should know of such decisions;
4. that the United Nations Secretariat collect and include in the Yearbook all the texts of laws on human rights in respect of non-self-governing and trust territories.

F

PROVISIONAL QUESTIONNAIRE OF THE TRUSTEESHIP COUNCIL

The Economic and Social Council

Requests the Trusteeship Council:

1. To take into consideration the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, in the revision of its Provisional Questionnaire, particularly in the light of the additional questions suggested by the Commission on Human Rights and contained in documents E/CN.4/174 and E/CN.4/329 insofar as they are not already covered by the Provisional Questionnaire; and
2. To urge the Administering Authorities to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in said

Declaration, among the peoples of the Trust Territories under their administration.

G

PLACE OF THE SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS

The Economic and Social Council

Decides that the regular session of the Commission on Human Rights for 1950 be held in GENEVA. I/

I/ The financial implications of this resolution are set forth in Annex V of this document.

ANNEX V

FINANCIAL IMPLICATIONS OF DRAFT RESOLUTION B

Election of one additional member of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, as proposed by the Committee in its first report, would involve the following added costs for each session of the Sub-Commission:

(a) Travel of the new member from the capital of his country to the place of meeting and return (average)	\$ 900.00 ^{I/}
(b) Per diem (\$ 20 per day as an expert serving in his capacity as an individual, for maximum of 31 days)	620.00
	<hr/>
Total (approximately)	\$ 1,520.00

^{I/} As the additional member elected is the Polish Ambassador to the United States, the travel involved if the Sub-Commission meets at Lake Success is only Washington to New York.

FINANCIAL IMPLICATIONS OF DRAFT RESOLUTION E

Paragraph 1 (Publication of the Yearbook on Human Rights in
Chinese, Russian and Spanish)

1. Cost of translations

The Secretary-General's estimates of the direct extra costs per year of translating the Yearbook on Human Rights into Chinese, Russian and Spanish are as follows:

Chinese	\$ 20,000
Russian	20,000
Spanish	<u>20,000</u>
	\$ 60,000

(The above calculations of the cost of producing the translated texts are based upon the amount of translation involved (using the Yearbook for 1947 as a basis) and the standard outputs which are officially laid down for translation and auxiliary staff. They include translation, revision, typing and presentation of the text for printing; but do not include overhead.)

2. Cost of printing

The Secretary-General's estimates of the direct extra cost per year of printing the Yearbook on Human Rights in Chinese, Russian and Spanish are as follows:

Chinese edition, 1000 copies	\$ 22,000
Russian edition, 1000 copies	15,000
Spanish edition, 2100 copies	<u>12,000</u>
	\$ 49,000

(The exact number of copies desirable in such editions may require further consideration. The figures given here are based on the assumption that the Spanish edition, for circulation in a number of countries using that language, will require the same number of copies as are at present printed in French, i.e., 2,100. For the Russian:

and Chinese editions, a round figure, 1,000 copies per edition, has been used. The cost of printing depends to some extent upon the number of copies printed; no edition of this type of book of less than 15,000 copies can be produced except at a relatively high price per copy.)

3. Recapitulation

(a) Cost of translating and publishing a Chinese edition of the Yearbook (1,000 copies)	\$ 42,000
(b) Cost of translating and publishing a Russian edition of the Yearbook (1,000 copies)	35,000
(c) Cost of translating and publishing a Spanish edition of the Yearbook (2,100 copies)	<u>32,000</u>

Total cost of translating and publishing the Yearbook in Chinese, Russian and Spanish editions \$109,000 ^{1/}

Paragraphs 2 and 3 (Inclusion of judicial decisions in the Yearbook on Human Rights)

The Secretary-General feels that it may be possible for this new project to be absorbed by his present staff. He cannot make a decision

^{1/} The representative of Guatemala requested the inclusion of the following statement

In connexion with the financial estimate of Resolution D for the publication of the Yearbook on Human Rights in Spanish, the following observations were made by some members of the Commission:

- (a) The estimate of \$20,000 for the translation of a book of less than 600 pages, like the Yearbook on Human Rights, that is, approximately \$33 per page, is regarded as excessive, and it would therefore seem that due consideration was not given to all the factors.
- (b) Approximately one-third of the Members of the United Nations supply their information in Spanish, and it is therefore unnecessary to translate this information for publication. This makes the cost of \$33 for the translation of each page, as estimated by the Secretariat, appear still higher, a fact which does not seem to have been taken into consideration by the Secretariat.
- (c) As in the case of other United Nations publications, the cost could be reduced if the publication were made in one of the Spanish-speaking countries:

on this matter until the exact nature of the present request can be studied more carefully, and until he has analyzed in greater detail the staff requirements of many other projects in the field of human rights which he has been asked to undertake.

If it is found that the new task cannot be absorbed by the existing staff, it will be necessary to add one senior official (grade 16) and one secretary to the Division of Human Rights. The cost of this additional substantive staff would be \$12,000.

Paragraph 4 (Inclusion of texts of laws on human rights in respect of non-self-governing and trust territories.)

No financial implications involved.

FINANCIAL IMPLICATIONS OF DRAFT RESOLUTION G

1. Cost of session at Headquarters

The Secretary-General's estimate of the direct extra costs of holding the sixth session of the Commission on Human Rights at Headquarters are as follows:

Travel of delegates	§ 12,845 ^{1/}
Local transportation	<u>1,600</u>
Total	§ 14,445

2. Cost of session at Geneva

The Secretary-General's estimates of the direct extra costs of holding the sixth session of the Commission on Human Rights at Geneva are as follows:

Travel of delegates	§ 13,500 ^{2/}
Travel of secretariat	7,200 ^{3/}
Per diem of secretariat	5,375 ^{3/}
Temporary assistance	700 ^{4/}
Miscellaneous	<u>300</u>
Total	§ 27,075

1/ This figure does not include the cost of travel of three representatives who are assumed to be members of the permanent New York delegations.

2/ This figure is based on the cost of the return trip between the capital of each member country and Geneva

3/ This figure is based on a secretariat of nine members from Headquarters consisting of the following:

- (a) Substantive personnel - 5 members
This is based on the assumption that a documents officer and three secretaries will be supplied by the Geneva office.
- (b) Technical personnel - 4 interpreters
This is based on the assumption that simultaneous interpretation will be used for the plenary sessions. The use of consecutive interpretation would result in a saving of \$5,275. The Commission expressed the desire that simultaneous interpretation should be provided.

4/ This figure covers the cost of a locally recruited Russian translator and a Russian typist. It is based on the assumption that:

- (a) a maximum of six pages of documents will be required daily in Russian;
- (b) no documents will be required in Spanish

(N.B. The representative of Guatemala said there was no reason why the Secretariat should regard expenditure in connexion with the publication of documents in Spanish as inadmissible, and he reserved the right to request, in accordance with the Rules of Procedure, the publication of documents in Spanish whenever he thought fit.)

3. Recapitulation

Additional cost of holding session at Geneva:

- (a) with simultaneous interpretation into English, French,
Russian and Spanish\$126,630
- (b) with consecutive interpretation into English and
French 8,355

At the one hundred and thirty-fourth meeting of the Commission, the representative of China objected that Chinese was not included among the languages for which simultaneous interpretation would be provided.

The Secretary-General has accordingly revised the above financial estimates.

The table below gives the cost of holding the Sixth Session of the Commission on Human Rights in Geneva, with different types of interpretation:

LANGUAGES	SIMULTANEOUS FROM AND INTO THE LANGUAGES MENTIONED IN LEFT HAND COLUMN	CONSECUTIVE FROM LANGUAGES MENTIONED IN LEFT HAND COLUMN INTO ENGLISH AND FRENCH ONLY
EFRSC	31,350	25,650
EFRS	27,075	22,800
EFR or EFS	24,225	21,375

The representatives of a number of delegations made critical observations with regard to the figures for additional costs quoted in the Secretary-General's estimates. In particular, the representative of the Ukrainian SSR pointed out that there would be a great saving on the travelling expenses of representatives from the Countries of Europe and the Near East. It was also pointed out that it was wrong to charge all the extra costs to the Commission on

Human Rights alone since, for example, interpreters and members of the Secretariat staff would not go to Geneva for the sole purpose of servicing the Commission on Human rights, while simultaneous interpretation into Chinese, the publication of documents in Spanish, and so forth, would also entail additional expenditure if the Commission met at the United Nations Headquarters.