



**UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS
THIRTEENTH SESSION**

SUPPLEMENT No. 9

COMMISSION ON HUMAN RIGHTS

Report to the Economic and Social Council on the seventh session of the Commission, held at the Palais des Nations, Geneva, from 16 April to 19 May 1951

I. ORGANIZATION OF THE SESSION

1. The seventh session of the Commission on Human Rights opened on Monday, 16 April 1951, at the Palais des Nations, Geneva. The Commission held fifty plenary meetings and terminated its work on 19 May 1951.

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

Mr. H. F. E. Whitlam (Australia), member.
Mr. Hernán Santa Cruz (Chile), member.
Mr. T. C. Yu (China), alternate.
Mr. Max Sørensen (Denmark), member.
Mahmoud Azmi Bey (Egypt), member.
Mr. René Cassin (France), member.
Mr. C. Eustathiades (Greece), alternate.
Mr. Albert Dupont-Willemin (Guatemala), alternate.
Mrs. Hansa Mehta (India), member.
Mr. Charles Malik (Lebanon), member.
Mr. A. Waheed (Pakistan), member.¹
Mrs. Agda Rössel (Sweden), member.
Mr. V. P. Kovalenko (Ukrainian Soviet Socialist Republic), member.
Mr. P. D. Morosov (Union of Soviet Socialist Republics), member.¹
Miss J. M. Bowie (United Kingdom), member.
Mrs. F. D. Roosevelt (United States of America), member.
Mr. Aldo Ciasullo (Uruguay), alternate.
Mr. B. Jevremovic (Yugoslavia), member.

3. At the 202nd meeting, the representative of the Union of Soviet Socialist Republics, speaking on a point of order, submitted the following draft resolution : "The Commission on Human Rights resolves to exclude the representative of the Kuomintang Group from membership of the Commission on Human Rights, and to invite the representative of the Central People's Government of the People's Republic of China to take part in the Commis-

¹ Nomination as representative was received too late for confirmation by the Economic and Social Council at its twelfth session. In accordance with rule 12 of the rules of procedure of the functional commissions of the Economic and Social Council, the representative participated in the work of the Commission with the same rights as the other members of the Commission.

ion's work." (E/CN.4/536). The Chairman (Mrs. F. D. Roosevelt) ruled the draft resolution out of order on the grounds that the Commission was not the appropriate body for considering the question of the representation of China in the United Nations or in any of its organs. The ruling of the Chairman, which was challenged, was upheld by 8 votes to 3, with 3 abstentions.

4. The following were designated as alternates for the whole session : Mr. T. C. Yu (China) in place of Mr. P. C. Chang; Mr. C. Eustathiades (Greece) in place of Mr. Alexis Kyrrou; Mr. Albert Dupont-Willemin (Guatemala) in place of Mr. García-Bauer; Mr. Aldo Ciasullo (Uruguay) in place of Mr. José E. Mora.

5. The following were designated as alternates for various parts of the session of the Commission : Mr. Carlos Valenzuela (Chile), Mr. A. H. Abdel-Ghani (Egypt), Mr. M. Leroy-Beaulieu (France), Sir Dhiren Mitra (India), Mr. R. Hichens Bergström (Sweden), Mr. Edmund Howard (United Kingdom), Mr. J. Simsarian (United States of America).

6. The following substituted for the members or alternates, without vote, in various parts of the session : Mr. Fernando Donoso (Chile), Mr. Albert Nassif (Lebanon), Mr. A. A. Fomin (Union of Soviet Socialist Republics), and Mr. J. D. Robertson (United Kingdom).

7. The Commission at its 202nd meeting unanimously elected :

Mr. Charles Malik (Lebanon), *Chairman*
Mr. René Cassin (France), *First Vice-Chairman*
Mrs. Hansa Mehta (India), *Second Vice-Chairman*
Mr. H. F. E. Whitlam (Australia), *Rapporteur*.

8. The following representatives of specialized agencies were present and participated at various meetings of the session :

International Labour Organisation

Sir Guildhaume Myrddin-Evans, Mr. L. Jouhaux, Mr. G. Bergenström, Mr. David A. Morse, Mr. C. W. Jenks, Mr. F. Pickford, Mr. J. de Givry, Mr. H. R. W. Cox, Mr. R. E. Manning.

United Nations Educational, Scientific and Cultural Organization

Mr. Jaime Torres Bodet, Mr. G. Thomas, Mr. L. Elvin, Mr. Hanna Saba, Mr. Jacques Havet, Mr. N. Bammate.

World Health Organization

Dr. Brock Chisholm, Dr. P. Dorolle, Mr. P. Bertrand, Mr. M. G. Candau, Miss B. Howell.

9. The Office of the High Commissioner for Refugees was represented by Mr. J. G. Alexander, Mr. G. G. Kullman, Mr. P. Weis, Miss A. Cohn, Mrs. S. J. Sims and Mrs. A. Monson.

10. The following authorized representatives from non-governmental organizations in consultative status were present as observers :

CATEGORY A

International Confederation of Free Trade Unions

Miss Toni Sender, Mr. Herman Patteet

International Federation of Christian Trade Unions

Mr. G. Eggermann

Inter-Parliamentary Union

Mr. Léopold Boissier, Mr. A. Robinet de Cléry

World Federation of Trade Unions

Mr. Charles Vonwiller, Mr. G. Fischer

World Federation of United Nations Associations

Mr. John A. F. Ennals, Mr. R. Baldwin, Miss J. G. Wilson

CATEGORY B

Agudas Israel World Organization

Chief Rabbi Alexander Safran

All Pakistan Women's Association (Pakistan)

Mrs. Saida Waheed

Caritas Internationalis

M. l'Abbé J. P. Haas, Mr. J. L. Metternich, Mr. Michael S. Peterkin

Carnegie Endowment for International Peace (USA)

Mrs. Eunice Carter

Catholic International Union for Social Service

Miss J. de Romer, Mrs. M. A. Schrader-Rivollet

Commission of the Churches on International Affairs

Mr. O. Frederick Nolde

Consultative Council of Jewish Organizations

Mr. Norman Bentwich, Mr. Moses Moskowitx

Co-ordinating Board of Jewish Organizations

Mr. Bernard Bernstein, Mr. D. E. Mowshowitch, Mr. G. Warburg

Friends World Committee for Consultation

Mr. Colin W. Bell

International Alliance of Women

Miss Marie Ginsberg

International Committee of the Red Cross

Mr. Claude Pilloud

International Council of Women

Mrs. Eunice Carter, Mrs. L. Dreyfus-Barney, Miss L. C. A. van Eeghen, Miss Renée Girod, Mrs. W. B. Parsons

International Federation of Business and Professional Women

Miss Ruth Tomlinson

International Federation of University Women

Miss R. J. Dubois, Mrs. Marie Fichter, Miss Janet Robb, Mrs. A. Wible

International Association of Penal Law and International Bureau for the Unification of Penal Law

Mr. Max Habicht, Mr. H. Posner, Mrs. H. Romniciano

International League for the Rights of Man

Mr. Roger Baldwin, Mr. A. de Maday, Mr. L. A. Grant

International Union for Child Welfare

Mrs. J. M. Small, Mr. Georges Thelin

International Union of Catholic Women's Leagues

Miss M. I. Archinard, Miss J. de Romer

Liaison Committee of Women's International Organizations

Miss Janet Robb

Pax Romana — International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students

Mr. J. P. Buensod, Mr. M. K. Habicht, Mr. R. Sugranyes de Franch

Women's International League for Peace and Freedom

Miss Gertrude Baer

World Jewish Congress

Mr. F. R. Bienenfeld, Mr. G. Liban, Mr. G. M. Riegner

World's Young Women's Christian Association

Mrs. Alice Arnold, Miss Helen Roberts, Miss Margaret Sullivan

World Union for Progressive Judaism

Mr. E. Messinger, Mr. B. Woyda

Written statements, submitted in accordance with paragraphs 28 and 29 of resolution 288 B (X) of the Economic and Social Council by non-governmental organizations in consultative status will be found in annex X of the report.

In accordance with rule 75 of the rules of procedure of functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings of the session to the following non-governmental organizations: *in category A consultative status*: International Confederation of Free Trade Unions (Miss Toni Sender and Mr. H. Patteet), International Federation of Christian Trade Unions (Mr. G. Eggermann), World Federation of Trade Unions (Mr. G. Fischer), World Federation of United Nations Associations (Mr. A. F. Ennals); *in category B consultative status*: Agudas Israel World Organization (Chief Rabbi Safran), Catholic International Union for Social Service and International Union of Catholic Women's Leagues (Miss J. de Romer), Commission of the Churches on International Affairs (Mr. O. F. Nolde), Consultative Council of Jewish Organizations (Mr. N. Bentwich and Mr. M. Moskowitz), Co-ordinating Board of Jewish Organizations (Mr. B. Bernstein and Mr. G. Warburg), International Association of Penal Law (Mr. Max Habicht), International Council of Women (Mrs. E. Carter), International Federation of Business and Professional Women (Miss R. Tomlinson), International Federation of University Women (Miss J. Robb), International League for the Rights of Man (Mr. Roger Baldwin), Pax Romana — International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students (Mr. M. K. Habicht), World Jewish Congress (Mr. F. R. Bienenfeld), World Union for Progressive Judaism (Mr. B. Woyda).

11. Mr. John P. Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Assistant Director of the Division of Human Rights, represented the Secretary-General. Mr. Kamleshwar Das and Miss Margaret Kitchen acted as Secretaries of the Commission.

12. The expression of the views of the members of the Commission is contained in the summary records of the plenary meetings (E/CN.4/SR.202 to E/CN.4/SR.251).

13. During the course of the session, the Commission established a Working Group on economic, social and cultural rights. The Working Group, in accordance with the resolution of the Commission of 19 April 1951, consisted of the members of the Commission and repre-

sentatives of the specialized agencies. Observers from Member States not represented on the Commission, representatives of the Office of the High Commissioner for Refugees and representatives of non-governmental organizations in consultative status were also invited to attend. The representatives of the specialized agencies were as follows:

International Labour Organisation

Sir Guildhaume Myrddin-Evans, Mr. L. Jouhaux, Mr. G. Bergenström, *representatives of the Governing Body of the International Labour Organisation*

Mr. David A. Morse, *Director-General of the International Labour Office*

Mr. C. W. Jenks, *Assistant Director-General of the International Labour Office*

United Nations Educational, Scientific and Cultural Organization

Mr. J. Torres-Bodet, *Director-General of UNESCO*, Mr. Thomas, *Director, Department of Cultural Affairs*, Mr. L. Elvin, *Director, Department of Education*, Mr. H. Saba, *Legal Adviser, Secretariat of UNESCO*

World Health Organization

Dr. B. Chisholm, *Director-General of World Health Organization*

Mr. P. Bertrand, *Secretariat of World Health Organization*

Details concerning the work of the Working Group will be found in chapter III (paragraphs 32-36), below and the expression of the views of the members of the Working Group is contained in the summary records of the three meetings of the Group (E/CN.4/AC.14/SR.1 to E/CN.4/AC.14/SR.3).

14. Another Working Group, consisting of the representatives of Australia, Chile, Denmark, France, Lebanon, Pakistan, Sweden and United States of America was established on 14 May 1951 to elaborate a common draft on the measures of implementation relating to economic, social and cultural rights. Details of the work of the Working Group will be found in chapter III (paragraphs 57 and 58 below), and the expression of the views of the members of the Working Group is contained in the summary records of its three meetings (E/CN.4/AC.15/SR.1 to E/CN.4/AC.15/SR.3).

15. Resolutions I to V, adopted by the Commission during its session, appear under the subject-matters to which they relate. A draft resolution for consideration by the Economic and Social Council is set out in annex VIII of this report.

II. AGENDA

16. The Commission, at the 202nd meeting, unanimously adopted the provisional agenda (E/CN.4/510/Rev.1). It decided by 9 votes to 4 to proceed immediately with item 3 (b), and by 9 votes to 6 to take up item 3 (c) afterwards. The Commission also agreed without objection to proceed thereafter with the consideration of items 3 (a), 3 (d) and 3 (e).

17. The agenda for the seventh session was as follows :

- (1) Election of officers.
- (2) Adoption of the agenda.
- (3) Draft International Covenant on Human Rights and Measures of Implementation (General Assembly resolutions 421 (V) and 422 (V); Economic and Social Council resolutions 303 I (XI) and 349 (XII)) :
 - (a) Revision of the substantive provisions of the Draft Covenant (General Assembly resolution 421 (V), section B, concerning the general adequacy of the first eighteen articles);
 - (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights (General Assembly resolution 421 (V), section E, on the desirability of including articles on economic, social and cultural rights; Economic and Social Council resolution 349 (XII), paragraphs 3 and 4);
 - (c) Consideration of provisions for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; studies of questions relating to petitions and implementation (General Assembly resolution 421 (V), section F, concerning the adequacy of the articles relating to implementation);
 - (d) Study of a federal State article (General Assembly resolution 421 (V), section C, relating to the desirability of including a special article on the application of the Covenant to federal States);
 - (e) The territorial application of the Covenant (General Assembly resolution 422 (V)).
- (4) The right of peoples and nations to self-determination (General Assembly resolution 421 D (V) and Economic and Social Council resolution 349 (XII)).
- (5) Development of the work of the United Nations for wider observance of and respect for human rights and fundamental freedoms throughout the world (General Assembly resolution 494 (V), A/1304, Point 8 and Economic and Social Council resolution 358 (XII)).
- (6) Annual reports on human rights (Economic and Social Council resolution 303 E (XI), E/1681, paragraph 47).
- (7) Draft Declaration on the Rights of the Child (Economic and Social Council resolution 309 C (XI)).
- (8) Old age rights (Item deferred to the seventh session of the Commission from the agenda of its sixth session, E/1681, paragraph 80; General Assembly resolution 213 (III); Economic and Social Council resolutions 198 (VIII) and 309 D (XI), E/1371, paragraph 34).
- (9) Right of asylum (Item deferred to the seventh session of the Commission from the agenda of its sixth session, E/1681, paragraph 80, and see E/600, paragraph 48; E/1371, paragraph 33).
- (10) Resolution 154 D (VII) and decision of 2 August 1949 of the Economic and Social Council dealing with the freedom to choose a spouse, etc. (Item deferred to the seventh session of the Commission from the agenda of its sixth session, E/1681, paragraph 80).
- (11) Local human rights committees (Item deferred to the seventh session of the Commission from the agenda of its sixth session, E/1681, paragraph 80 and Economic and Social Council resolution 9/2 of 21 June 1946; E/600, paragraph 49; E/800, paragraph 22; E/1371, paragraph 30).
- (12) International Court of Human Rights (E/1681, paragraphs 46 and 81)
- (13) Continuing validity of minorities treaties and declarations (Economic and Social Council resolution 116 C (VI); E/1681, paragraph 76; E/1371, paragraph 28).
- (14) Yearbook on Human Rights (Economic and Social Council resolution 303 H (XI)).
- (15) Communications
 - (a) Lists of communications and replies from Member States (Economic and Social Council resolutions 75 (V) as amended by 275 B (X) and 192 A (VIII));
 - (b) Procedure for handling of communications relating to human rights (E/1681, paragraph 56, E/CN.4/165, E/CN.4/165/Corr.1 and E/CN.4/361).
- (16) Report of the seventh session of the Commission on Human Rights to the Economic and Social Council.

III. DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

18. In its consideration of item 3 of the agenda, draft International Covenant on Human Rights and Measures of Implementation, the Commission had before it the following general documents :

(a) Resolutions 421 (V) and 422 (V) of the General Assembly and resolution 349 (XII) of the Economic and Social Council (E/CN.4/525)

(b) Analysis of the policy decisions taken by the General Assembly and the Economic and Social Council (E/CN.4/513)

(c) Texts of proposals referred to the Commission on Human Rights under sections B and F of resolution 421 (V) of the General Assembly and resolution 349 (XII) of the Economic and Social Council (E/CN.4/527)

(d) Text of the draft International Covenant on Human Rights and Measures of Implementation prepared at the sixth session of the Commission on Human Rights (E/1681, annex I)

(e) Texts of proposals for additional articles submitted to the sixth session of the Commission on Human Rights (E/1681, annex III and E/CN.4/353/Add.3, pages 9-10)

(f) Subject analysis of the discussions on the draft International Covenant on Human Rights at the eleventh session of the Economic and Social Council and the fifth session of the General Assembly (A/C.3/535 and E/CN.4/514)

(g) Memoranda by the Secretary-General on the draft International Covenant on Human Rights, concerning the Economic and Social Council resolution 303 I (XI) and containing comments and observations (E/L.68 and A/C.3/534)

(h) Decisions of the Committee on the draft Convention on Freedom of Information of interest for the work relating to the draft International Covenant on Human Rights (E/CN.4/532)

(i) Compilation of the observations of Governments of Member States (E/CN.4/552)

(j) Text of the Rome Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, and memoranda thereon (E/CN.4/554 and E/CN.4/524).

19. In accordance with the request of the Economic and Social Council in its resolution 303 I (XI) and the General Assembly in its resolution 421 H (V), the Secretary-General invited Member Governments to submit observations on the decisions of the General Assembly, the Economic and Social Council and the draft International Covenant on Human Rights and Measures of Implementation as prepared at the sixth session of the Commission on Human Rights. The Commission had before it replies from the following Governments : Australia, Burma, Canada, Chile, Czechoslovakia, Denmark, Egypt, France, India, Israel, Luxembourg, New Zealand,

Philippines, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and United States of America (E/CN.4/515 and addenda 1 to 17 and E/CN.4/515/Add.2/Corr.1 in English only, E/CN.4/515/Add.6/Corr.1, E/CN.4/515/Add.15/Corr.1).

20. The Commission considered item 3 of its agenda in the light of the instructions it had received from the General Assembly and the Economic and Social Council (see annex IX), and in accordance with its decision, taken at the 202nd meeting, to consider the various parts of item 3 in the following order : (b) economic, social and cultural rights; (c) measures of implementation and petitions; (a) revision of substantive provisions of the draft Covenant; (d) federal State article; and (e) territorial application of the Covenant. The Commission did not, however, finish its consideration of item 3 (c) and did not take up items 3 (a) or 3 (d). The action taken by the Commission in respect of items 3 (b), (c) and (e) is outlined in paragraphs 29-92 below.

21. At its 250th meeting the Commission considered draft resolutions concerning its work on the draft Covenant submitted by the representatives of the United Kingdom (E/CN.4/638) and of Chile (E/CN.4/639). The representative of the United Kingdom withdrew her proposal in favour of the Chilean draft resolution, to the last paragraph of which, however, she submitted an amendment by which the Economic and Social Council was asked to transmit the draft articles to governments and specialized agencies for their observations. After verbal amendments had been proposed by the representative of Egypt, the representatives of Chile, Egypt and the United Kingdom accepted the following wording : "Requests the Secretary-General to transmit the draft Covenant on Human Rights to governments and specialized agencies with a view to their making their observations thereon for the thirteenth session of the Economic and Social Council (30 July 1951)". After an objection had been raised by the representative of Yugoslavia that the second paragraph of the draft resolution of the representative of Chile prejudged the issue whether or not there were to be special measures of implementation concerning economic, social and cultural rights, it was agreed to amalgamate the second and third paragraphs to read : "Having drafted texts of articles on economic, social and cultural rights and having drafted and revised articles on implementation". The resolution was then voted paragraph by paragraph as follows: Paragraph 1 was unanimously adopted. Paragraphs 2 and 3 as combined and amended were adopted by 15 votes to none with 2 abstentions. Paragraph 4, to which had been added the words "to complete its agenda and", and paragraph 5 were adopted unanimously. In the new last paragraph which was proposed a separate vote was taken on the phrase "and the specialized agencies" which was adopted by 15 votes to 2 with 1 abstention. The paragraph as a

whole was adopted by 14 votes to none with 3 abstentions. The resolution as a whole was adopted as amended by 15 votes to none, with 2 abstentions, as follows :

"I. *Draft International Covenant on Human Rights*

"*The Commission on Human Rights,*

"*Having reconsidered* the draft International Covenant on Human Rights in the light of the decisions of the General Assembly [resolution 421 (V)] and of the Economic and Social Council [resolution 349 (XII)]

"*Having drafted* texts of articles on economic, social and cultural rights and having drafted and revised articles on implementation,

"*Considering* that, due to lack of time, it has been impossible to complete its agenda and to comply with the other instructions which the Commission has received from the Economic and Social Council.

"*Submits* to the Economic and Social Council for its consideration the draft Covenant on Human Rights as revised at the seventh session of the Commission, and

"*Requests* the Secretary-General to transmit the draft Covenant on Human Rights to governments and to specialized agencies, with a view to their making their observations thereon for the thirteenth session of the Economic and Social Council (30 July 1951)."

22. Annex I of the present report contains the text of the draft International Covenant on Human Rights. The preamble, parts I and II (articles 1-18) are the same as the text prepared at the sixth session of the Commission. Part III contains the articles on economic, social and cultural rights drafted at the seventh session. Part IV (articles 33-59) contains the articles relating to measures of implementation, revised at the seventh session. (These articles formed part III (articles 19-41) of the draft Covenant drawn up at the sixth session.) Part V (articles 60-69) contains the measures of implementation relating to economic, social and cultural rights drawn up at the seventh session. The Commission, however, did not decide whether the measures of implementation in parts IV and V related only to certain parts of the Covenant or to the whole Covenant (E/CN.4/SR.251.) Part VI (articles 70-73) contains general provisions relating, *inter alia*, to ratifications, the coming into effect of the Covenant, a federal State article, an article on the territorial application of the Covenant and an article on the procedure for amendments to the Covenant.

23. At its 251st meeting the Commission decided to allow members of the Commission, as in previous sessions, to submit any written comments on the draft Covenant which they might wish to have included in the report. These comments will be found in annex II of the report.

24. Annex III, section A, contains the text of amendments submitted at the seventh session of the Commission to parts I and II (articles 1-18) of the draft Covenant by the representatives of India (E/CN.4/563/Rev.1), of Yugoslavia (E/CN.4/573), of Egypt (E/CN.4/626) and of the United Kingdom (E/CN.4/628). Section B of this annex contains comments on parts I and II of the draft Covenant which members of the Commission sub-

mitted at the end of the sixth session, and which were included in the report of the sixth session (E/1681, annex II).

25. Annex IV contains the text of proposals for additional articles submitted by the representative of Yugoslavia at the seventh session of the Commission (E/CN.4/573), proposals for additional articles, other than those relating to economic, social and cultural rights, which were before the sixth session of the Commission, and proposals forwarded to the Commission by the General Assembly under section B of its resolution 421 (V) and the Economic and Social Council by its resolution 349 (XII).

26. Annex V contains the text of a proposal submitted by the representative of the United States on a protocol on petitions from individuals and non-governmental organizations (E/CN.4/557) and amendments thereto submitted by the representatives of Denmark (E/CN.4/559/Rev.1), Egypt (E/CN.4/564), Uruguay (E/CN.4/606/Rev.1) and France (E/CN.4/632).

27. Annex VI relates to part VI of the draft Covenant and contains two sections :

Section A contains the proposals, amendments and comments on the federal State article (article 71) which were before the Commission at its sixth session and are reproduced from the report of that session (E/1681, annex I, article 43). It also includes a proposal relating to this article submitted by the representative of Denmark at the seventh session (E/CN.4/636).

Section B contains the text of amendments to articles 70 and 73 submitted by the representative of India at the seventh session (E/CN.4/563/Rev.1) and comments on these articles presented by the members of the Commission at its sixth session (E/1681, annex II).

28. Annex VII incorporates, in accordance with the decision of the Commission at its 251st meeting, the text of the proposal of the representative of Uruguay (E/CN.4/549 and E/CN.4/549/Corr.1) submitted to the seventh session of the Commission relating to the establishment of the Office of the United Nations High Commissioner (Attorney-General) for Human Rights.

A. ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(PARTS III AND V OF THE PRESENT DRAFT COVENANT)

29. Besides the general documents mentioned in paragraphs 18 and 19 above, the Commission had before it the following :

(a) Memorandum by the Secretary-General on economic, social and cultural rights (E/CN.4/529)

(b) Co-operation between the Commission on Human Rights and the specialized agencies and other organs of the United Nations (E/CN.4/534 and Addenda 1 to 3)

(c) Survey prepared by the Secretary-General of the activities of bodies of the United Nations other than the Commission on Human Rights, and of the specialized agencies, in matters within the scope of articles 22-27 of the Universal Declaration of Human Rights (E/CN.4/364, Corrigena 1 to 3, and Addenda 1 to 3)

(d) Report submitted by the Director-General of UNESCO on regulations concerning economic, social and cultural rights in the International Covenant on Human Rights (E/1752 and Corr.1)

(e) Draft articles on educational and cultural rights submitted by the Director-General of UNESCO (E/CN.4/541/Rev.1).

(f) Suggestions submitted by the Director-General of the World Health Organization (E/CN.4/544 and Addendum 1)

(g) Observations on economic, social and cultural rights submitted by the High Commissioner for Refugees (E/CN.4/562)

(h) Tentative suggestion from the International Labour Organisation representatives regarding implementation (E/CN.4/AC.14/1)

(i) Existing procedures for periodic reporting to specialized agencies (E/CN.4/590)

GENERAL DISCUSSION

30. The Commission held a general discussion on the question of including provisions concerning economic, social and cultural rights from the 203rd to 208th meetings. The following main points were raised and discussed :

Whether the instructions of the General Assembly were binding on the Commission;

Whether provisions on economic, social and cultural rights should be embodied in a separate instrument, in separate protocols or in a separate part of the draft Covenant; the difficulty of defining such rights in precise legal terms;

Whether all the rights proclaimed in articles 23-27 of the Universal Declaration should be included; the need to avoid merely repeating the provisions of the Universal Declaration without imposing new legal obligations;

The distinctions between civil liberties and economic and social rights on the one hand and their close relationship on the other;

The advisability of including a broad general provision, modelled on article 22 of the Universal Declaration, to promote conditions of economic, social and cultural progress and development, to be supplemented by special undertakings;

The special measures of implementation which may be required as far as economic, social and cultural rights are concerned and the question whether the articles on implementation contained in the present draft Covenant were appropriate with regard to those rights;

The desirability that the inclusion of provisions on economic, social and cultural rights should accord with the obligations undertaken under the Charter of the United Nations, the constitutions of the specialized agencies, and the agreements between the United Nations and the specialized agencies, delimiting their respective responsibilities;

The need to avoid overlapping and duplication of the work of the specialized agencies and for close co-opera-

tion with and between them in both the formulation and the implementation of those rights;

The part to be played by the State both in the national and international sphere;

The nature of the rights to be defined and the necessity to have regard to the resources of the State;

The need to avoid dividing Members of the United Nations into two groups — those who could, and those who, owing to insufficient economic and social development, could not, ensure certain economic and social rights;

The necessity of aiming at obtaining the maximum number of adherences to the Covenant;

The desirability of finding a common denominator between economically advanced countries and less-developed countries providing for the attainment of better conditions by stages;

The question of the obligations of States to implement effectively the economic, social and cultural rights enunciated in the Covenant;

The question of concrete ways and means of implementing the rights to work, to social security, to education and other rights proclaimed in the Declaration and the Covenant; and

The principle that the implementation of the provisions of the Covenant in respect of their own citizens was an obligation laid on the governments of the signatory States, in which connexion there was a discussion as to whether each of the articles relating to economic, social and cultural rights had to mention the definite measures to be adopted for the implementation of these rights.

31. During the discussion, the Chairman, referring to the points raised by the representatives of India and the United Kingdom as to whether the Commission had to adhere strictly to the instructions given by the General Assembly in its resolution 421 (V) and the Economic and Social Council in its resolution 349 (XII), stated (E/CN.4/SR.204) that the duties of the Commission were determined by Article 68 of the Charter, by its terms of reference, and by its rules of procedure. From those it appeared that the Commission was responsible directly to the Economic and Social Council and that it should carry out the instructions of the Council to "prepare and submit to the Council at its thirteenth session a revised draft Covenant on the lines indicated by the General Assembly". The Commission's constitutional position, however, in no way precluded it from asking the Council to reconsider any of its instructions or from making a suggestion as regards the particular subject. Such action, however, would have to be taken apart from the performance of the Commission's duty of including in the draft Covenant provisions on economic, social and cultural rights under the terms of the General Assembly resolution.

WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

32. At the 207th meeting, the representative of France presented a draft resolution (E/CN.4/545/Rev.1) under the terms of which the Commission would transform itself into a working party to study, in private session, the

various proposals concerning economic, social and cultural rights in co-operation with the representatives of the specialized agencies concerned, in particular, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization, and, pending the meeting of the working party, to begin discussion of the next item on the agenda. The representative of Chile presented an amendment (E/CN.4/546 and E/CN.4/SR.208) to the draft resolution of France inviting the non-governmental organizations concerned, especially the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions to attend the meetings of the working party. An amendment to the proposal of France was also presented by the United Kingdom (E/CN.4/548 and E/CN.4/SR.208) which proposed that the Commission set up a working group consisting not of all members of the Commission but only of the representatives of Australia, Denmark, Egypt, Union of Soviet Socialist Republics, United States of America and Yugoslavia to study the question in co-operation with the representatives of the specialized agencies.

33. The amendment presented by Chile was accepted by the representative of France. The United Kingdom amendment was rejected by the Commission by 10 votes to 3, with 5 abstentions. An amendment by the Union of Soviet Socialist Republics to delete the words "in private meeting" was rejected by 8 votes to 6, with 4 abstentions. The Commission rejected the amendments of the representative of the Union of Soviet Socialist Republics to delete the part dealing with the listing of the specialized agencies by 15 votes to 2, with no abstentions, and to delete the provisions relating to the order of business pending the meeting of the working group by 9 votes to 5, with 4 abstentions. The Commission, at the 208th meeting on 19 April 1951, adopted by 14 votes to 2, with 2 abstentions, the resolution in the following terms :

"II. Working Group on Economic, Social and Cultural Rights

"The Commission on Human Rights

"Decides to transform itself into a working group with the task of studying, in private meeting, the various proposals concerning economic, social and cultural rights, in co-operation with the representatives of the specialized agencies concerned, in particular, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and invites the Non-Governmental Organizations concerned, especially the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions, to attend the meetings of the Working Group and

"Decides that, pending the meeting of the Working Group, it will begin discussion of the next item on its agenda."

34. At the 209th meeting the Commission agreed that observers from any Member State not represented on the Commission and representatives from the Office of the High Commissioner for Refugees should be permitted to

attend the meetings of the Working Group. At the 215th meeting the Commission decided by 12 votes to none, with 1 abstention, that the records of the meetings of the Working Group should be given ordinary general distribution.

35. The Working Group on Economic, Social and Cultural Rights (for the composition see paragraph 13 above) held three meetings on 26 and 27 April 1951 (E/CN.4/AC.14/SR.1-3) and proceeded with its work according to the terms of reference assigned to it in the resolution adopted by the Commission on 19 April 1951 (see paragraph 33 above).

36. The Chairman reported to the Commission at the 216th meeting that in the Working Group there had been a fruitful exchange of views between the members of the Group and the representatives of the specialized agencies and that the Group had recommended that it should be dissolved by the Commission and that its work should be continued by the Commission itself. The representative of Lebanon proposed the adoption of this recommendation and that the Commission should continue from the point where the Working Group had ceased its activities, with the representatives of the International Labour Organisation being permitted to speak in their various appropriate capacities. This proposal was unanimously adopted.

37. At the 216th meeting the Commission began consideration of the various proposals relating to economic, social and cultural rights on the basis of a compilation (E/CN.4/AC.14/2 and Corrigenda 1 and 2 and Addenda 2 to 5) which reproduced, in the order of their submission, the proposals of the representatives of the Union of Soviet Socialist Republics (E/CN.4/537), Yugoslavia (E/CN.4/538 Rev.1), the United States of America (E/CN.4/539/Rev.1), Denmark (E/CN.4/542), the amendments of Egypt to the Danish proposal (E/CN.4/547), and of Australia (E/CN.4/543) and the suggestions of the specialized agencies (E/CN.4/541/Rev.1, E/CN.4/544 and Addendum 1, E/CN.4/AC.14/1).

PROPOSALS RELATING TO ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

38. The Commission considered, as to their substance, proposals on economic, social and cultural rights at its 216th to 232nd meetings. During these deliberations, the representatives of the specialized agencies participated in the discussion and submitted suggestions. The representatives of the International Labour Organisation suggested that articles on economic and social rights should be simply and precisely stated without too much detail, as the detailed work was being carried out by the specialized agencies concerned, and that specific obligations might be placed on Governments to ensure certain conditions for the enjoyment of these rights. The representatives of the United Nations Educational, Scientific and Cultural Organization, whose Director-General had submitted certain suggestions dealing with the right to education and cultural rights (E/CN.4/541/Rev.1), felt that the suggested undertakings of States were limited

in scope, but that they should cover obligations by which States would undertake the gradual attainment of the objectives which could be fulfilled within a reasonable time. They emphasized in particular that the effort to maintain an organic balance between the various parts of the Covenant ought not to obscure the importance of the right to education in the field of human rights. The Director-General of the World Health Organization had submitted to the Commission certain provisions on health taken from its Constitution (E/CN.4/544 and Add.1). Its representatives advocated that provisions on the right to health, couched in terms identical with those used in the Constitution of the Organization, should be included by the Commission in its draft, especially as they had been recognized by seventy-nine countries and as without them other rights became almost meaningless.

39. The Commission considered proposals concerning an article on the right to work, at its 216th, 217th and 218th meetings. The discussion on this subject had already been begun at the last meeting of the Working Group (E/CN.4/AC.14/SR.3). The proposal of the Union of Soviet Socialist Republics (E/CN.4/576) that "the State shall ensure to everyone the right to work and to choice of profession, with the object of creating conditions which will remove the threat of death by hunger or by inanition" was rejected by 10 votes to 2 with 6 abstentions. The proposal of Yugoslavia (E/CN.4/576), "Work being the fundamental basis of all human endeavour, everyone who so desires has the right to be afforded the opportunity to gain his living by work", was rejected by 7 votes to 2 with 8 abstentions. The Commission then adopted, at its 218th meeting, the proposal of France (E/CN.4/576), which now forms article 20 (see annex I), by 16 votes to none, with 2 abstentions.

40. At its 218th, 219th and 220th meetings the Commission considered proposals relating to an article on conditions of work. The proposal of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.2, section III), "The right to rest and leisure shall be ensured by the State to every hired worker in enterprises and establishments, either by law or by means of collective agreements which shall make provision in particular, for reasonable limitation of working hours, and for regular paid leave", was rejected by 8 votes to 2, with 7 abstentions. The Commission also rejected by 5 votes to 3, with 9 abstentions the following part of the proposal of Yugoslavia (E/CN.4/578), "Every worker has the right, without discrimination of any kind, to reasonable conditions of work, and especially to a fair wage in relation to the cost of living, to reasonable limitation of working hours, either by law or by means of collective agreements, to working conditions not harmful to his health, to regular leave with pay, and to the uninterrupted improvement of those conditions of work...". As a consequence of this vote the additional words proposed by Yugoslavia "in proportion to any increase in the profits earned by the undertaking", were not put to the vote. The Commission then voted sentence by sentence on a joint France-United States proposal (E/CN.4/580), which included alternative texts. The joint text, as amended, was adopted by

13 votes to none, with 4 abstentions, and forms article 21 (see annex I).

41. Proposals for an article on the right to social security were discussed at the 220th and 221st meetings. The proposal of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.3, section IV), "Social security and social insurance for workers and salaried employees shall be provided at the expense of the State or of the employer, in accordance with each country's legislation", was rejected by 11 votes to 2, with 4 abstentions. The amendment submitted by Denmark (italicized) to the Australian proposal (E/CN.4/AC.14/2/Add.3, section IV), "The States parties to the Covenant recognize the right of everyone to social security, *that is to say, the right to social provision for everyone who, for reasons beyond his control, is unable to provide a livelihood for himself and his family*", was rejected by 10 votes to 2, with 5 abstentions. An amendment by France to add the words "for himself and his family" to the Australian proposal was not adopted, the vote being 4 in favour, 4 against and 8 abstentions. The Australian proposal was adopted by 9 votes to 3, with 5 abstentions, and forms article 22 of the draft Covenant (see annex I).

42. At its 222nd and 224th meetings, the Commission considered proposals relating to special provisions concerning women and children. It rejected by 10 votes to 7, with 1 abstention the proposal of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.3, section V), "Women at work shall enjoy privileges not inferior to those granted to men, and shall receive equal pay for equal work." The italicized part of the following proposal of France, Guatemala and Yugoslavia (E/CN.4/586) was not adopted, the voting being 9 in favour and 9 against: "The States parties to the Covenant recognize that: *without prejudice to the right of women to the same working conditions as men...*" An amended text replacing this part by the words, "(1) special protection should be accorded to maternity and motherhood", was adopted by 12 votes to none, with 6 abstentions. The first part of the second paragraph of the joint proposal, namely, "(2) special measures of protection should be taken on behalf of children and young persons", was adopted by 15 votes to none, with 3 abstentions. An amendment submitted by Denmark (E/CN.4/588) to add the words "whether born in or out of wedlock", to the phrase was rejected by 7 votes to 6, with 4 abstentions. The second part of the second paragraph of the joint proposal, with the United Kingdom amendment to add the word "normal", was adopted by 16 votes to none with 2 abstentions in the following form: "and that in particular they should not be required to do work likely to hamper their normal development". The joint proposal as amended was adopted by 16 votes to none, with 2 abstentions, and will be found in article 26 (see annex I).

43. Proposals concerning the right to living accommodation were considered at the 222nd meeting. The proposal of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.3, section VI), "The State shall take all the necessary steps, especially legislative measures, to ensure to everyone living accommodation worthy of man",

was rejected by 6 votes to 5, with 7 abstentions. The following amendment of Egypt (italicized) to the proposal of the United States of America, "The States parties to the Covenant recognize the right of everyone to *living accommodation worthy of man*" (instead of "adequate housing"), was rejected by 6 votes to 3, with 9 abstentions, and the United States proposal was adopted by 12 votes to none, with 6 abstentions. See article 23 in annex I below.

44. At the 223rd meeting on 2 May 1951 the Commission discussed proposals relating to the right to an adequate standard of living. The amendment of Yugoslavia to add the words "and the continuous improvement of living conditions", at the end of the proposal of Australia, "The States parties to the Covenant recognize the right of everyone to an adequate standard of living", was adopted by 6 votes to 5, with 7 abstentions. An amendment submitted by China to add the words, "with special reference to housing, food and clothing", was rejected by 7 votes to 3, with 5 abstentions. The Australian proposal, as amended, was adopted by 14 votes to none, with 4 abstentions; its text will be found in article 24 (see annex I).

45. Proposals concerning the right to health were considered at the 223rd meeting. It was decided by 11 votes to 5, with 2 abstentions, to vote first on the proposal of Egypt, which was based on the provisions of the Constitution of the World Health Organization, as amended by Chile (E/CN.4/AC.14/2/Add.4, section VIII and E/CN.4/SR.223). The proposal of the United States of America (E/CN.4/SR.223), which was accepted by Chile, was adopted by 14 votes to none, with 3 abstentions, in the following form: "The States parties to the Covenant recognize the right of everyone to the enjoyment of the highest standard of health obtainable." The amendment of the United Kingdom (E/CN.4/589) to the proposal of Denmark (E/CN.4/AC.14/2/Add.4, section VIII) which on withdrawal of that proposal, was moved as an amendment to the rest of the Egyptian proposal as amended by Chile, and which read (E/CN.4/SR.223): "Each State Party hereto undertakes, by combating disease, by providing legislative measures to promote and protect health and by providing favourable conditions for medical care, to assure to all persons within its territory, as far as possible, the right to an adequate standard of health", was rejected by 8 votes to 7, with 3 abstentions. The Commission then voted on the proposal of Egypt, as amended by Chile, paragraph by paragraph. The sentence reading "With a view to implementing and safeguarding this right each State Party hereto undertakes to provide legislative measures to promote and protect health..." was adopted by 9 votes to 2, with 7 abstentions. The sub-paragraph reading "To reduce infant mortality and provide for healthy development of the child" was adopted by 10 votes to 3, with 4 abstentions. The sub-paragraph reading "To improve nutrition, housing, sanitation, recreation, economic and working conditions and other aspects of environmental hygiene" was adopted by 10 votes to 4, with 4 abstentions. The sub-paragraph reading "To control epidemic, endemic and other diseases" was adopted by 10 votes

to 4, with 4 abstentions. An amendment submitted by the Union of Soviet Socialist Republics (E/CN.4/583) to the proposal of Denmark (E/CN.4/AC.14/2/Add.4, section VIII), which was withdrawn, was incorporated in the proposal of Egypt and adopted by 10 votes to 4, with 4 abstentions in the following form as the fourth sub-paragraph: "To provide conditions which would assure the right of all to medical service and medical attention in the event of sickness". The representative of Chile proposed that the following three sub-paragraphs of the Egyptian proposal, which were based on the Constitution of the World Health Organization and the suggestions of the Director-General of the Organization, be withdrawn, and this was done with the concurrence of the representative of Egypt: "to improve standards of medical teaching and training in the health, medical and related professions; to enlighten public opinion on problems of health; to foster activities in the field of mental health, especially those affecting the harmony of human relationship". The Egyptian proposal as amended was adopted by 10 votes to none, with 8 abstentions, and forms article 25 of the draft Covenant (see annex I).

46. Proposals relating to trade union rights and the right to strike were considered from the 224th to 226th meetings. At the 226th meeting the Commission voted paragraph by paragraph on the proposed text of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.4, section X) and rejected all the paragraphs as follows: paragraph 1 by 7 votes to 3 with 8 abstentions; paragraph 2 by 9 votes to 2 with 7 abstentions; paragraph 3 by 8 votes to 3 with 7 abstentions; paragraph 4 by 8 votes to 3 with 7 abstentions; paragraph 5 by 8 votes to 3 with 7 abstentions; paragraph 6 by 8 votes to 5 with 5 abstentions, and paragraph 7 by 8 votes to 2 with 8 abstentions. The proposed text reads as follows: "(1) The implementation of their inviolable trade union rights, established with a view to improving the living conditions of the workers and their economic welfare, shall be ensured to all hired workers without distinction as to nationality, race, religion, sex, trade, or political or philosophical opinion; (2) All regulations, no matter of what kind, directed against trade union rights and against the right of hired workers and employees to join trade union organizations shall be prohibited; (3) Trade union organizations shall enjoy the right freely to elect all their representatives, to determine their administrative organization, and to discharge their democratic functions and tasks in the interests of their members, and shall be protected from all interference on the part of public authorities or officials. Public authorities or officials shall refrain from exercising any sort of pressure, either direct or indirect, on the trade unions and their members. Public authorities and officials shall be debarred 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 taken to ensure that trade union organizations are allowed to take part in the formulation of economic and social policy, both of undertakings, and at local, regional and national level; (6) Trade union organizations shall have the right to combine at professional, inter-organization, local, regional or national level.

and to join international trade union organizations; (7) No one shall be entitled to prevent international trade union organizations from carrying out their functions, or from maintaining normal relations with their constituent organizations". The Commission rejected by 4 votes to 2 with 11 abstentions an amendment (italicized) submitted by the representative of Uruguay (E/CN.4/594) to the amended first paragraph of the proposal of Yugoslavia (E/CN.4/AC.14/2/Add.4, section X and E/CN.4/SR.226): "The States Parties to the Covenant recognize that everyone whose main income is derived from work shall have the right to join local, national and international trade union organizations of his own choice, with a view to protecting his economic and social interest, *for all purposes not at variance with law or democratic policy* and to exercise trade union rights without hindrance, including the right to strike, in order to implement and ensure his rights, in particular those enunciated in the present Covenant". Another Uruguayan amendment to be added to the end of the first paragraph of the Yugoslav proposal was rejected in parts by 7 votes to 5 with 6 abstentions and 6 votes to 4 with 8 abstentions. The amendment read: "it shall be understood that the right to strike is restricted to circumstances where attempts at conciliation have been exhausted. In the same way, the right to strike may be restricted by legislative measures in the case of public officials". The proposal of the representative of Yugoslavia mentioned above together with its second part, which read "No one may be dismissed from his work or persecuted in any way by reason of his participation in the trade union movement or because he has exercised the right to strike", was rejected by 8 votes to 3 with 7 abstentions. The Commission then adopted by 10 votes to none, with 8 abstentions the proposal of the United States of America (E/CN.4/591/Rev.1) in the following form: "The States Parties to the Covenant recognize the right of everyone, in conformity with Article 16, to form and join local, national and international trade unions of his choice for the protection of his economic and social interests." The words "of his choice" had been previously voted on separately and adopted by 8 votes to 2 with 6 abstentions and the representative of the United States of America stated that she had accepted the words "in conformity with Article 16", on a provisional basis until that article had been considered. The text as adopted will be found in article 27 (see annex I).

47. Proposals relating to the right to education and cultural rights, together with suggestions thereon by the United Nations Educational, Scientific and Cultural Organization, were considered by the Commission at the 226th to 230th meetings. At the 229th meeting the Commission voted on the proposal of the Union of Soviet Socialist Republics (E/CN.4/AC.14/2/Add.4, section IX) in parts. The first paragraph, "The State shall ensure the development of science and education in the interest of progress and democracy, and in those of the maintenance of peace and of co-operation between the nations", was rejected by 6 votes to 2 with 10 abstentions. The second part of the proposal, with the addition of the word "religion", approved by 12 votes to none with 5 abstentions, was adopted by 8 votes to 7 with 3 abstentions

in the following form: "Educational facilities shall be accessible to all without distinction of any kind as to race, sex, language, religion, means or social origin." The rest of the passage, reading "and the State shall ensure this right by providing for elementary education, scholarship system, and the necessary system of schools", was rejected by 6 votes to 4 with 8 abstentions. The proposal as amended was rejected by 8 votes to 7 with 3 abstentions. The Commission then voted on the proposal of the representative of Chile (E/CN.4/613/Rev.1), supported by the representatives of Egypt, France, Lebanon and Uruguay, which was based on the suggestions of the Director-General of the United Nations Educational, Scientific and Cultural Organization (E/CN.4/541/Rev.1). The first article beginning with the phrase "The States Parties to the Covenant recognize" was voted on by paragraphs. Paragraph 1, "The right of everyone to education", was adopted by 16 votes to none with 2 abstentions. Paragraph 2 was adopted by 11 votes to 3 with 4 abstentions. Paragraph 3, "That primary education shall be compulsory and available free to all", was adopted by 16 votes to none with 2 abstentions. Paragraph 4, with the changing of the words "should" to "shall" was adopted by 14 votes to none with 4 abstentions. Paragraph 5 was voted upon in parts. The words "That higher education shall be equally accessible to all on the basis of merit" were adopted by 14 votes to none with 4 abstentions. The words "and shall be made progressively free", immediately following that passage, was adopted by 11 votes to 3 with 4 abstentions and the paragraph as amended was adopted by 14 votes to none with 4 abstentions. Paragraph 6, which was taken over by the representative of Chile from paragraph 5 of the proposal of the United States of America (E/CN.4/593/Rev.2) was adopted by 16 votes to none with 2 abstentions. Paragraph 7, in which the words "and the suppression of all incitement to racial and other hatred" were approved separately by 12 votes to 1 with 4 abstentions, was adopted by 15 votes to none with 2 abstentions. An amendment by the representative of Uruguay to replace the next two paragraphs, which were based on amendments proposed by the representative of Denmark (E/CN.4/600), by "Freedom of education is guaranteed within the limits of the principles laid down in the preceding articles and subject to control by the State", was rejected by 10 votes to 4 with 4 abstentions. Paragraph 8 of the proposal of Chile was adopted by 13 votes to none with 5 abstentions. Paragraph 9, with the Lebanese amendment to replace "regard to" by "respect for", which was accepted by 8 votes to 6 with 4 abstentions, was adopted by 10 votes to none with 8 abstentions, after the Commission had rejected the Swedish amendment to replace the word "convictions" by the word "confessions" by 10 votes to 2 with 6 abstentions. The Commission rejected the following part of the article by 12 votes to 3 with 3 abstentions after voting by 6 votes to 4 with 8 abstentions for the deletion of the words italicized: "Each State party to the Covenant pledges itself to undertake progressively, *with due regard to its organization and resources*, all measures necessary to attain these objectives in all the territories within its jurisdiction." The article as a whole, as amended, was adopted by

15 votes to none, with 3 abstentions. The next article of the proposal of Chile on education was adopted by 9 votes to 3 with 4 abstentions, after the Commission had decided by 8 votes to 1 with 7 abstentions to retain the words "in its metropolitan territory or other territories under its jurisdiction" (E/CN.4/SR.230). The first part of the article dealing with cultural rights was adopted by 15 votes to 1, with 2 abstentions, after the inclusion of the words "in accordance with the principle of non-discrimination enunciated in paragraph 1 of Article 1 of this Covenant", had been rejected, the vote being 8 in favour, 8 against and 2 abstentions. The next paragraph with its two sub-paragraphs was adopted by 15 votes to none with 3 abstentions. The amendment of the representative of France to add a sub-paragraph reading "to obtain protection for his moral and material interests resulting from any scientific or artistic production of which he is the author" was not adopted, the vote being 7 in favour, 7 against and 4 abstentions. The article was adopted by 14 votes to none, with 4 abstentions. These articles will be found as articles 28, 29 and 30 of the draft Covenant (see annex I).

48. At its 230th meeting, the Commission considered a proposal submitted by the representative of Lebanon (E/CN.4/592) on equality of men and women relating to economic, social and cultural rights, together with an amendment proposed thereto by the representative of Yugoslavia (E/CN.4/597). This proposal was submitted in pursuance of paragraph 7 (a) of General Assembly resolution 421 E (V), though some members wondered whether the reiteration of sex equality did not weaken the force of the provisions of the Charter on non-discrimination. An alternative Chinese proposal (E/CN.4/SR.230), "The States Parties to the Covenant recognize the full equality of men and women in the enjoyment of all the rights set forth in this Covenant", was not adopted, the vote being 5 in favour, 5 against and 8 abstentions. The amendment of the United States of America (E/CN.4/SR.230), namely, "The States Parties to the Covenant recognize the equality of men and women in the enjoyment of all economic, social and cultural rights and in particular of the economic, social and cultural rights as set forth in this Covenant", was rejected by 8 votes to 6 with 3 abstentions. The Lebanese proposal, incorporating the Yugoslav amendment, was adopted by 11 votes to 2 with 5 abstentions. It forms article 31 (see annex I).

49. At the 230th, 231st and 232nd meetings the Commission discussed the following proposal, concerning the right to own property, submitted by the representative of the United States of America (E/CN.4/599): "The States Parties to the Covenant recognize the right of everyone to own property alone as well as in association with others and to be protected from arbitrary deprivation of property." An amendment submitted by the representative of the Union of Soviet Socialist Republics (E/CN.4/614) suggested the insertion of the words "in accordance with the laws of the country in which that property is found" at the end of the first sentence. The representative of Uruguay proposed (E/CN.4/603 and E/CN.4/SR.230) the inclusion of an additional sentence reading (E/CN.4/603 and E/CN.4/SR.231): "No one

shall be expropriated except in the cases of public necessity or utility established by law, due compensation being paid in every case." After consultation with the Uruguayan representative, the United States amended its proposal to read as follows (E/CN.4/SR.230): "The States Parties to the Covenant recognize the right of everyone to own property alone as well as in association with others and to be protected from arbitrary deprivation of property. Private property shall not be taken for public use without just compensation." The Uruguayan proposal was thereupon withdrawn. The representative of France suggested the following proposal (E/CN.4/SR.232): "1. The States Parties to this Covenant recognize the right of everyone to own property alone as well as in association with others. 2. This right shall be subject to the laws of the country in which the property is situated. 3. No one may be arbitrarily deprived of his property. No one may be expropriated except in cases of public necessity or utility established by law and provided a just compensation is paid, taking into account, if appropriate, the nature and the origin of the property expropriated". However, the Commission did not act on any of these proposals or amendments submitted thereto but adopted by 10 votes to 6, with 2 abstentions, the following resolution moved by the representative of Denmark:

"III. Article on the right of property

"The Commission on Human Rights

"Decides not to include, at present, an article on the right of property in the International Covenant on Human Rights."

GENERAL CLAUSES

50. The Commission discussed proposals relating to general clauses concerning economic, social and cultural rights in its 231st to 237th meetings. During these discussions members of the Commission raised the point whether it was necessary to have separate general clauses concerning economic, social and cultural rights, since general provisions of a similar nature, especially article 1, paragraphs 1 and 2, and article 18 of the draft Covenant would apply to the whole Covenant. Other members were of the opinion that it would be advisable to have separate general clauses applying to provisions on economic, social and cultural rights because, they said, the existing provisions related to rights of a different nature.

51. At the 234th meeting the Commission agreed to postpone consideration of the proposal of the representative of the United States of America (E/CN.4/610), which was as follows: "Each State Party to the Covenant recognizes that Part IV and the principle of non-discrimination enunciated in Part I, Article 1, paragraph 1, are applicable to the provisions of this Part of the Covenant", until the Commission had considered the provisions of part I and part IV (present part VI) of the draft Covenant.

52. At the 233rd meeting it was decided by 11 votes to 3 with 4 abstentions to take a prior decision on the principle of a general clause. The representatives of Chile, the Ukrainian Soviet Socialist Republic and the

Union of Soviet Socialist Republics suggested that the Commission should vote to decide in principle whether to include a general "umbrella" article in that part of the draft Covenant dealing with economic, social and cultural rights. The representative of the United Kingdom, suggested that the Commission should vote to decide whether to include such a clause in connexion with the articles on economic and social rights without prejudice to the question of whether or not these articles should be included in the present draft Covenant. Finally, the Chairman put to the vote a draft resolution proposed by the representative of France, which was adopted by 10 votes to 8 in the following form:

"IV. General 'umbrella' clause relating to economic, social and cultural rights

"The Commission on Human Rights

"Decides to include a general 'umbrella' article in connexion with economic, social and cultural rights."

53. The Commission then voted on the proposals submitted by Yugoslavia (E/CN.4/609/Rev.1), France (E/CN.4/612), an amendment submitted jointly by France and United States of America (E/CN.4/615) to the fourth paragraph of the French proposal, and an amendment to the same paragraph submitted by Chile, Egypt and Guatemala (E/CN.4/616). The Yugoslav proposal was rejected by 8 votes to 3, with 7 abstentions. The first three paragraphs of the French proposal were adopted by 11 votes to none with 6 abstentions, 11 votes to none with 6 abstentions, and 11 votes to none with 7 abstentions respectively. The joint France-United States amendment was not adopted, the voting being 8 in favour, 8 against and 2 abstentions. The amendment of Chile, Egypt and Guatemala was rejected by 11 votes to 6, with 1 abstention. The three introductory paragraphs of the proposal of the representative of France were rejected as a whole by 9 votes to none, with 6 abstentions.

54. The Commission, at the 234th meeting, decided by 10 votes to 6, with 2 abstentions, to reopen the question of the time-limit for the receivability of proposals on the general "umbrella" clause. At its 236th to 237th meetings the Commission discussed a proposal submitted by the representative of France (E/CN.4/618). The Commission rejected by 10 votes to 6, with 2 abstentions, the proposal of the representative of Yugoslavia to postpone the consideration of the subject until the consideration of article 1 of the draft Covenant. Paragraphs 1, 2 and 3 of the French proposal (E/CN.4/618 and E/CN.4/SR.236) were adopted by 10 votes to 8. The Commission proceeded to vote by parts on the following paragraph 4: "Undertake to take steps, individually and through international co-operation, to the maximum of their available resources with a view to achieving progressively the full realization of the rights recognized in this Part of the present Covenant." The first clause reading "Undertake to take steps, individually and through international co-operation" was adopted by 12 votes to none, with 6 abstentions. The word "available" was adopted by 11 votes to none, with 7 abstentions. The phrase "to

the maximum of their available resources" was adopted by 12 votes to none, with 6 abstentions. The Commission did not adopt the substitution of the word "implementing" for the words "achieving progressively the full realization of", by 8 votes to 8, with 2 abstentions. The word "progressively" was adopted by 11 votes to 5, with 2 abstentions. The Egyptian amendment to add the words "if necessary" after the word "progressively" was rejected by 7 votes to 6, with 5 abstentions. Paragraph 4 in its original form was adopted by 11 votes to 7. The whole article was adopted by 10 votes to 8. This article appears as article 19 in annex 1.

55. The following proposal of the representative of the United States of America (E/CN.4/610/Add.2) relating to a general limitations clause concerning economic, social and cultural rights was discussed at the 234th, 235th and 236th meetings: "Each State Party to this Covenant recognizes that in the enjoyment of those rights provided by the State in conformity with this Part of the Covenant, the State may subject such rights only to such limitations as are determined by law and solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." The words "the State may subject such rights only to such limitations as are determined by law" were adopted by 10 votes to 2, with 6 abstentions, though the United States had accepted in substitution the words "no one may be subject to limitations except such as are determined by law". The amendment proposed by Chile to add, immediately after this part of the text, the words "only in so far as this may be compatible with the nature of these rights" was adopted by 7 votes to 2 with 9 abstentions. Many members of the Commission recalled that in the General Assembly and the Economic and Social Council the use of the expression "public order" had been criticized, and considered that the Secretariat suggestion to use the expression "prevention of disorder" or "measures designed to prevent any public disaster" might be followed (E/CN.4/528). However, the Commission decided by 6 votes to 2, with 10 abstentions, to complete the text of the article by adding after the Chilean amendment the phrase "and solely for the purpose of promoting the general welfare in a democratic society", as proposed by the representatives of Lebanon and Uruguay (E/CN.4/SR.236). The Commission then adopted by 9 votes to 6 with 3 abstentions the amended text. A proposal by the United Kingdom representative as amended (italicized) to add a new paragraph reading "Nothing in this article shall be considered as affecting the provisions of Article 16 of *this* [instead of "the"] Covenant" was rejected by 4 votes to 3, with 10 abstentions. The article as a whole, as amended, was adopted by 11 votes to 6 with 1 abstention, and it appears as article 32 in annex 1.

MEASURES OF IMPLEMENTATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (PART V OF THE PRESENT DRAFT COVENANT)

56. The question of the implementation of the economic, social and cultural rights was considered at the 218th

and the 237th, 238th, 241st, 242nd, 243rd, 246th and 247th meetings. During the course of the general discussion on this question, attention was directed, *inter alia*, towards the following points :

The general responsibility of the United Nations; co-operation and participation of specialized agencies;

The obligation of States and the specialized agencies to report;

The form and plan for such reports and the organ which would determine these;

How the reports might be submitted and to whom;

The body to be charged primarily and otherwise with the consideration of the reports and with the study of the question;

Whether responsibilities should mainly devolve upon the specialized agencies;

Whether the Economic and Social Council should be responsible for the general implementation machinery;

The possibility of the Commission on Human Rights taking part with or without the assistance of experts and representatives of specialized agencies;

The establishment of a committee by the Economic and Social Council;

The important question of the role to be played by the Technical Assistance Programme;

The need to avoid duplication of functions, especially as regards the specialized agencies, and unnecessary expenditure;

The ways in which recommendations might be made to the States concerned; and

The question whether there should be measures of implementation devoted exclusively to economic, social and cultural rights or whether such measures should apply to all rights in the draft Covenant.

57. At its 242nd meeting the Commission adopted by 12 votes to 2 with 4 abstentions the proposal of Egypt and Guatemala to establish a Working Group consisting of the representatives of Australia, Chile, Denmark, France, Lebanon, Pakistan, Sweden and United States of America to elaborate a common draft on the measures of implementation of economic, social and cultural rights. The draft proposals before the Commission were those submitted by the representatives of Australia and the United States of America (E/CN.4/AC.14/2/Add.5), Lebanon (E/CN.4/570/Rev.2 and E/CN.4/624), Pakistan and Sweden (E/CN.4/622 and E/CN.4/625) — based on the tentative suggestions on implementation made by the representatives of the International Labour Organisation (E/CN.4/AC.14/1) and France (E/CN.4/623 and E/CN.4/625).

58. The Working Group held three meetings (E/CN.4/AC.15/SR.1 to 3). It considered the proposal before the Commission and submitted a report to the Commission which contained draft articles on implementation of economic, social and cultural rights (E/CN.4/629). The representatives of Australia and the United States of America withdrew their proposals.

59. The Commission considered the draft articles submitted by its Working Group at its 243rd, 246th and 247th meetings. At the 246th meeting it adopted article A (present article 60) by 14 votes to 2 with 2 abstentions, after it had adopted an addition to that article proposed by the representative of France (italicized) by 12 votes to 5, with 1 abstention, in the following form. "The States Parties to this Covenant undertake to submit reports concerning the progress made in achieving the observance of those rights *in conformity with the following articles and the recommendations which the General Assembly and the Economic and Social Council, in the exercise of their general responsibility, may make to all the members of the United Nations.*" Paragraph 1 of article B (present article 61) was adopted by 15 votes to 2, with 1 abstention, after the Commission had rejected by 5 votes to 3, with 9 abstentions, an amendment proposed by the representative of India to insert the words "amongst others" before the words "with the States Parties". Paragraph 2 of article B was adopted by 14 votes to none, with 4 abstentions, and paragraph 3 was adopted by 15 votes to none, with 3 abstentions. Article B as a whole was adopted by 15 votes to 2, with 1 abstention.

60. The Commission then voted (E/CN.4/SR.247) on paragraph 1 of article C (present article 62) which read as follows: "The States Parties to this Covenant shall furnish reports under the preceding article to the Secretary-General of the United Nations; but, in the case of members of a specialized agency, the communication shall be addressed to the specialized agency in respect of matters within the competence of that agency." The Egyptian amendment (E/CN.4/631/Rev.2) to insert, between the words "to the specialized agency" and "in respect of matters", the following: "at the same time as to the Secretary-General" was adopted by 8 votes to 7, with 3 abstentions. The Commission, however, rejected this paragraph as amended by 8 votes to 7, with 3 abstentions. Paragraph 2 of article C as amended by the United States of America (E/CN.4/629) by 10 votes to 4, with 4 abstentions, was adopted in the following form by 13 votes to 2, with 3 abstentions: "Pursuant to its responsibilities under the Charter in the field of human rights, the Economic and Social Council shall make special arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of this Part of the Covenant falling within their competence." The Egyptian amendment to add at the end of paragraph 2 a sentence reading "These reports shall include particulars of decisions and recommendations on such observance adopted by their competent organs" was adopted by 11 votes to 2, with 5 abstentions, and article C as amended was adopted by 14 votes to none, with 4 abstentions.

61. Article D (present article 63) was adopted by 10 votes to 6, with 2 abstentions. Article E (present article 64) was adopted by 10 votes to 7, with 1 abstention and article F (present article 65) was adopted by 14 votes to 2, with 2 abstentions.

62. Article G (present article 66) was adopted in the following amended form (italicized) by 10 votes to 3,

with 5 abstentions: "The Economic and Social Council may submit to the Technical Assistance Board or to any other *appropriate* [instead of the word "competent", adopted by 7 votes to none, with 11 abstentions] international organ the findings contained in the report of the Commission on Human Rights which may assist such organs in deciding, *each within its competence*, [adopted by 11 votes to none, with 7 abstentions] on the advisability of international measures likely to contribute to the progressive implementation of this Covenant."

63. Article H (present article 67) was adopted by 13 votes to 2, with 3 abstentions and article I (present article 68) was adopted by 10 votes to 4, with 4 abstentions.

64. Article J (present article 69) was voted on in parts. The Commission unanimously adopted the words "Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations". The words "and of the Constitutions of the specialized agencies" were adopted by 14 votes to 2 with 2 abstentions, and the words "which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies", immediately following, were adopted by 11 votes to 2, with 5 abstentions. The last words of the article, "in regard to the matters dealt with in this Covenant" were adopted by 11 votes to 1, with 6 abstentions. The article as a whole was adopted by 14 votes to 2, with 2 abstentions. The question of the ultimate position of this article in the draft Covenant was not decided upon.

65. The articles relating to the implementation of economic, social and cultural rights adopted by the Commission will be found as articles 60 to 69 in annex I.

66. The Commission discussed at its 249th meeting a note submitted by the representative of Denmark concerning the relationship of the articles on implementation of economic, social and cultural rights, adopted by the Commission, to the substantive provisions of the draft Covenant (E/CN.4/637). The note concerned the question whether the articles on implementation should refer to the Part of the Covenant containing the economic, social and cultural rights or simply to "this Covenant". It was decided by 13 votes to 2, with 3 abstentions, to postpone the consideration of this matter, with the understanding that a footnote to the articles concerned would state that the alternatives presented by the representative of Denmark should be considered later on.

DRAFT RESOLUTION CONCERNING THE RECONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL OF ITS RESOLUTION 349 (XII) AND BY THE GENERAL ASSEMBLY OF ITS RESOLUTION 421 F (V)

67. The Commission considered a draft resolution submitted by the representative of India (E/CN.4/619/Rev.1 and E/CN.4/SR.248) at its 248th meeting. The draft resolution proposed that the Commission: "*considering* that the economic, social and cultural rights, though equally fundamental and therefore important, formed a separate category of rights from that of the civil and political rights in that they were not justiciable rights, and

considering that the method of their implementation was, therefore, different, *recommend* to the Economic and Social Council to recommend to the General Assembly that the decision to include the economic, social and cultural rights in the same Covenant with the civil and political rights, be reconsidered". The draft resolution was rejected in a roll-call vote by 12 votes to 5, with 1 abstention, as follows :

In favour : Denmark, Greece, India, United Kingdom and United States of America.

Against : Chile, China, Egypt, France, Guatemala, Lebanon, Pakistan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

Abstention : Australia.

B. MEASURES OF IMPLEMENTATION

(PART IV OF THE DRAFT COVENANT)

68. In the discussion of item 3 (c) of the agenda, "Consideration of provisions for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; studies of questions relating to petitions and implementation", the Commission had before it the following documents besides those mentioned in paragraphs 18 and 19 above :

(a) Memorandum by the Secretary-General on measures of implementation (E/CN.4/530)

(b) Report of the Secretary-General on the means by which the proposed Human Rights Committee may be able to obtain advisory opinions from the International Court of Justice (E/1732)

(c) Petitions before the Trusteeship Council (E/CN.4/561 and E/CN.4/561/Corr.1)

(d) Report by the Secretary-General on the election of the members of the proposed Human Rights Committee by the International Court of Justice (E/CN.4/584)

(e) Memorandum by the Secretariat on the services to be provided for the proposed Human Rights Committee and financial estimates for its establishment (E/CN.4/627 and E/CN.4/627/Add.1).

69. The Commission considered item 3 (c) of the agenda at its 209th to 215th, 239th to 240th, 243rd, 245th and 249th meetings.

70. A draft protocol on petitions from individuals and non-governmental organizations submitted by the representative of the United States of America and amendments thereto, and a proposal submitted by the representative of Uruguay relating to the establishment of an Office of a United Nations High Commissioner for Human Rights, were not examined by the Commission, but are included in annexes V and VII of the report (see paragraphs 26 and 28 above).

GENERAL DISCUSSION

71. A general discussion was held at the 209th to 214th meetings on the question of implementation relating to the

draft Covenant as drawn up by the Commission at its sixth session (E/1681, annex I, part III). The following main points were discussed :

The question of international measures of implementation outside the Covenant and not restricted to Parties to the Covenant;

International implementation by annual reports to be submitted by governments of Member States;

Implementation through the International Court of Justice;

Deletion of articles 19-41 (present articles 33-59) from the draft Covenant and the assertion that national sovereignty was infringed by those provisions;

The question of embodying all provisions on international measures of implementation in separate instruments distinct from the Covenant;

Retention of some international measures of implementation in the Covenant and embodying of others, notably those relating to petitions from individuals and non-governmental organizations, in an optional clause in the Covenant or in a separate protocol or separate protocols;

Questions relating to screening of petitions by an independent body, by the Secretariat or by an executive body of non-governmental organizations having consultative status;

Establishment of a United Nations High Commissioner or Attorney-General for Human Rights with comprehensive functions or with limited functions;

Name of the body charged with international implementation;

The long delay involved in the procedure of the proposed implementation machinery;

The membership of the proposed Human Rights Committee; the right of the proposed Human Rights Committee to request advisory opinions from the International Court of Justice;

Delimitation of the jurisdiction of the Human Rights Committee; submission in writing to the Human Rights Committee by Parties to the Covenant not directly concerned in the dispute, and collection and examination of information concerning the implementation or observance of the draft Covenant;

The question of whether there should be measures of implementation devoted exclusively to political and civil rights or whether such measures should apply to all the rights in the draft Covenant.

At the 213th meeting of the Commission a cable (text in E/CN.4/561 and Corr.1) from the Assistant Secretary-General in charge of the Trusteeship Department was read out to the Commission in answer to a request from the representative of India as to whether any difficulties had been encountered in connexion with petitions received by the Trusteeship Council.

72. At the 213th meeting on 24 April 1951, the Commission rejected by 15 votes to 2, with 1 abstention, the draft resolution of the Union of Soviet Socialist Republics (E/CN.4/553/Rev.1) by which the Commission would

resolve to omit from the draft Covenant articles 19-41 on the grounds that they envisaged forms of control in implementing the draft Covenant which constituted an attempt to intervene in the internal affairs of States and violated their sovereignty.

ARTICLES 19 TO 25 (ARTICLES 33 TO 39 OF THE PRESENT DRAFT COVENANT)

73. The Commission discussed proposals which laid stress on the necessity for members of the proposed Human Rights Committee to possess judicial experience or other legal qualifications, and proposals concerning the election of the Committee by the International Court of Justice (E/CN.4/SR.214 to 215). At the request of the representative of Chile and the Chairman of the Commission, the Secretariat subsequently circulated in document E/CN.4/584 precedents in which either the Permanent Court of International Justice or the International Court of Justice (or the President of that body) had been entrusted with the task of making nominations, other than those of arbitrators, referees, members of conciliation commissions or judicial experts.

74. The Commission voted on articles 19-25 (present articles 33-39) of the draft Covenant and the amendments proposed thereto by Denmark and France (E/CN.4/560/Rev.1), India (E/CN.4/563), Guatemala (E/CN.4/566) and China (E/CN.4/568) at its 215th meeting (E/CN.4/L.18 and see annex 1). It was agreed to postpone any final decision on article 19 (present article 33), paragraph 1, until the Commission had decided whether the measures of implementation in parts IV and V of the draft Covenant should apply to certain parts or to the whole of the draft Covenant.

75. Among the decisions taken by the Commission at the 215th meeting (E/CN.4/L.18), the following may be noted : that the number of the members of the Committee should be increased from seven to nine (article 33, paragraph 1 : amendment by Guatemala, adopted by 13 votes to 2, with 3 abstentions); that the Committee "shall be composed of nationals of the States Parties to the Covenant who shall be persons of high moral standing and of recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having a judicial or legal experience" (article 33, paragraph 3 : proposal of Denmark and France, as amended, adopted by 10 votes to 4, with 3 abstentions); that the International Court of Justice shall be requested to elect the members of the Committee from the nominations made by States Parties to the Covenant (article 37, paragraph 1 : amendment by Denmark and France, adopted by 12 votes to 2, with 4 abstentions), and that in the election of the Committee the Court shall be requested to give consideration to equitable geographical distribution of membership and to the representation of the main forms of civilization (article 38, paragraph 2 : proposal of Denmark and France, as amended by Egypt, adopted by 10 votes to none with 8 abstentions).

76. The representative of India withdrew her amendment (E/CN.4/556, article 23, present article 37) which

proposed that the Human Rights Committee should be elected "by the General Assembly by a two-thirds majority", but wished it recorded so that her proposal might be considered by the General Assembly if it were found that the International Court of Justice was unable to comply with the request concerning the election of the Committee (E/CN.4/SR.215).

ARTICLES 26 TO 36 (ARTICLES 40 TO 49 OF THE PRESENT DRAFT COVENANT)

77. Articles 26-36 (present articles 40-49) of the draft Covenant were considered at the 239th and 240th meetings in the light of the amendments submitted by Denmark, France, Guatemala, India, Uruguay (E/CN.4/617 and Corr.1) and the United Kingdom (E/CN.4/620).

78. The representative of India proposed (E/CN.4/556 and E/CN.4/617) that article 34 of the draft Covenant prepared at the sixth session should be deleted. This article provided that a State Party to the Covenant concerned in a case referred to the Committee might, if none of its nationals was a member of the Committee, designate as a member, to participate with the right to vote in the deliberations on the case under consideration, a person chosen from the list referred to in article 20 (present article 34). It had also provided that if there were several States in the same interest, they were to be reckoned as one only, and that any doubt on the point should be settled by the Committee. Members of the Commission felt that the violation of human rights and the international concern therein should not be subject to national interests, especially as the vote of the proposed member might decide the issue. It was pointed out, however, that such a rule was to be found in the Statute of the International Court of Justice and that if such a provision was made in judicial matters, there was all the more reason for making it in connexion with a body that would essentially be concerned with conciliation. It was also suggested that, rather than delete the article, it might be laid down that a member of the Committee who was a national of a State directly concerned in a case before the Committee should not participate in the Committee's deliberations on that case. By a vote of 10 to 6, with 2 abstentions, the article was deleted.

79. The Commission also decided (E/CN.4/L.18/Add.1) that the Secretary of the Committee (the reference to the Assistant Secretary was omitted) should be appointed by the International Court of Justice from a list of three names submitted by the Committee (article 44 : proposal of Denmark and France, as amended by the United Kingdom, adopted by 13 votes to 3 with 2 abstentions) instead of being appointed by the Secretary-General of the United Nations, with the approval of the Committee, and that he should enjoy diplomatic privileges and immunities (article 43, 13 votes to 4). The Commission decided to debate the provisions that the offices of the Chairman and Vice-Chairman, after the initial election for one year, would rotate among the members of the Committee (article 46 : amendment by Denmark and France, adopted by 16 votes to 2). The Commission decided to raise the quorum from five to seven (article 47 (a) : amend-

ment by Guatemala, adopted by 14 votes to none with 3 abstentions). It also decided that all States Parties to the Covenant having an interest in any matter referred to the Committee under article 52 should have the right to make submissions to the Committee in writing (article 47 (c) : amendment by the United Kingdom, adopted by 7 votes to 2, with 9 abstentions).

ARTICLES 37 TO 41 AND PROPOSALS FOR NEW ARTICLES (ARTICLES 50 TO 59 OF THE PRESENT DRAFT COVENANT)

80. Articles 37 to 41 of the draft Covenant prepared at the sixth session and proposals for new articles to be added to part III (present part IV) of the draft Covenant were considered at the 240th, 243rd, 245th and 249th meetings. The Commission had before it proposals and amendments by Denmark and France, Guatemala, India, the United Kingdom and Uruguay (E/CN.4/617 and Corr.1, E/CN.4/558/Rev.1, E/CN.4/560/Rev.1/Corr.1, E/CN.4/620, E/CN.4/634/Rev.1 and E/CN.4/627 and Add.1 containing the financial estimates of the various proposals).

81. The proposal of Denmark and France for an article 26 bis (present article 50) reading "The members and Secretary of the Committee shall receive emoluments commensurate with the importance and responsibility of their office" was adopted by 13 votes to 3 with 2 abstentions.

82. In voting on article 37 (present article 51) concerning the providing of services and facilities for the Committee and its members by the Secretary-General of the United Nations, the Commission did not approve, by 6 votes to 6 with 5 abstentions, the proposal of the Union of Soviet Socialist Republics by which it would have been decided that the vote on article 37 would not prejudice the question of the sources of financing and the servicing of the Committee. The amendment of Denmark and France to replace the word "services" by the word "staff" was adopted by 9 votes to 3 with 5 abstentions, and the article as amended was adopted by 11 votes to 2 with 4 abstentions.

83. Article 38 (present article 52) was voted on by parts at the 240th meeting. An amendment by the representative of Greece (E/CN.4/SR.240); to the effect that the words "which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, or pending, or available in the matter" should be omitted from paragraph 1, was rejected by 10 votes to 3, with 5 abstentions. Paragraph 1 in its original form was adopted by 16 votes to 2. Paragraph 2 was also adopted by 16 votes to 2. The Commission then adopted by 14 votes to none, with 4 abstentions, the following paragraph 3 proposed by the representative of Uruguay, as amended by the representatives of Greece and the United Kingdom (E/CN.4/SR.240): "Subject to the provisions of Article 39 [present article 54, United Kingdom amendment, adopted by 11 votes to 2 with 5 abstentions] below, in serious cases where human life is endangered the Committee may, at the request of a State Party to the Covenant referred to in paragraph 1 of this Article [amendment by Greece, adopted by 7 votes

to 2 with 8 abstentions], deal forthwith with the case on receipt of the initial communication and after notifying the States concerned." An amendment to insert the words "in particular" before the words "where human life" was not adopted, the vote being 6 for, 6 against, and 6 abstentions.

84. The Commission at its 245th and 249th meetings considered a proposal for a new article 38 A of the draft Covenant prepared at the sixth session, submitted by the representative of India, which provided (E/CN.4/617 and E/CN.4/SR.249) that the Committee might initiate an enquiry on receipt of complaints received either from individuals or from groups or from non-governmental organizations. Opinion was expressed in the Commission that such a provision would not grant a right of petition as such, but only empower the Committee to act if it so decided on receipt of information. Others were of the view that the right of petition should be dealt with in a separate protocol. The proposal was rejected in a roll-call vote by 10 votes to 7, with 1 abstention, as follows :

In favour: Chile, Egypt, Guatemala, India, Lebanon, Sweden and Uruguay.

Against: Australia, China, France, Greece, Pakistan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia.

Abstention: Denmark.

85. At its 249th meeting the Commission considered proposals by Denmark and France, Guatemala and the United Kingdom relating to an article covering the delimitation of the powers of the Committee. Members of the Commission discussed the question whether it was advisable to adopt provisions without knowing the exact nature of their implications, especially as the procedures prevailing amongst the various organs of the United Nations and the specialized agencies were not clearly known. A vote was taken on the basis of the proposal of the United Kingdom (E/CN.4/620). The phrase "The Committee shall deal with any matter referred to it under Article 38 [present article 52]" was adopted by 14 votes to 2, with 1 abstention. The phrase "save that it shall have no power to deal with any matter: (a) for which any organ or specialized agency of the United Nations competent to do so has established a special procedure by which the States concerned are governed; or" was adopted by 11 votes to 4, with 3 abstentions. The proposal of Denmark (E/CN.4/SR.249) to add the words "for which a regional organization has established a special procedure to which the States concerned are subject" to the paragraph was rejected by 9 votes to 5, with 3 abstentions. Sub-paragraph (b), reading "with which the International Court of Justice is seized other than by virtue of Article... of the present Covenant", was adopted by 10 votes to 3, with 5 abstentions. The whole article was adopted as article 38 bis (present article 53)

by 9 votes to 4, with 4 abstentions. The Commission rejected by 9 votes to 7, with 1 abstention, the insertion of an amendment submitted by the representative of Guatemala and incorporated in the amendment of Denmark and France to insert after the opening phrase the following: "It shall also deal with any matter which may be referred to it or which it may decide to examine as a result of complaints from sources other than States (individuals, groups or non-governmental organizations etc.) by virtue of other international instruments relating to human rights making provision for such complaints in so far as this matter affects States that have acceded to the said instruments."

86. Article 39 (present article 54) was adopted without any changes by 15 votes to 2, with 1 abstention, and article 40 (present article 55) was also adopted without change by 14 votes to 2, with 2 abstentions (E/CN.4/SR.249).

87. The Commission adopted by 11 votes to 2, with 5 abstentions, a proposal submitted by the representative of the United Kingdom for an additional article to be inserted after article 40 (present article 55). The text adopted (see present article 56) reads as follows: "The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized."

88. Article 41 (present article 57) was voted by parts (E/CN.4/SR.249). The first paragraph was adopted without change by 16 votes to 2. An amendment by Uruguay (E/CN.4/SR.249) to add to paragraph 2 the sentence "The Committee shall complete its report as promptly as possible, particularly when requested by one of the States Parties where human life is endangered" was adopted by 16 votes to none with 2 abstentions, and the paragraph as amended was adopted by 16 votes to none with 2 abstentions. Paragraph 3 was adopted by 16 votes to 2 after the amendment by the representative of India to add the words "and attach thereto the statements made by the parties to the case" had been adopted by 11 votes to 4, with 3 abstentions.

89. The Commission adopted by 6 votes to 5, with 7 abstentions, a proposal submitted by the representative of India for a new article 42 (present article 58), which read as follows: "The Committee shall submit to the General Assembly, through the Secretary-General, an annual report of its activities."

90. The Commission adopted by 6 votes to 3, with 9 abstentions, a proposal submitted by Denmark and France (E/CN.4/560/Rev.1/Corr.1) for a new article 43. The text of the article as adopted (see present article 59) reads as follows: "The States Parties to this Covenant agree not to submit, by way of petition, to the International Court of Justice, except by special agreement, any dispute arising out of the interpretation or application of the Covenant in a matter within the competence of the Committee."

DRAFT RESOLUTION ON THE INCLUSION OF MEASURES OF IMPLEMENTATION IN A SEPARATE INSTRUMENT

91. At the 249th meeting the Commission agreed to the request of the representative of Yugoslavia that discussion on his draft resolution (E/CN.4/551), which asked the Commission to decide to omit from the draft Covenant the clauses concerning measures of implementation and to embody them in a separate instrument, should be deferred till the final decision on article 19 (present article 33) had been taken.

IV. COMMUNICATIONS

93. At its 244th meeting, which was held in private, the Commission considered item 15 (a) of its agenda. It received the confidential lists of communications (HR/Communications List No. 1, Add.1 and Add.2) and observations from governments (HR/Communications, Nos. 1 to 8 and 10) concerning human rights, prepared by the Secretary-General in accordance with Economic and Social Council resolutions 75 (V), 192 A (VIII) and 275 B (X). A non-confidential list of communications (E/CN.4/CR.20) dealing with the principles involved in the promotion of universal respect for and observance of human rights had already been circulated to the members of the Commission.

94. The Commission adopted the following resolution, the first paragraph of which was adopted by 13 votes to none, with 5 abstentions, the second paragraph by 15 votes

C. TERRITORIAL APPLICATION OF THE DRAFT COVENANT

92. At the 242nd meeting the Chairman stated that, as far as item 3 (e) of the agenda, "*The territorial application of the Covenant*", was concerned, he would rule that the text forwarded by the General Assembly by its resolution 422 (V) would be incorporated in the draft Covenant, but that this would not prevent any member of the Commission from making a statement on the item at the report stage (E/CN.4/SR.251). The article appears as article 72 in annex I.

to 2, with 1 abstention, and the whole draft resolution by 15 votes to none with 3 abstentions:

Confidential lists of communications and replies from Member States

"The Commission on Human Rights

Takes note of the lists of communications concerning human rights prepared for its seventh session by the Secretary-General in accordance with resolution 75 (V) as amended by resolution 275 B (X) of the Economic and Social Council; and

"Calls the attention of the Economic and Social Council, in its consideration of the question of petitions in connexion with the report of the seventh session of the Commission, to the fact that the Commission has been receiving communications concerning human rights since its establishment."

V. DEFERRED WORK OF THE COMMISSION

95. In addition to what has been stated in chapter III (paragraphs 20 and 21) concerning the work on the draft Covenant on Human Rights (item 3 of the agenda), the

Commission deferred consideration of items 4 to 14 and 15 (b) of the agenda of its seventh session (see paragraph 17 above).

VI. ADOPTION OF THE REPORT OF THE SEVENTH SESSION TO THE ECONOMIC AND SOCIAL COUNCIL

96. The Commission considered the draft report of its seventh session (E/CN.4/635/Add.1 to Add.5 and E/CN.4/635/Add.1/Corr.1) at its 250th and 251st meetings.

It adopted the report by 15 votes to none, with 3 abstentions.

ANNEXES

ANNEX I²

Draft International Covenant on Human Rights

Note : The Commission at its seventh session did not consider the preamble, parts I and II (articles 1-18), or part IV (articles 42-45, present part VI, articles 70 and 73) of the draft Covenant prepared at its sixth session.

The text of the preamble and of parts I and II (articles 1-18) are therefore reproduced from the report of the sixth session of the Commission.

With regard to part VI (part IV of the sixth session), articles 70 and 73 (formerly 42 and 45) are reproduced from the report of the sixth session. Article 71 (federal State article) has no text and all proposals are presented in annex VI. Article 72 (territorial application clause) reproduces the text of the General Assembly resolution 422 (V) in accordance with the Commission's decision (see chapter III, paragraph 92).

PREAMBLE³

The States Parties hereto,

Considering the obligation under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Bearing in mind the Universal Declaration of Human Rights,

Recognizing that the rights and freedoms recognized in this Covenant flow from the inherent dignity of the human person,

By this Covenant agree upon the following articles with respect to these rights and freedoms.

PART I

ARTICLE 1⁴

1. Each State Party hereto undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in this Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures as may be necessary to give effect to the rights recognized in this Covenant.

² The Commission has not taken a final decision on the order of the various Parts of the draft Covenant. The order in which they are presented here should therefore be considered as tentative.

³ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/370, E/CN.4/376, E/CN.4/377, E/CN.4/379, E/CN.4/491, E/CN.4/L.11 and E/CN.4/SR.137, 138, 193, 199.

⁴ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/374, E/CN.4/380, E/CN.4/495, E/CN.4/L.14, and E/CN.4/SR.138, 193, 194, 195, 199.

3. Each State Party hereto undertakes to ensure :

(a) That any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) That any person claiming such a remedy shall have his right thereto determined by competent authorities, political, administrative or judicial;

(c) That the competent authorities shall enforce such remedies when granted.

ARTICLE 2⁵

1. In the case of a state of emergency officially proclaimed by the authorities or in the case of public disaster, a State may take measures derogating, to the extent strictly limited by the exigencies of the situation, from its obligations under Article 1, paragraph 1 and Part II of this Covenant.

2. No derogation from Articles 3, 4, 5 (paragraphs 1 and 2) 7, 11, 12 and 13 may be made under this provision. No derogation which is otherwise incompatible with international law may be made by a State under this provision.

3. Any State Party hereto availing itself of the right of derogation shall inform immediately the other States Parties to the Covenant, through the intermediary of the Secretary-General, of the provisions from which it has derogated and the date on which it has terminated such derogation.

PART II

ARTICLE 3⁶

1. Everyone's right to life shall be protected by law.

2. To take life shall be a crime, save in the execution of a sentence of a court, or in self-defence, or in the case of enforcement measures authorized by the Charter.

3. In countries where capital punishment exists, sentence of death may be imposed only as a penalty for the most serious crimes, pursuant to the sentence of a competent court and in accordance with law not contrary to the Universal Declaration of Human Rights.

4. Anyone sentenced to death shall have the right to seek amnesty, or pardon, or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

⁵ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/497, E/CN.4/498, E/CN.4/L.14 and E/CN.4/SR.138, 195, 196, 199.

⁶ E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/371, E/CN.4/378, E/CN.4/383, E/CN.4/384, E/CN.4/385, E/CN.4/386, E/CN.4/387, E/CN.4/393, E/CN.4/398, E/CN.4/413, E/CN.4/417, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.139, 140, 144, 149, 150, 152, 153, 199.

ARTICLE 4⁷

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected against his will to medical or scientific experimentation involving risk, where such is not required by his state of physical or mental health.

ARTICLE 5⁸

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

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour.

(b) The preceding sub-paragraph shall not be held to preclude, in countries where imprisonment with "hard labour" may be imposed as a punishment for a crime, the performance of "hard labour" in pursuance of a sentence to such punishment by a competent court.

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include :

(i) Any work or service, other than work performed in pursuance of a sentence of "hard labour" required to be done in the course of detention in consequence of a lawful order of a court;

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

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civic obligations.

ARTICLE 6⁹

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 are established by law.

3. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

4. Anyone arrested or detained on a criminal charge 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, detention shall not be the general rule, but release may be subject to guarantees to appear for trial.

5. Anyone 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 without delay by a court and his release ordered if the detention is not lawful.

⁷ E/CN.4/353/Add.1 and Corr.2, E/CN.4/365, E/CN.4/381, E/CN.4/471, E/CN.4/472, E/CN.4/473, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.141, 182, 183, 199.

⁸ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/388, E/CN.4/390, E/CN.4/391, E/CN.4/404, E/CN.4/408, E/CN.4/L.2/Rev.1, E/CN.4/L.16, and E/CN.4/SR.142, 143, 145, 148, 149, 154, 199.

⁹ E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/394, E/CN.4/397, E/CN.4/399, E/CN.4/400, E/CN.4/401, E/CN.4/402, E/CN.4/405/Rev.1, E/CN.4/406, E/CN.4/409, E/CN.4/410, E/CN.4/411, E/CN.4/421, E/CN.4/L.2/Rev.1, E/CN.4/L.16 and E/CN.4/SR.144, 145, 146, 147, 148, 154, 199.

6. Anyone who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation.

ARTICLE 7¹⁰

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

ARTICLE 8¹¹

1. Subject to any general law, consistent with the rights recognized in this Covenant :

(a) Everyone legally within the territory of a State shall, within that territory, have the right to (i) liberty of movement and (ii) freedom to choose his residence;

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

2. (a) No one shall be subjected to arbitrary exile;

(b) Subject to the preceding sub-paragraph, anyone shall be free to enter the country of which he is a national.

ARTICLE 9¹²

No alien legally admitted to the territory of a State shall be expelled therefrom except on established legal grounds and according to procedure and safeguards which shall in all cases be provided by law.

ARTICLE 10¹³

1. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing, by an independent and impartial tribunal established by law. The Press and public may be excluded from all or part of a trial for reasons of morals, public order or national security, or where the interest of juveniles so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interest of justice; but the judgment shall be pronounced publicly except where the interest of juveniles otherwise requires.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be 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 of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case where he does not have sufficient means to pay for it;

¹⁰ E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/407, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.150, 199.

¹¹ E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/392, E/CN.4/392/Corr.1, E/CN.4/412, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.150, 151, 199.

¹² E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/392, E/CN.4/392/Corr.1, E/CN.4/420, E/CN.4/423, E/CN.4/L.3, E/CN.4/L.16 and E/CN.4/SR.153, 154, 155 (Part II), 199.

¹³ E/CN.4/353/Add.10 and 11, E/CN.4/358, E/CN.4/365, E/CN.4/414, E/CN.4/422/Rev.1, E/CN.4/426, E/CN.4/428, E/CN.4/430, E/CN.4/431, E/CN.4/441, E/CN.4/445, E/CN.4/448, E/CN.4/449, E/CN.4/L.4/Rev.1, E/CN.4/L.16 and E/CN.4/SR.153, 155 (Part II), 156, 157, 158, 159, 166, 167, 199.

(c) To examine, or have examined, the witnesses against him and to obtain compulsory attendance of witnesses in his behalf who are within the jurisdiction and subject to the process of the tribunal;

(d) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(e) No one shall be compelled to testify against himself, or to confess guilt;

(f) In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

3. In any case where by a final decision a person has been convicted of a criminal offence and where subsequently a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated. This compensation shall be awarded to the heirs of a person executed by virtue of an erroneous sentence.

ARTICLE 11¹⁴

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal 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 when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for the commission of any act which, at the time when it was committed, was criminal according to the generally recognized principles of law.

ARTICLE 12¹⁵

Everyone shall have the right to recognition everywhere as a person before the law.

ARTICLE 13¹⁶

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include 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 14¹⁷

1. Everyone shall have the right to hold opinions without interference.

¹⁴ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/425, E/CN.4/L.3, E/CN.4/L.16 and E/CN.4/SR.159, 199.

¹⁵ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.3, E/CN.4/L.16 and E/CN.4/SR.159, 199.

¹⁶ E/CN.4/353/Add.10, E/CN.4/358, E/CN.4/365, E/CN.4/382, E/CN.4/429, E/CN.4/L.5 and E/CN.4/SR.160, 161, 200.

¹⁷ E/CN.4/353/Add.10 and 11, E/CN.4/360 and Corr.2, E/CN.4/365, E/CN.4/415 and Corr.1, E/CN.4/424, E/CN.4/432, E/CN.4/433/Rev.2, E/CN.4/434, E/CN.4/438/Rev.1, E/CN.4/440, E/CN.4/446, E/CN.4/L.5 and E/CN.4/SR.160, 161, 162, 163, 164, 165, 166, 167, 200.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others.

ARTICLE 15¹⁸

The right of peaceful assembly shall be recognized. No restrictions shall be placed on the exercise of this right other than those imposed in conformity with the 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 16¹⁹

1. The right of association shall be recognized.

2. 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.

3. Nothing in this article shall authorize States Parties to the Freedom of Association and Protection of the Right to Organize Convention, 1948, to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

ARTICLE 17²⁰

All are equal before the law; all shall be accorded equal protection of the law 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.

ARTICLE 18²¹

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 recognized herein or at their limitation to a greater extent than is provided for in this Covenant.

2. Nothing in this Covenant may be interpreted as limiting or derogating from any of the rights and freedoms which may be guaranteed under the laws of any Contracting State or any conventions to which it is a party.

¹⁸ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.6 and E/CN.4/SR.169, 200.

¹⁹ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/164 and Add.1, E/CN.4/453, E/CN.4/L.6 and E/CN.4/SR.171, 172, 200.

²⁰ E/CN.4/353/Add.10 and 11, E/CN.4/358, E/CN.4/365, E/CN.4/418, E/CN.4/447, E/CN.4/451, E/CN.4/455/Rev.1, E/CN.4/456, E/CN.4/458, E/CN.4/L.7 and E/CN.4/SR.171, 172, 173, 174, 175, 200.

²¹ E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/416, E/CN.4/454, E/CN.4/461, E/CN.4/468, E/CN.4/L.8 and E/CN.4/SR.175, 181, 200.

PART III

ARTICLE 19 22

The States Parties to the present Covenant,

1. Bearing in mind the link between the rights and liberties recognized and defined above, and the economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights;

2. Resolved to combat the scourges, such as famine, disease, poverty, the feeling of insecurity and ignorance, which take toll of or degrade men, and prevent the free development of their personality;

3. Resolved to strive to ensure that every human being shall obtain the food, clothing, shelter essential for his livelihood and well-being, and shall achieve an adequate standard of living and a continuous improvement of his material and spiritual living conditions;

4. Undertake to take steps, individually and through international co-operation, to the maximum of their available resources with a view to achieving progressively the full realization of the rights recognized in this Part of the present Covenant.

ARTICLE 20 23

Work being at the basis of all human endeavour, the States Parties to the Covenant recognize the right to work, that is to say, the fundamental right of everyone to the opportunity, if he so desires, to gain his living by work which he freely accepts.

ARTICLE 21 24

The States Parties to the Covenant recognize the right of everyone to just and favourable conditions of work, including :

- (a) Safe and healthy working conditions;
- (b) Minimum remuneration which provides all workers :
 - (i) With fair wages and equal pay for equal work, and
 - (ii) A decent living for themselves and their families; and
- (c) Reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 22 25

The States Parties to the Covenant recognize the right of everyone to social security.

ARTICLE 23 26

The States Parties to the Covenant recognize the right of everyone to adequate housing.

²² E/CN.4/618, E/CN.4/SR.236 and 237, E/CN.4/L.19/Add.6.

²³ E/CN.4/AC.14/2, E/CN.4/AC.14/2/Add.1, E/CN.4/571, E/CN.4/572, E/CN.4/574, E/CN.4/575, E/CN.4/576, E/CN.4/AC.14/SR.3, E/CN.4/SR.216, 217 and 218, and E/CN.4/L.19.

²⁴ E/CN.4/AC.14/2/Add.2, E/CN.4/577/Rev.1, E/CN.4/578, E/CN.4/579, E/CN.4/580, E/CN.4/SR.218, 219 and 220 and E/CN.4/L.19.

²⁵ E/CN.4/AC.14/2/Add.3, section IV; E/CN.4/581, E/CN.4/SR.220 and 221, and E/CN.4/L.19.

²⁶ E/CN.4/AC.14/2/Add.3, section VI; E/CN.4/582, E/CN.4/SR.222, and E/CN.4/L.19/Add.1/Rev.1.

ARTICLE 24 27

The States Parties to the Covenant recognize the right of everyone to an adequate standard of living and the continuous improvement of living conditions.

ARTICLE 25 28

The States Parties to the Covenant recognize the right of everyone to the enjoyment of the highest standard of health obtainable. With a view to implementing and safeguarding this right each State Party hereto undertakes to provide legislative measures to promote and protect health and, in particular :

(a) To reduce infant mortality and provide for healthy development of the child;

(b) To improve nutrition, housing, sanitation, recreation, economic and working conditions and other aspects of environmental hygiene;

(c) To control epidemic, endemic and other diseases;

(d) To provide conditions which would assure the right of all to medical service and medical attention in the event of sickness.

ARTICLE 26 29

The States Parties to the Covenant recognize that :

1. Special protection should be accorded to maternity and motherhood; and

2. Special measures of protection should be taken on behalf of children and young persons, and that in particular they should not be required to do work likely to hamper their normal development.

ARTICLE 27 30

The States Parties to the Covenant recognize the right of everyone, in conformity with Article 16, to form and join local, national and international trade unions of his choice for the protection of his economic and social interests.

ARTICLE 28 31

The States Parties to the Covenant recognize :

1. The right of everyone to education;

2. That educational facilities shall be accessible to all in accordance with the principle of non-discrimination enunciated in paragraph 1 of Article 1 of this Covenant;

3. That primary education shall be compulsory and available free to all;

4. That secondary education, in its different forms, including technical and professional secondary education, shall be generally available and shall be made progressively free;

²⁷ E/CN.4/AC.14/2/Add.3, section VII; E/CN.4/SR.223 and E/CN.4/L.19/Add.1/Rev.1.

²⁸ E/CN.4/AC.14/2/Add.4, section VIII; E/CN.4/544, E/CN.4/544/Add.1, E/CN.4/583, E/CN.4/589, E/CN.4/SR.223, and E/CN.4/L.19/Add.1/Rev.1.

²⁹ E/CN.4/AC.14/2/Add.3, section V; E/CN.4/582, E/CN.4/585, E/CN.4/586, E/CN.4/587, E/CN.4/588, E/CN.4/SR.222 and 224, E/CN.4/L.19/Add.2.

³⁰ E/CN.4/AC.14/2/Add.4, section X; E/CN.4/591/Rev.1, E/CN.4/594, E/CN.4/595/Rev.1, E/CN.4/596, E/CN.4/SR.224, 225 and 226, and E/CN.4/L.19/Add.3.

³¹ E/CN.4/AC.14/2/Add.4, section IX; E/CN.4/593, E/CN.4/593/Rev.1, E/CN.4/593/Rev.2, E/CN.4/598, E/CN.4/600, E/CN.4/601, E/CN.4/602, E/CN.4/605, E/CN.4/611, E/CN.4/613/Rev.1, E/CN.4/SR.226, 227, 228, 229 and 230, E/CN.4/L.19/Add.4.

5. That higher education shall be equally accessible to all on the basis of merit and shall be made progressively free;

6. That fundamental education for those persons who have not received or completed the whole period of their primary education shall be encouraged as far as possible;

7. That education shall encourage the full development of the human personality, the strengthening of respect for human rights and fundamental freedoms and the suppression of all incitement to racial and other hatred. It shall promote understanding, tolerance and friendship among all nations, racial, ethnic or religious groups, and shall further the activities of the United Nations for the maintenance of peace and enable all persons to participate effectively in a free society;

8. The obligations of States to establish a system of free and compulsory primary education shall not be deemed incompatible with the liberty of parents to choose for their children schools other than those established by the State which conform to minimum standards laid down by the State;

9. In the exercise of any functions which the State assumes in the field of education it shall have respect for the liberty of parents to ensure the religious education of their children in conformity with their own convictions.

ARTICLE 29³²

Each State Party to the Covenant which, at the time of becoming a party to this Covenant, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all.

ARTICLE 30³³

1. The States Parties to the Covenant undertake to encourage by all appropriate means the conservation, the development and the diffusion of science and culture.

2. They recognize that it is one of their principal aims to ensure conditions which will permit everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications.

ARTICLE 31³⁴

The States Parties to the Covenant recognize the equal right of men and women to the enjoyment of all economic, social and cultural rights, and particularly of those set forth in this Covenant.

ARTICLE 32³⁵

The States Parties to the Covenant recognize that in the enjoyment of those rights provided by the State in conformity with this Part of the Covenant, the State may subject such rights

only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

PART IV³⁶

ARTICLE 33

(formerly article 19)³⁷

Note : The Commission decided to postpone the vote on the whole of Article 33. The following is the provisional text of the Article.

1. With a view to the implementation of the provisions of the International Covenant on Human Rights, there shall be set up a Human Rights Committee, hereinafter referred to as "the Committee", composed of nine members with the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the Covenant who shall be persons of high moral standing and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having a judicial or legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacities.

ARTICLE 34

(formerly article 20)³⁸

1. The members of the Committee shall be elected from a list of persons possessing the qualifications prescribed in Article 33 and specially nominated for that purpose by the States Parties to the Covenant.

2. Each State shall nominate at least two and not more than four persons. These persons may be nationals of the nominating State or of any other State Party to the Covenant.

3. Nominations shall remain valid until new nominations are made for the purpose of the next election under Article 39. A person shall be eligible to be renominated.

ARTICLE 35

(formerly article 21)³⁹

At least three months before the date of each election to the Committee, the Secretary-General of the United Nations shall address a written request to the States Parties to the Covenant inviting them, if they have not already submitted their nominations, to submit them within two months.

³² E/CN.4/AC.14/2/Add.4, section X; E/CN.4/613/Rev.1, E/CN.4/SR.226, 227, 228, 229, 230 and E/CN.4/L.19/Add.4.

³³ E/CN.4/AC.14/2/Add.4, section IX; E/CN.4/613/Rev.1, E/CN.4/SR.226, 227, 228, 229, 230 and E/CN.4/L.19/Add.4.

³⁴ E/CN.4/592, E/CN.4/597, E/CN.4/SR.230, E/CN.4/L.19/Add.5.

³⁵ E/CN.4/610/Add.2, E/CN.4/SR.234, 235 and 236, E/CN.4/L.19/Add.6.

³⁶ The Commission did not decide whether this Part should relate to the whole Covenant or only to Parts of it.

³⁷ E/1681, annex I, E/CN.4/530, paragraphs 24-30, E/CN.4/552, chapter V, section I, E/CN.4/560/Rev.1, E/CN.4/566, E/CN.4/SR.214, 215 and E/CN.4/L.18.

³⁸ E/1681, annex I, E/CN.4/530, paragraphs 31-33, E/CN.4/552, chapter V, section I, E/CN.4/560/Rev.1, E/CN.4/SR.215, and E/CN.4/L.18.

³⁹ E/1681, annex I; E/CN.4/SR.215 and E/CN.4/L.18.

ARTICLE 36

(formerly article 22) 40

The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, and submit it to the International Court of Justice and to the States Parties to the Covenant.

ARTICLE 37

(formerly article 23) 41

1. The Secretary-General of the United Nations, on behalf of the States Parties to the Covenant, shall request the International Court of Justice to elect the members of the Committee from the list referred to in Article 36 and in accordance with the conditions set out below.

2. On receipt of the list from the Secretary-General of the United Nations, the President of the International Court of Justice shall fix the time of elections for members of the Committee.

ARTICLE 38

(formerly article 24) 42

1. No more than one national of any State may be a member of the Committee at any time.

2. In the election of the Committee consideration shall be given to equitable geographical distribution of membership and to the representation of the main forms of civilization. The persons elected shall be those who obtain the largest number of votes and an absolute majority of the votes of all the members of the Court.

3. The quorum of nine laid down in Article 25, paragraph 3, of the Statute of the Court shall apply for the holding of the elections by the Court.

ARTICLE 39

(formerly article 25) 43

The members of the Committee shall be elected for a term of five years and be eligible for re-election. However, the terms of five of the members elected at the first election shall expire at the end of two years. Immediately after the first election the names of the members whose terms expire at the end of the initial period of two years shall be chosen by lot by the President of the International Court of Justice.

ARTICLE 40

(formerly article 26) 44

1. Should a vacancy arise, the provisions of Articles 35, 36, 37 and 38 shall apply to the election.

⁴⁰ E/1681, annex I; E/CN.4/556, E/CN.4/560/Rev.1, E/CN.4/568, E/CN.4/SR.215 and E/CN.4/L.18.

⁴¹ E/1681, annex I; E/CN.4/530, paragraphs 34-35; E/CN.4/552, chapter V, section I; E/CN.4/556, E/CN.4/560/Rev.1; E/CN.4/SR.214-215 and E/CN.4/L.18.

⁴² E/1681, annex I; E/CN.4/530, paragraphs 34-36; E/CN.4/552, chapter V, section I; E/CN.4/556, E/CN.4/560/Rev.1, E/CN.4/567; E/CN.4/215 and E/CN.4/L.18.

⁴³ E/1681, annex I; E/CN.4/530, paragraph 37; E/CN.4/552, chapter V, section I; E/CN.4/560/Rev.1; E/CN.4/SR.215, and E/CN.4/L.18.

⁴⁴ E/1681, annex I; E/CN.4/617, E/CN.4/560/Rev.1; E/CN.4/SR.239; E/CN.4/L.18/Add.1.

2. A member of the Committee elected to fill a vacancy shall, if his predecessor's term of office has not expired, hold office for the remainder of that term.

ARTICLE 41

(formerly article 27) 45

A member of the Committee shall remain in office until his successor has been elected; but if the Committee has, prior to the election of his successor, begun to consider a case, he shall continue to act in that case, and his successor shall not act in that case.

ARTICLE 42

(formerly article 28) 46

The resignation of a member of the Committee shall be addressed to the Chairman of the Committee through the Secretary of the Committee who shall immediately notify the Secretary-General of the United Nations and the International Court of Justice.

ARTICLE 43

(formerly article 29) 47

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

ARTICLE 44

(formerly article 30) 48

1. The Secretary of the Committee shall be appointed by the International Court of Justice from a list of three names submitted by the Committee.

2. The candidate obtaining the largest number of votes and an absolute majority of the votes of all the members of the Court shall be declared elected.

3. The quorum of nine laid down in Article 25, paragraph 3 of the Statute of the Court shall apply for the holding of the election by the Court.

ARTICLE 45

(formerly article 31) 49

The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

ARTICLE 46

(formerly article 32) 50

The Committee shall, at its initial meeting, elect its Chairman and Vice-Chairman for the period of one year.

⁴⁵ E/1681, annex I; E/CN.4/617, E/CN.4/556; E/CN.4/SR.239, E/CN.4/L.18/Add.1.

⁴⁶ E/1681, annex I, E/CN.4/617, E/CN.4/560/Rev.1; E/CN.4/SR.239, E/CN.4/L.18/Add.1.

⁴⁷ E/1681, annex I, E/CN.4/617, E/CN.4/556, E/CN.4/560/Rev.1, E/CN.4/SR.239 and E/CN.4/L.18/Add.1.

⁴⁸ E/1681, annex I, E/CN.4/617, E/CN.4/560/Rev.1, E/CN.4/620, E/CN.4/SR.239 and E/CN.4/L.18/Add.1.

⁴⁹ E/1681, annex I, E/CN.4/SR.239 and E/CN.4/L.18/Add.1.

⁵⁰ E/1681, annex I, E/CN.4/530, paragraphs 44-45; E/CN.4/617, E/CN.4/560/Rev.1, E/CN.4/SR.239, E/CN.4/L.18/Add.1.

ARTICLE 47

(formerly article 33) ⁵¹

The Committee shall establish its own rules of procedure, but these rules shall provide that :

- (a) Seven members shall constitute a quorum;
- (b) The work of the Committee shall proceed by a majority vote of the members present; in the event of an equality of votes the Chairman shall have a casting vote;
- (c) All States Parties to the Covenant having an interest in any matter referred to the Committee under Article 52 shall have the right to make submissions to the Committee in writing.

The States referred to in Article 52 shall further have the right to be represented at the hearings of the Committee and to make submissions orally.

(d) The Committee shall hold hearings and other meetings in closed session.

ARTICLE 48

(formerly article 35) ⁵²

1. After its initial meeting the Committee shall meet :
 - (a) At such times as it deems necessary;
 - (b) When any matter is referred to it under Article 52;
 - (c) When convened by its Chairman or at the request of not less than five of its members.
2. The Committee shall meet at the permanent Headquarters of the United Nations or at Geneva.

ARTICLE 49

(formerly article 36) ⁵³

The Secretary of the Committee shall attend its meetings, make all necessary arrangements, in accordance with the Committee's instructions, for the preparation and conduct of the work, and carry out any other duties assigned to him by the Committee.

ARTICLE 50 ⁵⁴

The members and the Secretary of the Committee shall receive emoluments commensurate with the importance and responsibilities of their office.

ARTICLE 51

(formerly article 37) ⁵⁵

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the Committee and its members.

⁵¹ E/1681, annex I, E/CN.4/530, paragraphs 46-48; E/CN.4/617, E/CN.4/550, E/CN.4/560/Rev.1, E/CN.4/566, E/CN.4/620, E/CN.4/SR.239 and E/CN.4/L.18/Add.1.

⁵² E/1681, annex I, E/CN.4/617, E/CN.4/560/Rev.1, E/CN.4/620, E/CN.4/SR.239 and E/CN.4/L.18/Add.1.

⁵³ E/1681, annex I, E/CN.4/617, E/CN.4/560/Rev.1; E/CN.4/SR.240 and E/CN.4/L.18/Add.1.

⁵⁴ E/CN.4/530, paragraph 52; E/CN.4/560/Rev.1, E/CN.4/617, E/CN.4/627, E/CN.4/627/Add.1; E/CN.4/SR.240 and 243.

⁵⁵ E/1681, annex I, E/CN.4/560/Rev.1, E/CN.4/617, E/CN.4/627 and E/CN.4/627/Add.1; E/CN.4/SR.240, 243 and 249.

ARTICLE 52

(formerly article 38) ⁵⁶

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, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the communicating State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both Parties within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Secretary of the Committee and to the other State.

3. Subject to the provisions of Article 54 below, in serious cases where human life is endangered the Committee may, at the request of a State Party to the Covenant referred to in paragraph 1 of this Article, deal forthwith with the case on receipt of the initial communication and after notifying the State concerned.

ARTICLE 53 ⁵⁷

The Committee shall deal with any matter referred to it under Article 52 save that it shall have no power to deal with any matter :

- (a) For which any organ or specialized agency of the United Nations competent to do so has established a special procedure by which the States concerned are governed; or
- (b) With which the International Court of Justice is seized other than by virtue of Article ... of the present Covenant.

ARTICLE 54

(formerly article 39) ⁵⁸

Normally, the Committee shall deal with a matter referred to it only if available domestic remedies have been invoked and exhausted in the case. This shall not be the rule where the application of the remedies is unreasonably prolonged.

ARTICLE 55

(formerly article 40) ⁵⁹

In any matter referred to it the Committee may call upon the States concerned to supply any relevant information.

ARTICLE 56 ⁶⁰

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized.

⁵⁶ E/1681, annex I, E/CN.4/530, paragraphs 53-58, 85-89; E/CN.4/560, E/CN.4/617, E/CN.4/617/Corr.1, E/CN.4/SR.240 and E/CN.4/L.18/Add.1.

⁵⁷ E/CN.4/530, paragraphs 63-71; E/CN.4/560/Rev.1, E/CN.4/617, E/CN.4/620, E/CN.4/634/Rev.1, E/CN.4/SR.249.

⁵⁸ E/1681, annex I, E/CN.4/530, paragraphs 59-62, E/CN.4/SR.249.

⁵⁹ E/1681, annex I, E/CN.4/530, paragraphs 63-71; E/CN.4/621, E/CN.4/SR.249.

⁶⁰ E/CN.4/530, paragraphs 78-80, E/CN.4/558/Rev.1, E/CN.4/SR.249.

ARTICLE 57

(formerly article 41) ⁶¹

1. Subject to the provisions of Article 54, the Committee shall ascertain the facts and make available its good offices to the States concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in this Covenant.

2. The Committee shall, in every case and in no event later than eighteen months after the date of receipt of the notice under Article 52, draw up a report which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication. The Committee shall complete its report as promptly, particularly when requested by one of the States Parties where human life is endangered.

3. If a solution within the terms of paragraph 1 of this article is reached the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall state in its report its conclusions on the facts and attach thereto the statements made by the parties to the case.

ARTICLE 58 ⁶²

The Committee shall submit to the General Assembly, through the Secretary-General, an annual report of its activities.

ARTICLE 59 ⁶³

The States Parties to this Covenant agree not to submit, by way of petition, to the International Court of Justice, except by special agreement, any dispute arising out of the interpretation or application of the Covenant in a matter within the competence of the Committee.

PART V ⁶⁴

ARTICLE 60 ⁶⁵

The States Parties to this Covenant undertake to submit reports concerning the progress made in achieving the observance of these rights ⁶⁶ in conformity with the following articles and the recommendations which the General Assembly and the Economic and Social Council, in the exercise of their general responsibility may make to all the Members of the United Nations.

ARTICLE 61 ⁶⁷

1 The States Parties shall furnish their reports in stages, in accordance with a programme to be established by the Economic

⁶¹ E/1681, annex I, E/CN.4/530, paragraphs 63-74; E/CN.4/556, E/CN.4/565, E/CN.4/617 and Corrigendum 1, E/CN.4/SR.249.

⁶² E/CN.4/530, paragraphs 81-84, E/CN.4/556, E/CN.4/617, E/CN.4/SR.249.

⁶³ E/CN.4/530, paragraphs 78-80; E/CN.4/560/Rev.1/Corr.1, E/CN.4/620, E/CN.4/SR.249.

⁶⁴ The Commission did not decide whether this Part should relate to the whole Covenant or only to Parts of it.

⁶⁵ E/CN.4/629, E/CN.4/SR.246 and E/CN.4/L.19/Add.7.

⁶⁶ Wording suggested by the representative of Denmark (see paragraph 66) :

Alternative 1 : "observance of the rights recognized in Part III of this Covenant".

Alternative 2 : "observance of the rights recognized in this Covenant".

⁶⁷ E/CN.4/629, E/CN.4/630, E/CN.4/SR.246 and E/CN.4/L.19/Add.7.

and Social Council after consultation with the States Parties to this Covenant and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under this part of the Covenant. ⁶⁸

3. Where relevant information has already previously been furnished to the United Nations or to any specialized agency, the action required by this Article may take the form of a precise reference to the information so furnished.

ARTICLE 62 ⁶⁹

Pursuant to its responsibilities under the Charter in the field of human rights, the Economic and Social Council shall make special arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of this Part of the Covenant ⁷⁰ falling within their competence. These reports shall include particulars of decisions and recommendations on such implementation adopted by their competent organs.

ARTICLE 63 ⁷¹

The Economic and Social Council shall transmit to the Commission on Human Rights for study and recommendation the reports concerning human rights submitted by States, and those concerning human rights submitted by the competent specialized agencies.

ARTICLE 64 ⁷²

The States Parties directly concerned and the specialized agencies may submit comments to the Economic and Social Council on the report of the Commission on Human Rights.

ARTICLE 65 ⁷³

The Economic and Social Council may submit from time to time to the General Assembly, with its own reports, reports summarizing the information made available by the States Parties to the Covenant directly to the Secretary-General and by the specialized agencies under Article ... indicating the progress made in achieving general observance of these rights.

ARTICLE 66 ⁷⁴

The Economic and Social Council may submit to the Technical Assistance Board or to any other appropriate international organ the findings contained in the report of the Commission on Human Rights which may assist such organs in deciding each within its

⁶⁸ Wording suggested by the representative of Denmark (see paragraph 66) :

Alternative 1 : "obligations under Part III of this Covenant".

Alternative 2 : "obligations under this Covenant".

⁶⁹ E/CN.4/629, E/CN.4/631/Rev.2, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷⁰ Wording suggested by the representative of Denmark (see paragraph 66) :

Alternative 1 : "observance of the provisions of Part III of this Covenant".

Alternative 2 : "observance of the provisions of this Covenant".

⁷¹ E/CN.4/629, E/CN.4/630, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷² E/CN.4/629, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷³ E/CN.4/629, E/CN.4/630, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷⁴ E/CN.4/629, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

competence, on the advisability of international measures likely to contribute to the progressive implementation of this Covenant.⁷⁵

ARTICLE 67⁷⁶

The States Parties to the Covenant agree that international action for the achievement of these rights⁷⁷ includes such methods as conventions, recommendations, technical assistance, regional and technical meetings and studies with governments.

ARTICLE 68⁷⁸

Unless otherwise decided by the Commission on Human Rights or by the Economic and Social Council or requested by the State directly concerned, the Secretary-General of the United Nations shall arrange for the publication of the report of the Commission on Human Rights, or reports presented to the Council by specialized agencies as well as of all decisions and recommendations reached by the Economic and Social Council.

ARTICLE 69⁷⁹

Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the Constitutions of the specialized agencies, which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in this Covenant.

PART VI

ARTICLE 70

(formerly article 42)⁸⁰

1. This Covenant shall be open for signature and ratification 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 twenty States have deposited such instruments, the Covenant shall come into force among 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

⁷⁵ Wording suggested by the representative of Denmark (see paragraph 66) :

Alternative 1 : "progressive implementation of Part III of this Covenant".

Alternative 2 : as in the text adopted.

⁷⁶ E/CN.4/629, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷⁷ Wording suggested by the representative of Denmark (see paragraph 66) :

Alternative 1 : "achievement of the rights recognized in Part III of this Covenant".

Alternative 2 : "achievement of the rights recognized in this Covenant".

⁷⁸ E/CN.4/629, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

⁷⁹ E/CN.4/629, E/CN.4/SR.247 and E/CN.4/L.19/Add.7.

This article was adopted with the understanding that the decision did not prejudice the position of the article in the Covenant.

⁸⁰ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/500, E/CN.4/502, E/CN.4/L.13 and E/CN.4/SR.196, 200.

signed or acceded, of the deposit of each instrument of ratification or accession.

ARTICLE 71

(formerly article 43)⁸¹

(Federal State article)

ARTICLE 72⁸²

The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan State.

ARTICLE 73

(formerly article 45)⁸³

1. Any State Party to the Covenant may propose an amendment and file it with the Secretary-General. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States favour such a conference the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States present and voting at the conference shall be submitted to the General Assembly for approval.

2. Such amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the 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, other Parties being still bound by the provisions of the Covenant and any earlier amendment which they have accepted.

ANNEX II

Comments of the members of the Commission on the draft Covenant on Human Rights as prepared at the seventh session

France

In confirmation of its observations made verbally, and to supplement them, the French delegation :

1. With regard to the first eighteen articles, refers to the previous communications transmitted to the Secretariat at the conclusion of the sixth session of the Commission on Human Rights, and immediately before its seventh session. The communications in question are given in annex III to this document.

2. With regard to any supplementary articles, reserves the right to submit proposals, especially on the problem of the right of asylum, for the solution of which positive international co-operation is essential.

⁸¹ See annex VI.

⁸² See General Assembly resolution 422 (V) and paragraph 92 above.

⁸³ E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.15, E/CN.4/SR.197, 200.

3. With regard to economic, social and cultural rights, feels that a number of changes are called for in texts imperfectly drafted, notably the text of the general limitation clause, for which wording similar to that of the Declaration would appear to be indicated.

4. As regards implementation, the French delegation considers :

(a) That certain problems require more thorough study. This applies in particular to :

(i) The question of conciliation between States in respect of any dispute arising out of a charge in respect of non-observance of human rights. (The deletion of the former article 34 of the draft Covenant leaves a gap which it would be desirable to fill, not only on account of the need to preserve the Committee's impartiality, but also because of its allotted task as a mediator and the legitimate concern of each State party to a dispute not to find itself in a position which at first sight it may regard as unfavourable.)

(ii) The competence of the Committee. (The door should be left open for any extension of the scope of its activities which may be stipulated in future instruments.)

(b) That it is important for the constructive measures of implementation proposed in connexion with economic, social and cultural rights to be extended to cover all other rights. It would be paradoxical if the Commission on Human Rights were unable to exercise in respect of those other rights, for which at present no organ other than the Commission exists, the supervision it exercises, according to the draft Covenant at any rate, over economic, social and cultural rights, which are to a great extent already safeguarded by the specialized agencies.

(c) That the various States Members of the United Nations, and the United Nations itself, should not wait until the Covenant is signed and ratified before furthering the cause of human rights with the help of the various other means at their disposal.

India

1. The delegate for India has during the course of the session taken part in its deliberations and expressed the views of the Government of India on the various clauses of the document which the Commission has prepared, and it is not proposed to recapitulate these in this note.

2. The fundamental point on which the Government of India is not satisfied with the existing text is its failure to recognize the right of an individual or group of individuals to uphold the rights conceded to him or them in a straightforward manner in opposition to his State when the organs of his State fail him. The Committee set up under the draft can only function when a State is a complainant, and another State is accused. An individual or group of individuals whose rights have been transgressed may interest a State which will, in practice, be a State not well disposed towards the accused State and thus foment a controversy between two States. In the final analysis, therefore, the Covenant and the machinery set up for its implementation may turn out to be dangerous to world peace.

3. The next fundamental objection of the Government of India is to the combination in the same covenant of economic, social and cultural rights with civil rights. It can now be proved by a perusal of the articles as drafted that the two sets of rights stand on an entirely different footing and their inclusion in the same instrument is illogical in theory and will lead to confusion in practice.

United Kingdom

1. His Majesty's Government remain of the opinion that the definition of economic, social and cultural rights and the permissible limitations thereto in terms which are sufficiently precise to give rise to binding legal obligations and at the same time take into account the differences in the economic, social and cultural development of States and in their structure is a task that may not

yet be possible. His Majesty's Government consider that the draft articles elaborated at the seventh session of the Human Rights Commission demonstrate the difficulties of this task without showing how they are to be overcome. His Majesty's Government therefore remain of the opinion that it is undesirable to attempt to incorporate them in this Covenant.

2. His Majesty's Government regret the failure of the Assembly to accept the inclusion of an article designed to enable the territories for whose international relations Member States are responsible to be brought within the scope of the Covenant in a orderly and constitutional manner. They also regret the Assembly's proposal to incorporate into the Covenant the draft article contained in A/1622 which would mean that the consent of all territories for whose international relations His Majesty's Government are responsible must be obtained prior to acceptance of the Covenant by His Majesty's Government in the United Kingdom. Their views on the necessity for a suitable Application Article remain as set out in E/CN.4/353/Add.2 and E/1681, annex I, article 43. A clear statement of the constitutional position of the United Kingdom in this respect may also be found in the summary records of the Council and of the Third Committee of the Assembly (E/AC.7/SR.152 and 153 and A/C.3/SR.294).

United States of America

1. The United States wishes to call attention to the desirability of including in the Covenant on Human Rights an article on the right of everyone to own property.

2. The United States wishes to call attention to the express reservation it made in the Commission on Human Rights on 19 May 1951 with respect to the provisions on economic, social and cultural rights drafted in this session of the Commission. The United States feels that there should be a careful reconsideration of these provisions. This is not, however, to be interpreted as indicating any lessening of the interest or efforts of the United States for the achievement of economic, social and cultural rights through the United Nations or through the various specialized agencies in this field.

3. The United States participated in the work of this session of the Commission on Human Rights in attempting to carry out the mandate of the General Assembly to draft economic, social and cultural rights with a view to their inclusion in the Covenant. The United States did so, despite its initial view that such rights should not be included in the same Covenant with civil and political rights. Our experience in the present session of the Commission on Human Rights has been such that we are now of the view that the provisions in the Part of the Covenant dealing with economic, social and cultural rights — being loosely drafted and not being expressed in terms of legal rights and with different implementation and undertaking — should be dealt with in a separate legal instrument.

ANNEX III

Text of amendments, proposals and comments to parts I and II (articles 1-18) of the draft Covenant on Human Rights

A. *Amendments submitted by the representatives of India (E/CN.4/563/Rev.1), of Yugoslavia (E/CN.4/573), of Egypt (E/CN.4/626) and of the United Kingdom (E/CN.4/628) at the seventh session of the Commission*

ARTICLE I

United Kingdom

Delete paragraphs 2 and 3 and substitute :

"2. Any State may, when signing this Covenant or when depositing its instrument of ratification, make a reservation

in respect of any particular provision of the Covenant to the extent that any law then in force in its territory is not in conformity with this provision. Reservations of a general character are not permitted under this Article. Any reservation under this Article shall contain a brief statement of the law concerned.

"3. Everyone whose rights and freedoms as set forth in this Covenant are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in a official capacity."

ARTICLE 2

1. Paragraph 1

United Kingdom

Delete and substitute :

"In time of war or other public emergency *threatening the life of the nation* the States Parties hereto may take measures derogating from their obligations under this Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law."

2. Paragraph 2

Yugoslavia

After the words "with international law" in article 2, paragraph 2, line 3, insert the words :

"and in particular with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights".

United Kingdom

Delete and substitute :

"No derogation from Article 3, *except in respect of deaths resulting from lawful acts of war*, or from Articles 4, 5 (paragraphs 1 and 2), 7 and 11 shall be made under this provision."

3. Paragraph 3

India

For the word "immediately" substitute the words "as soon as may be", and for the words "the other States Parties... Secretary-General" substitute the words "the Secretary-General who shall inform the General Assembly of the United Nations".

Yugoslavia

After the words in the present text : "the provisions from which it has derogated" insert the words : ", the reasons by which it was actuated".

ARTICLE 3

1. Paragraphs 1, 2, 3 and 4

United Kingdom

Delete paragraphs 1, 2, 3 and 4 and substitute :

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a Court following his conviction of a crime for which this penalty is provided by law.

"2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results in the use of force which is no more than absolutely necessary :

"(a) In defence of any person from unlawful violence;

"(b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

"(c) In action lawfully taken for the purpose of quelling insur-

"(c) In action lawfully taken for the purpose of quelling insur-

2. Paragraph 2

India

Delete the words "self-defence" and substitute the words "in defence of persons, property or state or in circumstances of grave civil commotion".

3. Paragraph 4

Yugoslavia

Add the following sentence at the end of the paragraph :

"In no case shall sentence of death be put into effect where the sentence concerns a pregnant woman."

ARTICLE 4

Yugoslavia

Add the following text :

"In addition to the consent of the person in question, the approval of a higher medical institution designated by law (faculty, institute, supreme medical council, etc.) shall be required before the experimentation referred to in the previous paragraph is carried out. Such approval may be required even in the case of experimentation of a general nature."

United Kingdom

Delete this article and substitute the words :

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

ARTICLE 6

1. Paragraphs 1, 2, 3, 4, 5 and 6

United Kingdom

Delete paragraphs 1, 2, 3, 4, 5 and 6 and substitute :

"1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases, and in accordance with a procedure prescribed by law :

"(a) The lawful detention of a person after conviction by a competent court;

"(b) The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

"(c) The lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

"(d) The detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

"(e) The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

"(f) *The lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.*

"2. Everyone who is arrested shall be informed promptly, *in a language which he understands*, of the reasons for his arrest and of any charge against him.

"3. Everyone arrested or detained *in accordance with the provisions of paragraph 1 (c)* of this Article 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.

"4. Everyone 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.

"5. Everyone who has been the victim of arrest or detention *in contravention of the provisions of this Article* shall have an enforceable right to compensation."

2. Paragraph 3

India

After the words "at the time of arrest", add : "or as soon as may be".

3. Paragraph 4

India

After the words "Pending trial", add the words "in cases which are bailable".

ARTICLE 8

United Kingdom

Delete whole article.

ARTICLE 9

India

Delete the words "on established legal grounds and".

Yugoslavia

Add a new paragraph to read as follows :

"Persons charged with political or military offences shall not be subject to extradition except where the alleged acts are regarded as crimes under international law, in respect of which compulsory extradition is stipulated in accordance with the resolutions of the United Nations General Assembly or conventions concluded under United Nations auspices."

United Kingdom

Delete whole article.

ARTICLE 10

1. Paragraph 1

Yugoslavia

Insert the word "competent" before the word "independent" in paragraph 1, line 3, the phrase to read as follows :

"... by a competent, independent and impartial tribunal established by law ..."

United Kingdom

Delete and substitute :

"In the determination of his *civil rights and obligations* or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time 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 interests of morals, public order or national security *in a democratic society*, where the interests of juveniles *or the protection of the private life of the parties so require*, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

2. Paragraph 2

India

(b) : For the words "where the interests of justice so require", substitute the words "where the offence is punishable with death".

(c) : After the word "tribunal", add the words "whose attendance the tribunal considers necessary".

United Kingdom

Delete and substitute :

"2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

"2a. Everyone charged with a criminal offence has the following minimum rights :

"(a) *To be informed promptly, in a language which he understands and in detail*, of the nature and cause of the accusation against him ;

"(b) *To have adequate time and facilities for the preparation of his defence* ;

"(c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require ;

"(d) *To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him* ;

"(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court."

ARTICLE 11

United Kingdom

In paragraph 1 omit from "If, subsequent to the commission of the offence" to the end of the paragraph.

In paragraph 2, for the words "the commission of any act" insert "any act or omission", and for "the generally recognized principles of law" insert "the general principles of law recognized by civilized nations".

ARTICLE 12

United Kingdom

Delete the whole article.

ARTICLE 13

1. Paragraph 1

Egypt

Between the words "or belief" and the words "and freedom" insert the following words: "without constraint or influence affecting his free will".

2. Paragraph 2

United Kingdom

Delete "pursuant to law" and insert "prescribed by law".

Delete "reasonable and" before "necessary".

Delete from "to protect" to end of paragraph and insert "in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

ARTICLE 14

1. Paragraphs 1, 2 and 3

United Kingdom

Delete paragraphs 1, 2 and 3 and substitute:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas *without interference by public authority* and regardless of frontiers. *This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

"2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such *formalities, conditions, restrictions or penalties* as are prescribed by law and are necessary in a democratic society, in the interests of national security, *territorial integrity or public safety, for the prevention of disorder or crime*, for the protection of health or morals, for the protection of the reputation or rights of others, *for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.*"

2. Paragraph 3

Yugoslavia

Delete and substitute:

"The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of the purposes of the Charter of the United Nations and the principles of the Universal Declaration of Human Rights and especially for the protection of the independence and security of the State, the suppression of propaganda in favour of national, racial or other discrimination, the fermenting of hatred between peoples, the establishment of unequal relations between peoples and the propagation of aggressive principles or incitement to war."

Egypt

At the end, change the full stop into a comma and add the following words: "and for the maintenance of peace and good relations between States".

ARTICLES 15 AND 16

United Kingdom

Delete both articles and substitute article ...

"1. Everyone has the right to freedom of peaceful assembly and freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

"2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the protection of health or morals or for the protection of the rights, and freedoms of others. *This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.*"

ARTICLE 15

India

For the words in the first sentence, substitute the following: "Everyone shall have the right to assemble peaceably and without arms."

ARTICLE 16

India

For paragraph 1, substitute the following:

"1. Everyone shall have the right to form associations or unions."

ARTICLE 17

Yugoslavia

Substitute the following for the present text:

"All persons are equal before the law. The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

United Kingdom

Delete the whole article.

ARTICLE 18

Yugoslavia

Paragraph 1: Delete the words: "recognized herein or at their limitation to a greater extent than is provided for in this Covenant" and substitute:

"of others or to derogate from the purposes of the Charter of the United Nations and the principles of the Universal Declaration of Human Rights or to impose restrictions which would be incompatible with those purposes and principles".

B. Comments on the first eighteen articles submitted by the members of the Commission to the report of the sixth session of the Commission

ARTICLE 1

France

In article 1 the French delegation regrets the addition of the words "within its territory" to the words "subject to its jurisdiction", which were sufficient in themselves. There is a danger that this

addition may be interpreted as allowing a State to evade its duties towards its nationals abroad.

United Kingdom

1. The inclusion in paragraph 1 of this article of the provision relating to non-discrimination raises doubt whether the derogation for which provision is made in article 2 must be subject to the provision in this paragraph of article 1 forbidding discrimination. See comment on article 2 below.

2. The United Kingdom considers that an effective remedy must be a legal remedy, and that a claim that a human right has been violated must be determined by a court of law or by a tribunal whose decision has the force of law. Paragraph 3 (b) would permit of this question being determined by political or administrative authorities which have no judicial character. While it is right that political or administrative authorities should take action if a violation of a human right has occurred, and should, for example, make *ex gratia* payments by way of compensation in proper cases, such action is no substitute for a right on the part of the individual to have his claim that one of his rights as defined in the Covenant has been violated determined by an independent judicial tribunal; and the United Kingdom cannot accept sub-paragraph (b) of paragraph 3.

ARTICLE 2

Australia

Paragraph 1 : At the beginning insert "In the case of war" so that the opening words will read : "In the case of war, in the case of a state of emergency ...".

Paragraph 2 : Delete "Articles 3" and insert "Article 3, except in respect of deaths resulting from lawful acts of war, or from Articles ...".

United Kingdom

1. In the United Kingdom view, the circumstances in which derogation is permitted by this article are too narrowly defined, and the wording of the text of paragraph 1 of this article as set out in E/CN.4/365 is to be preferred.

2. The provision in paragraph 2 that there shall be no derogation from article 3 does not provide for the exception, proposed in the United Kingdom comments on this article, in respect of deaths resulting from lawful acts of war. The provision in paragraph 2 of article 3 which makes exception for the case of enforcement measures authorized by the Charter recognizes is not sufficient provision for this purpose, since Article 51 of the Charter recognizes the right of collective self-defence against armed attack independently of enforcement measures. In the United Kingdom view, the exception proposed in the United Kingdom comments on this article should be retained, and the reference to enforcement measures authorized by the Charter deleted from article 3.

3. In view of the doubt referred to in the comment on article 1 above, it seems necessary to provide in article 2 for derogation in emergency conditions not only from part II of the Covenant, but also from paragraph 1 of article 1. Similarly provision seems necessary for derogation from paragraph 3 of article 1.

ARTICLE 3

Australia

Paragraph 2 : The qualification of "self-defence" is inadequate and a provision expressing the sense of paragraph 2 of the article suggested by the United Kingdom in E/CN.4/365 (page 23) is necessary.

France

In article 3 the French delegation regrets the introduction of a first clause, introducing an idea of doubtful legal validity in front of the second, which is in itself entirely sufficient.

United Kingdom

1. Discussions in the Commission have shown that the word "self-defence" in paragraph 2 is not a sufficient translation of the content of the French term "légitime défense" although in Article 51 of the Charter "légitime défense" is translated "self-defence". "Self-defence" is certainly insufficient to cover all the exceptions which ought to be made to the proposition that it shall be a crime to take life. The English equivalent, "legitimate defence", has no meaning in Anglo-Saxon law. The United Kingdom cannot accept paragraph 2 of this article, and still considers that it is necessary to set out, as was proposed in the United Kingdom comments on this article in E/CN.4/365, the categories of cases in which the taking of life shall not be a crime.

2. As regards the words "or in the case of enforcement measures authorized by the Charter", see the comment above on article 2.

ARTICLE 4

India

The second sentence beginning with words "In particular . . .", has been adopted against the advice of the representative of the World Health Organization. That Organization was consulted with regard to the inclusion of an article to this effect, and its reply was that a separate article was not necessary as the article 6 of the original draft covered the subject. The representative of the WHO advised against the text adopted by the Commission as it might lead to complications and come in the way of genuine medical progress. The advice deserves careful attention.

ARTICLE 6

Australia

Reconsideration of paragraphs 1 and 2 in relation to one another is advisable.

United Kingdom

The term "arbitrary arrest or detention" is too vague and uncertain in its content for use in defining the important right which is the subject of this article. The discussion in the Commission has shown that there is no agreement on the question whether this paragraph merely says in another form what is said in paragraph 2 or whether it adds to the conception in paragraph 2 the further conception that the law itself must be a just law. The United Kingdom could not in any event agree that the latter conception is one which can properly be included in this article.

ARTICLE 8

Australia

Limitations are necessary to the extent indicated in E/CN.4/353/Add.10.

Lebanon

Article 8 of the draft first international covenant is to be construed as meaning that no general law shall be inconsistent with the article and in particular its paragraphs 1 (a) and 1 (b).

United Kingdom

The introductory words in paragraph 1, to which the rest of the paragraph is subject, are completely circular, since the right with which this paragraph is concerned is itself one of the rights recognized in the Covenant. The effect is thus to make the provisions of sub-paragraphs (a) and (b) absolute in their character and subject to no limitation of any kind. The United Kingdom suggests that the introductory words should be: "Subject to any law which is not contrary to the principles expressed in the Universal Declaration of Human Rights". Alternatively, the introductory words proposed for this article in the Australian comments (E/CN.4/353/Add.10, page 8) would be acceptable.

ARTICLE 10

Australia

Paragraph 3 : Delete "This compensation shall be awarded to the heirs of a person executed by virtue of an erroneous sentence".

United Kingdom

Paragraph 3 of this article confines the requirement that compensation shall be given to persons who have been the victims of a miscarriage of justice to a limited class of case. The making of payments *ex gratia* by way of compensation ought to, and does in the United Kingdom, extend to many other classes of case in which a miscarriage of justice has occurred, and the United Kingdom does not consider that the question what cases are proper for such payments is one on which provision should be made in the Covenant.

ARTICLE 13

Australia

The limitations in this article should be in corresponding terms.

ARTICLE 14

Australia

The limitations in this article should be in corresponding terms.

France

In article 14 the French delegation regrets the omission of the words "in a democratic society" after the words "public order", the idea conveyed by the former expression being alone capable of restricting the excessively wide connotation of the latter in a manner in accordance with the spirit of the Declaration — in which, incidentally, it is used in article 29.

United Kingdom

1. Attention is drawn to the different sense of the English and French texts of paragraph 1. The French text imposes a legal requirement which the United Kingdom cannot accept, since it would mean that any form of molestation of a person because of his opinions, e.g., picketing or public demonstration, would have to be prohibited by domestic law.

2. The United Kingdom considers that in view of the recorded expression of opinion by the Commission as to the wide meaning to be given to the term "public order" used in paragraph 3 of this article, the article, with the limitations allowed by paragraph 3, affords no guarantee of the freedoms which are its subject.

ARTICLE 15

Australia

The limitations in this article should be in corresponding terms.

France

In article 15 the French delegation regrets the omission of the words "in a democratic society" after the words "public order", the idea conveyed by the former expression being alone capable of restricting the excessively wide connotation of the latter in a manner in accordance with the spirit of the Declaration — in which, incidentally, it is used in article 29.

India

Instead of "the right of peaceful assembly shall be recognized", it would be consistent with the form of other articles if the words "Everyone shall have the right to assemble peaceably" were used.

ARTICLE 16

Australia

The limitations in this article should be in corresponding terms.

France

In article 16, the French delegation regrets the omission of the words "in a democratic society" after the words "public order", the idea conveyed by the former expression being alone capable of restricting the excessively wide connotation of the latter in a manner in accordance with the spirit of the Declaration — in which, incidentally, it is used in article 29.

India

Here also the form is not consistent. "Everyone shall have a right of association" would be more consistent.

ARTICLE 17

Australia

Delete "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," these words being unnecessary and inadvisable in view of the inclusion of a similar expression in article 1.

France

For article 17, the French delegation regrets the adoption of an ambiguous wording, apparently extending to all rights and all cases the obligation of non-discrimination of the law, which at first applied only to the "rights set forth in this Covenant".

India

Though the Indian delegation voted for the accepted text, it still prefers the text it had submitted by way of amendment, as it brings out the central idea of this article which is "non-discrimination". There should be a period after the words "Protection of the law". The following sentence, or preferably a second paragraph, would read as follows:

"No one shall be discriminated against on grounds only of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

United Kingdom

The addition to the original text of the words which follow "equal protection of the law" is, in the United Kingdom view, not only unnecessary but casts doubt upon the meaning of the propositions that all are equal before the law and that all shall be accorded equal protection of the law. The discussions in the

Commission have shown that it is possible to regard the present article as prohibiting the existence or the passing of laws which discriminate on grounds such as race, colour etc. The necessary provision for this purpose is already made by the first paragraph of article 1. The United Kingdom considers that the concept of discrimination on grounds such as race, colour etc. has no place in this article, and that all the words after "equal protection of the law" should be deleted.

ANNEX IV

Text of additional articles proposed for inclusion in the draft Covenant on Human Rights

A. *Proposals for additional articles submitted by the representative of Yugoslavia (E/CN.4/573) at the seventh session of the Commission*

1. *Article 9a—Right of asylum*

"Any person persecuted for his political or scientific convictions, for his activities in the struggle for national or political liberation or by reason of his race, nationality or religion or his efforts in support of the realization of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights shall have the right of asylum."

2. *Article 16a—Right of every member of a minority to make use of its national language and develop its culture*

"Every person shall have the right to show freely his membership of an ethnic or cultural group, to use without hindrance the name of his national group, to learn the language of this group and to use it in public or private life, to be taught in this language, as well as the right to cultural development together with other members of this national group without being subjected on that account to any discrimination whatsoever, and particularly such discrimination as might deprive him of the rights enjoyed by other citizens of the same State."

3. *Article 16b—The right of universal and equal suffrage and the right of every person to participate in the government of the State*

"Every citizen shall have the right to take part in the government of the State by means of a democratic ballot which shall ensure absolute secrecy and complete freedom of expression of the will of individuals without any discrimination whatsoever."

"Every citizen shall likewise have the same right of access to any State or public office."

B. *Proposals referred to the Commission under section B of resolution 421 (V) of the General Assembly and resolution 349 (XII) of the Economic and Social Council*

I. *Proposal by the Union of Soviet Socialist Republics (A/C.3/L.96 and E/L.137 and E/CN.4/527)*

The delegation of the Union of Soviet Socialist Republics to the General Assembly and the Economic and Social Council proposed that, in drafting the Covenant, the Commission on Human Rights should have in mind the inclusion therein of the following provisions:

1. *Participation in the government of the State*

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.

2. *National self-determination and minorities*

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.

3. *Free expression of opinion*

In the interests of democracy, everyone must be guaranteed by law the right to the free expression of opinion; in particular, to freedom of speech, of the Press and of artistic representation, under conditions ensuring that freedom of speech and of the Press are not exploited for war propaganda, for the incitement of hatred among the peoples, for racial discrimination and for the dissemination of slanderous rumours.

4. *Fascist or nazi propaganda*

Any form of propaganda on behalf of fascist or nazi views, or of racial and national exclusiveness, hatred and contempt, must be prohibited by law.

5. *Right to organize and the right to assemble*

In the interests of democracy, the right to organize assemblies, meetings, street processions and demonstrations and to organize voluntary societies and unions must be guaranteed by law. All societies, unions and organizations of a fascist or anti-democratic nature, and any form of activity by such societies, must be prohibited by law, subject to penalty.

II. *Proposal by Yugoslavia (A/C.3/L.92 and E/CN.4/527)*

The Yugoslav delegation to the General Assembly proposed that the following rights should be added to the list of the rights to be defined in the covenant:

- (a) The right of universal and equal suffrage;
- (b) The right of every person to participate in the government of the State;
- (c) The right of every member of a minority to make use of its national language and develop its culture;
- (d) The right of asylum.

C. *Proposal for additional articles before the sixth session of the Commission. (The proposals of the representatives of the Union of Soviet Socialist Republics and of Yugoslavia which are included in annex III of the report of the sixth session of the Commission, have been submitted in one form or another [see A and B above] since the sixth session and are therefore omitted from this annex.)*

I. *France*

Article on persons deprived of liberty and on penitentiary system

"All persons deprived of their liberty shall be treated with humanity. Accused persons shall not be subjected to the same treatment as convicted persons.

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

II. Philippines

Articles on protection of privacy, home, correspondence, honour and reputation, right to property and the right to just compensation for private property

"1. No one shall be subjected to arbitrary and unlawful interference with his privacy, home or correspondence, nor to attacks on his honour and reputation."

This text is derived from article 12 of the Declaration of Human Rights, with the insertion of the word "unlawful" before the word "interference".

"2. No one shall be deprived of his property without due process of law."

This guaranty is found in many constitutions. No covenant of human rights is complete without such a safeguard against confiscation.

"3. No private property shall be taken unless just compensation has first been paid."

This is also an important guaranty against confiscation of property.

III. Sub-Commission on Prevention of Discrimination and Protection of Minorities

Proposals on non-discrimination and minority rights

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that the Commission on Human Rights is preparing a draft International Covenant on Human Rights.

Recommends that the Commission include in the draft covenant a provision pledging the contracting States not to use governmental licensing arrangements, or to permit restrictions, prohibiting the entry into any business, profession, vocation or employment of a citizen by reason of his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the problem of the fate of minorities referred to it by the General Assembly in its resolution 217 C (III),

Having adopted, in resolution C of its third session, a definition of minorities for purposes of protection by the United Nations,

Is of the opinion that the most effective means of securing such protection would be the inclusion in the international covenant on human rights of the following article:

"Persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

ANNEX V

Draft protocol on petitions from individuals and non-governmental organizations

The Commission at its seventh session had before it the following proposal submitted by the representative of the United States of America on a protocol on petitions from individuals

and non-governmental organizations (E/CN.4/557) and amendments thereto, submitted by the representatives of Denmark (E/CN.4/559/Rev.1), Egypt (E/CN.4/564), Uruguay (E/CN.4/606/Rev.1) and France (E/CN.4/632) :

ARTICLE I

I. United States of America

1. With respect to States Parties to this Protocol, the Human Rights Committee established pursuant to the International Covenant on Human Rights shall also have jurisdiction to receive written petitions submitted by :

(a) Individuals within the territory of a State Party to this Protocol, alleging that that State is not giving effect to a provision of the Covenant, and

(b) Non-governmental international organizations, as defined in paragraph 2, alleging that a State Party to this Protocol is not giving effect to a provision of the Covenant.

2. The non-governmental international organizations referred to in paragraph 1 (b) comprise organizations with consultative status to the United Nations Economic and Social Council, approved annually by two-thirds of the States Parties to this Protocol at a meeting of representatives of these States convened by the Secretary-General of the United Nations.

II. Amendments to Article 1, paragraph 1 (a)

Denmark

Amend to read as follows :

"Individuals, groups of individuals and juridical persons, who allege that their rights as defined in parts I and II of the Covenant have been violated by the State in question, and"

Egypt

Replace the word "Individuals" by the words : "Individuals or groups of individuals".

France

Amend as follows :

"Individuals, groups of individuals and juridical persons who at the time of the alleged violation are under the jurisdiction of a State Party to this Protocol and who, after obtaining the support of one of the international non-governmental organizations defined in paragraph 2, allege that their rights as defined in the Covenant have been violated by the State in question".

III. Amendment to Article 1, paragraph 1 (b)

Egypt

Replace the words "as defined in paragraph 2" by the words : "with consultative status to the United Nations Economic and Social Council".

IV. Amendment to Article 1, paragraph 2

Egypt

Delete the paragraph.

ARTICLE 2

I. United States of America

The Human Rights Committee shall determine which of the petitions received warrant detailed examination, and with respect to such petitions the following procedure shall apply :

(a) A copy of the petition shall be provided to each of the States Parties to this Protocol, the petitioner being promptly notified of this action.

(b) Any such State shall have the right to make a submission in writing to the Human Rights Committee concerning the petition.

(c) The Human Rights Committee may request the petitioner and the States Parties to this Protocol to supply relevant information.

(d) Subject to Article 54 of the Covenant on Human Rights, the Human Rights Committee shall ascertain the facts and prepare a report of these facts not later than eighteen months after a copy of the petition is provided to States Parties to this Protocol. The Human Rights Committee shall send this report to these States and shall then communicate it to the Secretary-General of the United Nations for publication.

II. Amendment to the whole of Article 2

France

Amend as follows :

“The Human Rights Committee shall determine, *in accordance with its rules of procedure*, which of the petitions received warrant detailed examination.”

III. Amendments to Article 2, paragraph (c)

Denmark

Add the following : “and invite the petitioner and the State against which allegations are made to be represented at the hearings of the Committee and make submissions orally.”

Uruguay

Amend to read as follows :

“The Human Rights Committee may request the petitioner, the States Parties to this Protocol and the Attorney-General to supply relevant information.”

IV. Amendment to add a new paragraph in Article 2 between paragraphs (c) and (d)

Denmark

Add a new paragraph between (c) and (d) as follows :

“When the Committee has decided that a petition warrants examination, the Secretary of the Committee shall, at the request of the petitioner, render him such assistance as may be necessary with a view to the adequate presentation of his case before the Committee.”

V. Amendment to Article 2, paragraph (d)

Denmark

Substitute for Article 2, paragraph (d), a new article as follows :

“Subject to the provisions of Article 54 of the Covenant on Human Rights, the Human Rights Committee shall ascertain the facts of the case. If the Committee deems it appropriate, it may offer its good offices to the State concerned with a view to a solution of the matter on the basis of respect for human rights as recognized in this Covenant. In every case the Committee shall draw up a report not later than eighteen months after the date of receipt of the petition. The report shall be sent to the States Parties to this Protocol and then communicated to the Secretary-General of the United Nations for publication. Article 57, paragraph 3 shall apply.”

VI. Amendments for inclusion of new articles between article 2 and article 3 of the proposal of the United States of America

Uruguay

ARTICLE 3

There shall be established an office, known as the “Office of the United Nations Attorney-General for Human Rights” (hereinafter referred to as “the Attorney-General”), entrusted with the functions herein provided for with respect to the implementation of the provisions of this Protocol.

ARTICLE 4

1. The Attorney-General shall be appointed for a period of five years by the President of the International Court of Justice from a panel of candidates nominated by the States signatories to the Covenant.

2. Each State signatory to the Covenant shall submit to the Secretary-General of the United Nations, three months before the date of the opening of the General Assembly, the names of two persons of high moral character who possess, in the countries of which they are nationals, the qualifications required for appointment to the highest judicial office.

ARTICLE 5

1. The Attorney-General shall receive from the Secretary of the Human Rights Committee any petition which, in accordance with Article 2 of this Protocol, warrants detailed examination, together with any information supplied by the petitioner and the States Parties to this Protocol. He shall be entitled to appear before the Human Rights Committee in connexion with any case which, in his opinion, raises a problem of grave public interest, and to put to the Committee, either orally or in writing, the arguments in defence of such public interest.

2. He may also request the Committee to summon and hear witnesses and to ask for the communication of the documents relevant to the case in question.

ARTICLE 6

Should the Attorney-General consider, after the Human Rights Committee has examined a petition, that the case calls for an advisory opinion from the International Court of Justice on a point of law arising therefrom, he shall request the Committee to seek such advisory opinion through the appropriate channels. He shall have full power, at the hearing of the request by the International Court of Justice, to appear as counsel for the defence of the public interest in the case in question and to put to the Court, either orally or in writing, the arguments in support of such public interest.

Articles 3, 4 and 5 of the United States proposal to be numbered 7, 8 and 9 respectively.

ARTICLE 3

I. United States of America

The relevant provisions of articles 33 to 47 inclusive, 48, 49, 51 and 54 of the International Covenant on Human Rights relating to the establishment, authority and procedure of the Human Rights Committee shall also be applicable under this Protocol.

II. Amendment to article 3

Uruguay

Article 3 should become article 7.

ARTICLE 4

I. *United States of America*

1. This Protocol shall be open for signature or accession on behalf of any State Party to the International Covenant on Human Rights.

2. Ratification of or accession to this Protocol 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 fifteen States have deposited such instruments, the Protocol shall come into force among them. As regards any State which ratifies or accedes thereafter, the Protocol shall come into force on the date of 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 to this Protocol, of the deposit of each instrument of ratification or accession.

II. *Amendment to article 4*

Uruguay

Article 4 should become article 8.

III. *Amendment to article 4, paragraph 2*

France

Amend as follows :

“Ratification of or accession to this Protocol 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 *two-thirds* of the States Members of the United Nations have deposited such instruments, the Protocol shall come into force among them, *unless, in the instrument of ratification or accession deposited by it, any State makes the entry into force of the Protocol so far as it is concerned subject to ratification or accession by a different number of States, such number in no circumstances to be less than a majority of the Members of the United Nations.*”

As regards any State which ratifies or accedes thereafter with the same reservation, the Protocol shall come into force on the date of deposit of its instrument of ratification or accession.

ARTICLE 5

I. *United States of America*

1. Any State Party to this Protocol may propose an amendment and file it with the Secretary-General. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the Protocol with a request that they notify him whether they favour a conference of States Parties to this Protocol for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States favour such a conference, the Secretary-General shall take the necessary steps to convene such a conference under the auspices of the United Nations. Any amendment of this Protocol adopted by a majority of States present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment shall come into force when it has been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Protocol, in accordance with their respective constitutional processes.

3. When such an amendment comes into force, it shall be binding on those States Parties to the Protocol which have accepted it,

other Parties to the Protocol being still bound by the provisions of the Protocol and any earlier amendments which they have accepted.

II. *Amendment to article 5*

Uruguay

Article 5 should become article 9.

ANNEX VI

Texts of proposals and comments on the federal State article and on part VI (articles 70 to 73) of the draft International Covenant on Human Rights

A. FEDERAL STATE ARTICLE

I. *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 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.”

II. *Texts before the Commission at its fifth session*

1. *Text proposed by the representative of the United States of America to replace paragraph (a) :*

“(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.”

2. *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 recommendations to the notice of the appropriate authorities of the units.”

3. *Text proposed by the representative of the United Kingdom for the second sub-paragraph :*

“(b) 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.”

III. *Comments of governments on the report of the fifth session of the Commission*

1. *Australia*

Subject to further observations that may be offered at the sixth session of the Human Rights Commission, the text contained in document E/800 is preferred with the amendment proposed by the United States delegation. The text, as amended, adheres closely to that contained in the International Labour Organisation's *Constitution* — a formula which resulted from long and expert consultations and has already secured a wide measure of agreement.

2. *France*

The French Government would be willing to agree to the text contained in the draft communicated to the Secretary-General of the United Nations by the United States Government on 20 December 1949. This text is an improvement on that submitted by the United States Government at the third session of the Commission on Human Rights, since it is more objectively drafted and offers the additional advantage of being closer to the text submitted by the representative of India.

3. *Netherlands*

The Netherlands Government prefer the text proposed by the representative of India supplemented by the text proposed by the representative of the United Kingdom.

4. *Philippines*

The text proposed by the representative of India seems to be the most satisfactory.

5. *United Kingdom*

His Majesty's Government will support the inclusion in the Covenant of articles intended to make suitable provision for the particular constitutional circumstances of federal States or of metropolitan States with dependent overseas territories.

In this connexion, His Majesty's Government have noted with interest the decision of the Social Commission at its fourth session (E/CN.5/SR.76, pages 3-7 and E/1359, page 22) that it was not competent to decide questions of international law such as are raised by these two articles and to "refer consideration of the article to a higher body". His Majesty's Government consider that the Social Commission has established a useful precedent by this decision, and suggest that the Human Rights Commission should follow the same procedure and refer these two articles to the Economic and Social Council, which should in its turn refer them to the Sixth Committee of the General Assembly.

There is one further comment which His Majesty's Government in the United Kingdom feels obliged to make in this connexion. The constitutional circumstances which oblige them to press for the inclusion in many international agreements of a Colonial Application Article have been explained by United Kingdom representatives on many occasions in many different bodies of the United Nations. His Majesty's Government feels bound to point out that these constitutional considerations apply with all their force to the Covenant on Human Rights. If therefore the Covenant, as finally drawn up, has no such article, His Majesty's Government will have no option but to oppose it.

6. *United States*

This article should 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 are determined in accordance with the constitutional processes of that State to be appropriate 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) With respect to articles which are determined in accordance with the constitutional processes of that State to be appropriate in whole or in part for action by the constituent states, provinces, or cantons, the federal government shall bring such articles, with favourable recommendation, to the notice of the appropriate authorities of the states, provinces or cantons at the earliest possible moment".

IV. *Amendments proposed at the sixth session of the Commission*

1. *United Kingdom: amendment to the proposal contained in the comment of the Government of the United States*

In paragraph (b) insert "(1)" after the word "shall", and add at the end a new sub-paragraph as follows:

"2. informs the Secretary-General of the United Nations when the laws of any constituent state, province or canton give effect fully to the provisions of the Covenant which lie within its jurisdictional sphere."

2. *Yugoslavia: amendment to the text contained in the report of the third session of the Commission*

Add a new sub-paragraph (c) as follows:

"(c) No federal State shall ratify the present Covenant unless it has previously ensured the application thereof throughout its territory."

V. *Text proposed by the representative of Denmark at the seventh session of the Commission (E/CN.4/636)*

1. The government of a federal State may at the time of signature, ratification or accession to this Covenant make a reservation in respect of any particular provision of the Covenant to the extent that the application of such provision, under the constitution of the federal State, falls within the exclusive jurisdiction of the constituent states, provinces or cantons. The Secretary-General of the United Nations shall inform other States Parties to the Covenant of any such reservation.

2. When making a reservation under paragraph 1, the government of the federal State shall transmit to the Secretary-General, for communication to other States Parties to the Covenant, a brief statement as to the status of the law of the constituent states, provinces or cantons with regard to the subjects covered by the reservation.

3. When a reservation is made under paragraph 1, the federal government shall bring the relevant provisions of the Covenant to the attention of the appropriate authorities of the constituent states, provinces or cantons and recommend that such steps be taken as may be necessary to give full effect to the provisions.

4. A reservation made under paragraph 1 may at any time be withdrawn in whole or in part. Withdrawal of a reservation is effected by notification to the Secretary-General, who shall inform the other States Parties to the Covenant.

5. As long as and to the extent that a reservation made under paragraph 1 remains in force, the government of the federal State may not in relation to other States Parties to the Covenant invoke the relevant provisions of the Covenant.

Explanatory note

The representative of Denmark maintains the opinion, as previously stated on behalf of his Government, that it would be preferable not to include a "federal States clause" in the Covenant.

Indeed, such a clause will tend to introduce an element of inequality between obligations of the various States Parties to the Covenant, in so far as federal States under such a clause will be relieved from obligations which unitary States must fulfill without qualification. It is a well established principle in international law that no State can invoke provisions of its constitution as an excuse for not fulfilling its international obligations, and any deviation from this general principle to the advantage of only one category of States would, if it is submitted, tend to weaken the principles of equality and reciprocity on which international relations must be based.

In view, however, of the General Assembly's resolution 421 (V), part C, according to which the Commission on Human Rights is requested "to study a federal State article and to prepare... recommendations which will have as their purpose the securing of the maximum extension of the covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States", the above proposal is submitted. Its purpose is, in addition to that indicated by the General Assembly, to obviate to the greatest possible extent the disadvantages resulting from the status of inequality which any special regard for federal States will inevitably entail. In pursuance of these divergent purposes, proposals are made to the effect :

(a) That federal States may ratify the Covenant even if the implementation of certain of its provisions under their constitutional systems fall within the reserved powers of their constituent units;

(b) That authorities of constituent States shall be encouraged to take any necessary action with a view to giving effect to those provisions which fall under their reserved powers;

(c) That limitations of obligations of federal States shall result only from express reservations in respect of particular provisions, not from the automatic application of a federal States clause;

(d) That other States Parties shall be kept informed of the extent to which a federal State gives effect to the provisions covered by reservations; and

(e) That a federal State which, because of a reservation, is "immune" against complaints regarding violations of a provision in the Covenant shall not itself be able to make such complaints against other States Parties.

B. PART VI (ARTICLES 70 TO 73) OF THE DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

I. *Comments of members of the Commission on the report of the sixth session of the Commission*

ARTICLE 70

(former article 42)

France

The French delegation regrets the fixing at twenty, a figure which in the French delegation's opinion is definitely insufficient, of the number of ratifications required for the entry into force of the Covenant.

India

The Commission has adopted twenty as the number for ratification of the Covenant. Once the General Assembly accepts the Covenant as the first step towards the implementation of human rights, it should become obligatory for all the States Members to ratify it within a reasonable time. Unless this is done, the obligation to promote and protect human rights under the Charter of the United Nations will not be fulfilled.

II. *Amendments submitted by the representative of India at the seventh session of the Commission (E/CN.4/563/Rev.1)*

In article 70, paragraph 2, delete the words "among them" after the words "shall come into force".

In article 73, delete paragraph 3.

ANNEX VII

Texts of proposal relating to the establishment of an Office of the United Nations High Commissioner (Attorney-General) for Human Rights

The following proposal was submitted by the representative of Uruguay (E/CN.4/549 and E/CN.4/549/Corr.1) to the seventh session of the Commission on Human Rights.

ARTICLE 1

1. The primary responsibility for ensuring the effective implementation of the personal rights and freedoms (civil and political) referred to in Articles... and recognized in this Covenant shall be vested in each State Party hereto with respect to all individuals within its jurisdiction.

2. There shall be established a permanent organ, known as "The United Nations High Commissioner (Attorney-General) for Human Rights", to exercise the functions hereinafter provided with respect to the implementation of the provisions of this Covenant and the supervision of its observance.

3. The functions conferred by this Covenant upon the organ established under paragraph 2 of this Article are without prejudice to the functions and powers of organs of the United Nations established by the Charter, or of their subsidiary organs, or of organs of the specialized agencies referred to in Article 57 of the Charter.

ARTICLE 2

1. The United Nations High Commissioner for Human Rights or Attorney-General (hereinafter referred to as High Commissioner (Attorney-General)) shall be appointed by the General Assembly of the United Nations upon the recommendation of the States Parties to this Covenant, from among persons of high moral character and recognized competence and independence who possess, in the countries of which they are nationals, the qualifications required for appointment to the highest judicial offices.

2. At least three months before the date of the opening of the session of the General Assembly at which the appointment of the High Commissioner (Attorney-General) is to be made, the Secretary-General of the United Nations shall address a written communication to the States Parties to this Covenant inviting them to submit their nominations within a period of two months.

3. Each State Party to this Covenant may nominate one or two persons possessing the qualifications described in paragraph 1 of this Article. These persons may be nationals of the nominating States or of any other States.

4. The Secretary-General shall prepare a panel of the persons thus nominated and submit it to the States Parties of this Covenant together with an invitation to designate representatives to a meeting called for the purpose of deciding upon a recommendation on the appointment of the High Commissioner (Attorney-General). The Secretary-General shall fix the date and make all arrangements necessary for such a meeting.

5. The recommendation of the States Parties to this Covenant shall be made by a two-thirds majority vote of the representatives present and voting. The quorum shall consist of two-thirds of the said States. The names of all persons obtaining a two-thirds majority of the votes shall be communicated by the Secretary-General to the General Assembly.

6. The appointment shall be made by a two-thirds majority vote of the members of the General Assembly present and voting.

7. The High Commissioner (Attorney-General) shall, before taking up his duties, make a solemn declaration before the General Assembly that he will exercise his functions impartially and in accordance with the dictates of his conscience.

8. The term of office of the High Commissioner (Attorney-General) shall be five years and the High Commissioner shall be eligible for reappointment.

ARTICLE 3

1. The High Commissioner (Attorney-General) shall collect and examine information with regard to all matters relevant to the observance and enforcement by the States Parties to this Covenant of the rights and freedoms recognized herein. This information shall include reports, transmitted by the States Parties to this Covenant, laws and regulations, judicial decisions, records of parliamentary debates, writings in periodicals and in the Press and communications from international and national organizations and from individuals.

2. States Parties to this Covenant shall transmit to the High Commissioner (Attorney-General) at times agreed with him, periodic reports on the implementation of the provisions of this Covenant in the territory under their jurisdiction. Such reports shall include the text of relevant laws, administrative regulations, international agreements to which the said States are parties and significant judicial and administrative decisions.

3. The High Commissioner (Attorney-General) may, at times agreed with the States Parties concerned, conduct on-the-spot studies and inquiries on matters concerning the implementation of this Covenant.

ARTICLE 4

1. The High Commissioner (Attorney-General) may at any time initiate consultations with the States Parties to this Covenant on any case or situation which, in his opinion, may be inconsistent with the obligations assumed by that State Party under the Covenant and make to any State Party such suggestions and recommendations as he may deem appropriate for the effective implementation of this Covenant.

ARTICLE 5

1. The High Commissioner (Attorney-General) shall receive and examine complaints of alleged violations of this Covenant which may be submitted to him by individuals, groups of individuals, national and international non-governmental organizations and inter-governmental organizations.

2. No action shall be taken by the High Commissioner (Attorney-General) on any complaint which :

(a) Is anonymous;

(b) Contains abusive or improper language; however, specified charges of improper conduct, levelled at individuals or bodies of persons, shall not be considered to constitute abusive or improper language;

(c) Does not refer to a specific violation of this Covenant by a State Party to the detriment of an individual or a group of

individuals who, at the time of the alleged violation, were within the jurisdiction of the said State;

(d) Is manifestly inconsequential;

(e) Emanates from a national organization but does not relate to a violation allegedly committed within the jurisdiction of the State to which that organization belongs.

3. Complaints received from organizations, whether national or international, shall not require the authorization of the individuals or groups against whom the alleged violation was committed.

4. The Secretary-General of the United Nations shall communicate to the High Commissioner (Attorney-General) any complaint of an alleged violation of this Covenant or any information relating to such an alleged violation which may be received by him or by any other organ of the United Nations.

ARTICLE 6

1. Subject to the provisions of paragraph 2 of Article 5, the High Commissioner (Attorney-General) may conduct such preliminary investigations as he may consider appropriate of the merits of a complaint with a view to deciding whether the object or the character of the complaint justifies further action by him.

2. In conducting the preliminary investigations the High Commissioner (Attorney-General) may call for the assistance of the competent governmental agencies of the State Party concerned. He may also seek the assistance of such non-governmental organizations as may be familiar with the local conditions and the general issues involved.

ARTICLE 7

1. Subject to the provisions of paragraph 2 of Article 5, the High Commissioner (Attorney-General) shall have full discretion to decide with respect to any complaint received by him of an alleged violation of this Covenant :

(a) Not to take action;

(b) To defer taking action until such time as he may deem appropriate;

(c) To take action.

The High Commissioner (Attorney-General) shall inform the author of the complaint of his decision.

2. In case the High Commissioner (Attorney-General) decides to take action, he may decide to undertake negotiations with the State Party concerned with respect to the complaint received by him of an alleged violation of this Covenant in a territory within the jurisdiction of the said State. The High Commissioner (Attorney-General) may refer the complaint to the Security Council if in his opinion such negotiations are not likely to result in a satisfactory solution or have not resulted in a satisfactory solution.

3. In making his decision under this Article the High Commissioner (Attorney-General) shall give due consideration to the availability and the use made by the alleged victim of the violation of domestic remedies, including means of enforcement, to the availability and the use made of diplomatic remedies or of procedures established by United Nations organs or specialized agencies or of other available procedures provided by international agreement.

ARTICLE 8

The following provisions shall apply in cases where the High Commissioner (Attorney-General) has decided to take action as provided in paragraph 2 of article 7 :

1. The High Commissioner (Attorney-General) shall communicate the complaint to the State Party concerned and ask for its observations thereon within such time-limit as the High Commissioner (Attorney-General) may recommend.

2. The High Commissioner (Attorney-General) shall fully investigate the case on the receipt of the observations of the State Party concerned or on the expiration of the time-limit recommended by him for the submission of such observations.

3. States Parties to this Covenant shall place at the disposal of the High Commissioner (Attorney-General), upon his request, such information as they may possess regarding the case.

4. The High Commissioner (Attorney-General) shall be entitled to conduct an inquiry within the territory under the jurisdiction of the State Party concerned, which shall afford all facilities necessary for the efficient conduct of the inquiry.

5. The High Commissioner (Attorney-General) shall have the right to summon and hear witnesses and to call for the production of documents and other objects pertaining to the case.

ARTICLE 9

When the High Commissioner (Attorney-General) has decided to take action on a complaint as provided in paragraph 1 of Article 7 he may call upon the State Party concerned to comply with such provisional measures as he may deem necessary and desirable in order to prevent an aggravation of the situation.

ARTICLE 10

1. The High Commissioner (Attorney-General) will make every effort to settle the object of a complaint on which he has decided to take action as provided in paragraph 1 of Article 7 through negotiation and conciliation.

2. The High Commissioner (Attorney-General) shall notify in writing to the State Party concerned his intention to enter into negotiations with respect to a given complaint and request the State Party to designate representatives for the purpose of such negotiations. The High Commissioner (Attorney-General) shall fix in consultation with the State Party concerned the date and place of such negotiations.

3. The High Commissioner (Attorney-General) shall inform the author of the complaint of the results of the negotiations.

ARTICLE 11

1. The High Commissioner (Attorney-General) shall seize the Security Council of his accusation by a notice given to the Secretary-General of the United Nations and to the State Party concerned. Such notice shall indicate the provision of the Covenant the violation of which is alleged and shall be accompanied by all relevant documents.

2. The High Commissioner (Attorney-General) shall have the right to be present or to be represented at all hearings and other meetings which the Council may hold on the complaint and to make submissions to the Council orally or in writing. He shall receive communication of all documents, including the minutes of meetings relating to the case and may, in conformity with the rules of procedure of the Council, examine such witnesses or experts as may appear before the same.

3. The High Commissioner (Attorney-General) may at any time, by a notice given to the Secretariat of the Council and the State Party concerned, withdraw the complaint from the agenda of the Council. Upon the receipt of such notice of withdrawal the Council shall cease to consider the complaint.

ARTICLE 12

The High Commissioner (Attorney-General) shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

ARTICLE 13

1. The High Commissioner (Attorney-General) shall appoint his staff subject to such financial provisions and administrative regulations as the General Assembly may approve in this respect.

2. The High Commissioner (Attorney-General) may, in consultation with the States Parties concerned, appoint regional commissioners who shall, under his direction and supervision, assist him in the performance of his functions with respect to a given region.

3. The paramount consideration of the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standard of efficiency, integrity and competence. Due regard shall be given to the importance to recruiting the staff from nationals of the States Parties to the Covenant.

ARTICLE 14

1. In the performance of their duties the High Commissioner (Attorney-General) and his staff shall not seek or receive instructions from any government or from any other authority or any organization. They shall refrain from any action incompatible with their position or the independent discharge of their functions as established by this Covenant.

2. The States Parties to this Covenant undertake to respect the exclusively international character of the responsibilities of the High Commissioner (Attorney-General) and his staff and not to seek to influence them in discharge of their responsibility.

ARTICLE 15

The High Commissioner (Attorney-General) shall enjoy diplomatic privileges and immunities. Members of his staff shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions.

ARTICLE 16

The High Commissioner (Attorney-General) shall reside at the permanent seat selected by him.

ARTICLE 17

1. The High Commissioner (Attorney-General) shall receive a salary and allowances commensurate with the importance and dignity of his office. The salary and the allowances shall be fixed by the General Assembly of the United Nations and may not be lowered during the High Commissioner's (Attorney-General's) term of office. They shall be free of all taxes.

2. The General Assembly shall fix the conditions under which a retirement pension may be accorded to the High Commissioner (Attorney-General).

3. The expenses incurred by the exercise by the High Commissioner (Attorney-General) of his functions under this Covenant shall be borne by the United Nations in such manner as shall be decided by the General Assembly.

Note. Additional provisions may be added to this draft proposal, or the existing provisions amended accordingly, to apply to the implementation of so-called economic, social and cultural rights, provided, however, that these rights have been adopted, with a greater or lesser degree of precision, in final form, and provided further, that they shall be implemented gradually and with the utmost regard to reality.

ANNEX VIII

Draft resolution for the Economic and Social Council

The Economic and Social Council

Takes note of the report of the seventh session of the Commission on Human Rights.

ANNEX IX

Text of General Assembly resolutions 421 (V) and 422 (V) and Economic and Social Council resolutions 303 I (XI) and 349 (XII)

1. *Economic and Social Council resolution 303 I (XI) adopted on 9 August 1950*

The Economic and Social Council,

Having considered in its broad aspects the draft Covenant on Human Rights submitted by the Commission on Human Rights in accordance with General Assembly resolution 217 (III),

Having noted the valuable work done by the Commission with a view to submitting a draft Covenant to the General Assembly,

Having noted with satisfaction that the draft Covenant includes articles relating to implementation,

Thanking the Commission for the contribution it has already made towards the accomplishment of a task of great importance,

Having given consideration to the questions of : (a) the general adequacy of the first eighteen articles; (b) the desirability of including special articles on the application of the Covenant to federal States and to Non-Self-Governing and Trust Territories; (c) the desirability of including articles on economic, social and cultural rights; and (d) the adequacy of the articles relating to implementation.

Concluding that further progress on the Covenant cannot be made without basic policy decisions on the above matters being taken by the General Assembly,

Transmits the draft Covenant on Human Rights together with relevant documentation and records of the discussion in the Council, to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points mentioned in the fifth paragraph above;

Requests the Commission on Human Rights to consider the draft Covenant further, bearing in mind the policy decisions of the General Assembly and the views expressed in the Council at its eleventh session, and to submit a revised draft Covenant to the Council at its thirteenth session; and

Requests the Secretary-General to transmit this resolution, together with the records of the debate at the eleventh session of the Council, to Member States with a view to obtaining their observations after the fifth session of the General Assembly for transmission to the Commission on Human Rights.

2. *General Assembly resolution 421 (V) of 4 December 1950 on the future work of the Commission on Human Rights*

The General Assembly,

Appreciating the priority which, in accordance with General Assembly resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation,

Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft Covenant together with the relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in Economic and Social Council resolution 303 I (XI),

Considering it essential that the Covenant should include provisions rendering it obligatory for States to promote the implementation of the human rights and fundamental freedoms proclaimed in the Covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms,

Having considered the draft Covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies,

A

1. Commends the Commission on Human Rights for the important work it has thus far accomplished;

2. Calls upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft Covenant and measures for its implementation in order that the General Assembly may have before it at its sixth session the revised draft of this Covenant;

B

3. *Considers :*

(a) That the list of rights in the first eighteen articles of the draft Covenant does not contain certain of the most elementary rights;

(b) That the present wording of some of the first eighteen articles of the draft Covenant should be improved in order to protect more effectively the rights to which they refer;

(c) That in the drafting of the Covenant account should be taken of the Purposes and Principles of the Charter of the United Nations and that these Purposes and Principles should be consistently applied and assiduously protected;

4. Calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration in its work of revision of the draft Covenant :

(i) The views expressed during the discussion of the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, including those relating to articles 13 and 14 of the draft Covenant and, with a view to the addition in the draft Covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92;

(ii) The view, expressed during the discussion of the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision;

C

5. *Calls upon* the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose the securing of the maximum extension of the Covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal states;

D

6. *Calls upon* the Economic and Social Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination, and to prepare recommendations for consideration by the General Assembly at its sixth session;

E

Whereas the Covenant should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights,

Whereas the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong,

Whereas the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent,

Whereas, when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man,

7. (a) *Decides* to include in the Covenant on Human Rights economic, social and cultural rights and an explicit recognition of equality of men and women in related rights, as set forth in the Charter of the United Nations;

(b) *Calls upon* the Economic and Social Council to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration, to include in the draft Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the draft Covenant;

(c) *Calls upon* the Economic and Social Council to request the Commission on Human Rights to take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of the specialized agencies in the consideration of such rights;

(d) *Requests* the Economic and Social Council to consider, at its twelfth session, the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights;

F

8. *Calls upon* the Economic and Social Council to request the Commission on Human Rights to proceed with the consideration of provisions, to be inserted in the draft Covenant or in separate protocols, for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; and to take into consideration in its studies of questions relating to petitions and implementation the proposals presented by Chile (A/C.3/L.81), Ethiopia and France (A/C.3/L.78), Israel (A/C.3/L.91/Rev.1 and A/C.3/L.91/Rev.1/Corr.1) and Uruguay (A/C.3/L.93);

G

9. *Calls upon* the Economic and Social Council to request the Commission on Human Rights to report to the Economic and

Social Council at its thirteenth session concerning the above matters;

H

10. *Requests* the Secretary-General to invite Member States to submit, by 15 February 1951, their views concerning the draft Covenant as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it during its further consideration of the draft Covenant at its seventh session.

3. *General Assembly resolution 422 (V) of 4 December 1950 on the territorial application of the International Covenant on Human Rights*

The General Assembly

Requests the Commission on Human Rights to include the following article in the International Covenant on Human Rights :

"Article

"The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State".

4. *Economic and Social Council resolution on the future work of the Commission on Human Rights adopted on 23 February 1951 (349 (XII))*

The Economic and Social Council,

Taking note of General Assembly resolutions 421 (V) on the future work of the Commission on Human Rights and 422 (V) on the territorial application of the International Covenant on Human Rights, both adopted on 4 December 1950,

Considering the communications from the International Labour Organisation and from the United Nations Educational, Scientific and Cultural Organization (E/1880/Add.1 and E/1880/Add.7) concerning co-operation between the Commission on Human Rights and the specialized agencies with regard to economic, social and cultural rights,

1. *Transmits* these resolutions to the Commission on Human Rights for appropriate action;

2. *Invites* the Commission to take into consideration in its work on the draft Covenant the records of the discussion at the twelfth session of the Council, the remarks or observations made by members of the Council and by representatives of specialized agencies, as well as the amendments to the draft Covenant presented at that session;

3. *Invites* such of the specialized agencies as feel directly concerned with the proposed economic, social and cultural rights to send representatives to the seventh session of the Commission on Human Rights to participate in the work of the Commission relating to economic, social and cultural rights;

4. *Calls upon* the Commission to take such steps as are necessary to obtain the fullest co-operation of the specialized agencies in the consideration of economic, social and cultural rights, and to consider for this purpose the setting up of one or more joint working groups, consisting of representatives of the Commission and of the interested specialized agencies, which will report to the Commission; and

5. *Requests* the Commission on Human Rights to prepare and submit to the Council at its thirteenth session a revised draft Covenant on the lines indicated by the General Assembly, together with a report on the results of its work.

ANNEX X

**List of documents before the Commission
at its seventh session**

E/CN.4/165	Report of the Secretary-General on the present situation (fifth session) with regard to communications concerning human rights	E/CN.4/513	Memorandum by the Secretary-General on the policy decisions taken by the General Assembly on 4 December 1950
E/CN.4/165/Corr.1	<i>Ditto</i>	E/CN.4/514	Subject analysis of the discussions on the draft International Covenant and measures of implementation at the fifth session of the General Assembly, prepared by the Secretary-General
E/CN.4/165/Add.1	Communication from the Deputy Permanent Representative of the Union of South Africa to the United Nations	E/CN.4/515	Observations of Governments of Member States on the draft International Covenant on Human Rights and Measures of Implementation received in pursuance of resolutions 421 H (V) of the General Assembly and 303 I (XI) of the Economic and Social Council
E/CN.4/364	Survey prepared by the Secretary-General of the activities of bodies of the United Nations other than the Commission on Human Rights, and of the specialized agencies, in matters within the scope of articles 22-27 of the Universal Declaration of Human Rights	E/CN.4/515/Add.1-17	<i>Ditto</i>
E/CN.4/364/Corr.1	<i>Ditto</i>	E/CN.4/515/Add.2/Corr.1 (in English only)	<i>Ditto</i>
Corr.2	<i>Ditto</i>	E/CN.4/515/Add.6/Corr.1	<i>Ditto</i>
Corr.3	<i>Ditto</i>	E/CN.4/515/Add.15/Corr.1	<i>Ditto</i>
E/CN.4/364/Add.1	<i>Ditto</i>	E/CN.4/516	Note by the Secretary-General, on section D of resolution 421 (V) of the General Assembly, concerning the right of peoples and nations to self-determination
Add.2	<i>Ditto</i>	E/CN.4/517	Memorandum by the Secretary-General on annual reports on human rights
Add.3	<i>Ditto</i>	E/CN.4/518	Note by the Secretary-General on old age rights
E/CN.4/367	Study by the Secretary-General of the legal validity of the Undertakings concerning minorities	E/CN.4/518/Rev.1 (in English only)	<i>Ditto</i>
E/CN.4/367/Corr.1	<i>Ditto</i>	E/CN.4/519	Memorandum by the Secretary-General on local human rights committees or information groups
E/CN.4/367/Add.1	<i>Ditto</i>	E/CN.4/520	Activities of various organs of the United Nations in connexion with the right of asylum
E/CN.4/508	Communication received by the Secretary-General from the Deputy Permanent Representative of the Union of South Africa to the United Nations, dated 2 June 1950, relating to the question of "conscientious objection to armed service" (E/CN.4/NGO/1/Add.1)	E/CN.4/520/Add.1	<i>Ditto</i>
E/CN.4/509	Statement by the Principal Permanent Representative of Turkey to the United Nations	E/CN.4/521	Note by the Secretary-General on the proposal for an International Court of Human Rights
E/CN.4/510	Provisional agenda for the seventh session of the Commission on Human Rights	E/CN.4/521/Corr.1	<i>Ditto</i>
E/CN.4/510/Rev.1	<i>Ditto</i>	E/CN.4/522	Memorandum by the Secretary-General concerning the Yearbook on Human Rights
E/CN.4/511	Note by the Secretary-General on the relevant decisions of the Economic and Social Council and the Commission on the Status of Women dealing with the freedom to choose a spouse etc.	E/CN.4/523	Memorandum by the Secretary-General on the recommendations of the International Group of Experts on the Prevention of Crime and the Treatment of Offenders concerning the draft Covenant (E/CN.5/231)
E/CN.4/511/Rev.1 (in English only)	<i>Ditto</i>		
E/CN.4/512	Memorandum by the Secretary-General on the draft Declaration on the Rights of the Child		

E/CN.4/524	Memorandum by the Secretary-General on the Rome Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950	E/CN.4/538	Federal People's Republic of Yugoslavia : draft articles concerning economic, social and cultural rights, submitted by the representative of the Federal People's Republic of Yugoslavia
E/CN.4/525	Resolutions adopted at the fifth session of the General Assembly and at the twelfth session of the Economic and Social Council on future work of the Commission on Human Rights	E/CN.4/538/Rev.1 E/CN.4/539	<i>Ditto</i> United States of America : proposal on economic, social and cultural rights
E/CN.4/526	Communication from the United Nations High Commissioner for Refugees	E/CN.4/539/Rev.1 E/CN.4/541	<i>Ditto</i> Draft articles on educational and cultural rights submitted by the Director-General of UNESCO
E/CN.4/527	Texts of proposals referred to the Commission on Human Rights under sections B and F of resolution 421 (V) of the General Assembly and resolution 349 (XII) of the Economic and Social Council	E/CN.4/541/Rev.1 E/CN.4/542	<i>Ditto</i> Denmark : proposals on economic, social and cultural rights
E/CN.4/528	Memorandum by the Secretary-General on the general adequacy of the first eighteen articles of the draft Covenant	E/CN.4/543 E/CN.4/544	Australia : proposal on economic, social and cultural rights Suggestions submitted by the Director-General of the World Health Organization
E/CN.4/529	Memorandum by the Secretary-General on economic, social and cultural rights	E/CN.4/544/Add.1	Suggestions submitted by the Director-General of the World Health Organization
E/CN.4/530	Memorandum by the Secretary-General on measures of implementation	E/CN.4/545 E/CN.4/545/Rev.1 (English only)	France : draft resolution <i>Ditto</i>
E/CN.4/531	Memorandum by the Secretary-General on Human Rights Day : second anniversary celebrations	E/CN.4/546 E/CN.4/547	Chile : amendment to draft resolution proposed by France Egypt : amendments to the proposals on economic, social and cultural rights submitted by Denmark
E/CN.4/532	Note by the Secretary-General on the report of the Committee on the draft Convention on Freedom of Information (A/AC.42/7)	E/CN.4/548 E/CN.4/549	United Kingdom : amendment to draft resolution presented by France Uruguay : proposed additions and amendments to the draft first International Covenant on Human Rights (E/1681) relating to the establishment of the Office of the United Nations High Commissioner (Attorney-General) for Human Rights
E/CN.4/533	Memorandum by the Secretary-General on action on resolutions and instructions of the Commission on Human Rights	E/CN.4/549/Corr.1 E/CN.4/550	<i>Ditto</i> United States of America : amendment to Article 33 (c) of the draft Covenant
E/CN.4/534	Memorandum by the Secretary-General concerning co-operation between the Commission on Human Rights and specialized agencies and other organs of the United Nations in the consideration of economic, social and cultural rights	E/CN.4/551 E/CN.4/552	Yugoslavia : proposal concerning measures of implementation Compilation of the observations of Governments of Member States on the draft International Covenant on Human Rights and measures of implementation, as drafted at the sixth session of the Commission on Human Rights (memorandum by the Secretary-General)
E/CN.4/534/Add.1	<i>Ditto</i>	E/CN.4/553	Union of Soviet Socialist Republics : draft resolution
E/CN.4/534/Add.2	<i>Ditto</i>	E/CN.4/553/Rev.1 (English only)	<i>Ditto</i>
E/CN.4/534/Add.3	<i>Ditto</i>		
E/CN.4/535	Note by the Secretary-General on the development of the work of the United Nations for wider observance of and respect for human rights and fundamental freedoms throughout the world		
E/CN.4/536	Union of Soviet Socialist Republics : draft resolution		
E/CN.4/537	Union of Soviet Socialist Republics : draft articles for inclusion in the draft International Covenant on Human Rights		
E/CN.4/537/Corr.1 (English and Russian only)	Union of Soviet Socialist Republics : corrigendum to draft articles for inclusion in the draft International Covenant on Human Rights		

E/CN.4/554	Text of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950	E/CN.4/570/Rev.1	Lebanon : draft articles on the implementation of the provisions on economic, social and cultural rights
E/CN.4/555	Measures of implementation — Note by the Secretary-General	E/CN.4/570/Rev.2	<i>Ditto</i>
E/CN.4/556	India : amendments to the articles in part III of the draft Covenant relating to measures of implementation	E/CN.4/571	France : proposals concerning the right to work and to the free choice of occupation
E/CN.4/557	United States of America : proposal on a protocol on petitions from individuals and non-governmental organizations	E/CN.4/572	Egypt : amendment to the definition of the right to work as given by the ILO
E/CN.4/558	United Kingdom : proposal for an additional article to be inserted after article 40	E/CN.4/573	Yugoslavia : amendments to the provisional text of the first eighteen articles of the draft International Covenant on Human Rights
E/CN.4/558/Rev.1	<i>Ditto</i>	E/CN.4/574	Sweden : proposal concerning a general clause on economic, social and cultural rights
E/CN.4/559	Denmark : amendment to the United States proposal for a protocol on petitions	E/CN.4/574/Corr.1	<i>Ditto</i>
E/CN.4/559/Rev.1	<i>Ditto</i>	E/CN.4/575	Chile : amendment to the proposal of France
E/CN.4/560	Denmark-France : proposal for the amendment and expansion of articles 19 to 41 of the draft Covenant	E/CN.4/576	Proposals and suggestions for an article on the right to work
E/CN.4/560/Add.1	<i>Ditto</i>	E/CN.4/577	France : proposal concerning conditions of work and the right to rest and leisure
E/CN.4/560/Rev.1	<i>Ditto</i>	E/CN.4/577/Corr.1 (Russian only)	<i>Ditto</i>
E/CN.4/560/Rev.1 Corr.1	<i>Ditto</i>	E/CN.4/577/Rev.1	<i>Ditto</i>
E/CN.4/561	Petitions before the Trusteeship Council	E/CN.4/578	Yugoslavia : proposals concerning conditions of work and the right to rest and leisure
E/CN.4/561/Corr.1	<i>Ditto</i>	E/CN.4/579	Egypt : amendment to the French proposal concerning conditions of work and the right to rest and leisure
E/CN.4/562	Observations on economic, social and cultural rights submitted by the High Commissioner for Refugees	E/CN.4/580	France - United States of America : proposal concerning conditions of work
E/CN.4/563	India : amendments to parts I and IV of the draft Covenant	E/CN.4/581	Uruguay-Yugoslavia : proposal for an article on social security
E/CN.4/563/Rev.1	<i>Ditto</i>	E/CN.4/582	United States of America : revised proposal on provisions concerning women and children
E/CN.4/564	Egypt : amendments to the United States proposal on a protocol on petitions from individuals and non-governmental organizations	E/CN.4/583	Union of Soviet Socialist Republics : amendments to the Danish proposal
E/CN.4/565	Uruguay : amendment to article 41 (2) of the draft Covenant	E/CN.4/584	Election of the members of the Human Rights Committee by the International Court of Justice (report by the Secretary-General)
E/CN.4/566	Guatemala : amendments to articles 19 (1) and 33 (a)	E/CN.4/585	Guatemala : proposal on measures relating to women and children
E/CN.4/567	Egypt : amendment to the proposal of Denmark and France for the amendment and expansion of articles 19 to 41 of the draft Covenant	E/CN.4/586	France-Guatemala-Yugoslavia : proposal on special provisions relating to women and children
E/CN.4/568	China : amendment to proposal for the amendment and expansion of articles 19 to 41 of the draft Covenant submitted by Denmark and France	E/CN.4/587	ILO : suggestion relating to special provisions concerning women and children
E/CN.4/569	Uruguay : amendment to article 38	E/CN.4/588	Denmark : amendment to ILO suggestion regarding provisions concerning women and children
E/CN.4/570	Lebanon : draft articles on the implementation of the provisions on economic, social and cultural rights		

E/CN.4/589	United Kingdom : amendment to the Danish proposal on the right to health	E/CN.4/607	Yugoslavia : amendment to the Chilean proposal on the right to education
E/CN.4/590	Existing procedures for periodic reporting to specialized agencies (note by the Secretary-General)	E/CN.4/608	Egypt : amendment to the suggestion of UNESCO relating to the right to education and cultural rights
E/CN.4/591	United States of America : revised proposal concerning the right of association	E/CN.4/609	Yugoslavia : proposal concerning the enjoyment of economic and social rights and of cultural rights
E/CN.4/591/Rev.1	United States of America : revised proposal concerning the right of association	E/CN.4/609/Rev.1	<i>Ditto</i>
E/CN.4/592	Lebanon : proposal on equality of rights of men and women as regards economic, social and cultural rights	E/CN.4/610	United States of America : proposal relating to a general clause concerning economic, social and cultural rights
E/CN.4/593	United States of America : revised proposal concerning the right to education	E/CN.4/610/Add.1	<i>Ditto</i>
E/CN.4/593/Rev.1	<i>Ditto</i>	E/CN.4/610/Add.2	<i>Ditto</i>
E/CN.4/593/Rev.2	<i>Ditto</i>	E/CN.4/611	Sweden : amendment to the revised United States of America proposal concerning the right to education
E/CN.4/594	Uruguay : amendment to the Yugoslav proposal on trade union rights and the right to strike	E/CN.4/612	France : proposal for a general clause concerning economic, social and cultural rights
E/CN.4/595	Egypt : revised proposal on trade union rights	E/CN.4/613	Chile : proposal on the right to education and cultural rights based on suggestions of UNESCO
E/CN.4/595/Rev.1	<i>Ditto</i>	E/CN.4/613/Rev.1	<i>Ditto</i>
E/CN.4/596	Chile : amendments to the proposals submitted by Yugoslavia	E/CN.4/614	Union of Soviet Socialist Republics : amendment to the draft resolution of the United States of America
E/CN.4/597	Yugoslavia : amendment to the Lebanese proposal on equality of rights of men and women	E/CN.4/615	France-United States of America : amendment to paragraph 4 of the proposal presented by France
E/CN.4/598	Yugoslavia : amendment to the United States of America proposal concerning the right to education	E/CN.4/616	Chile-Egypt-Guatemala : amendment to the fourth paragraph of the proposal submitted by France
E/CN.4/599	United States of America : proposal concerning the right to own property	E/CN.4/617	Compilation of articles 26-41 (measures of implementation) of the Draft International Covenant on Human Rights and proposal by the United States of America on a protocol on petitions and amendments submitted thereto
E/CN.4/600	Denmark : amendments to the proposal of United States of America and UNESCO relating to the right to education	E/CN.4/617/Corr.1	<i>Ditto</i>
E/CN.4/601	Lebanon : amendments to the proposals of United States of America and UNESCO on the right to education	E/CN.4/617/Add.1	<i>Ditto</i>
E/CN.4/601/Corr.1 (French only)	<i>Ditto</i>	E/CN.4/618	France : proposal for a general clause concerning economic, social and cultural rights
E/CN.4/602	United Kingdom : amendment to the proposal of the United States of America on the right to education	E/CN.4/619	India : draft resolution concerning the inclusion of economic, social and cultural rights in the draft International Covenant on Human Rights
E/CN.4/603	Uruguay : amendment to the United States of America proposal on the right to own property	E/CN.4/619/Rev.1	<i>Ditto</i>
E/CN.4/604	Chile : amendment to the suggestions of UNESCO	E/CN.4/620	United Kingdom : amendments to Danish-French proposals for the amendment and expansion of articles 19-41 of the draft Covenant
E/CN.4/605	Uruguay : amendment to the suggestions of UNESCO concerning the right to education	E/CN.4/621	India : proposal for an additional article after article 40 of the draft Covenant on Human Rights
E/CN.4/606	Uruguay : amendment to the United States of America proposal on a protocol on petitions from individuals and non-governmental organizations		
E/CN.4/606/Rev.1	<i>Ditto</i>		

E/CN.4/622	Pakistan and Sweden : draft articles on implementation of the economic, social and cultural rights	E/CN.4/636	Denmark : proposal for a federal State article
E/CN.4/623	France : proposals for the implementation of human rights	E/CN.4/637	Note prepared by the representative of Denmark concerning the relationship between articles A-I adopted by the Commission on 17 May 1951 and the substantive provisions of the draft Covenant
E/CN.4/624	Financial estimates for the establishment of a Committee of the Economic and Social Council on economic, social and cultural rights as proposed by Lebanon	E/CN.4/638	United Kingdom : draft resolutions
E/CN.4/625	Financial estimates concerning the proposals by Pakistan and Sweden and by France, submitted by the Secretary-General	E/CN.4/639	Chile : draft resolution
E/CN.4/626	Egypt : proposed additions to articles 13 and 14	E/CN.4/L.17	Text of resolution adopted by the Commission on 19 April 1951
E/CN.4/627	Memorandum by the Secretariat on the services to be provided for the proposed Human Rights Committee, and financial estimates for its establishment	E/CN.4/L.18	Text of articles 19 to 25 of the draft Covenant as adopted on 25 April 1951
E/CN.4/627/Add.1	<i>Ditto</i>	E/CN.4/L.18/Add.1	Text of articles relating to measures of implementation adopted on 11 and 12 May 1951
E/CN.4/628	United Kingdom : amendments to the first eighteen articles of the draft International Covenant on Human Rights	E/CN.4/L.19	Text of articles relating to economic, social and cultural rights adopted on 28 and 30 April 1951 and 1 May 1951
E/CN.4/629	Report of the Working Group on implementation of economic, social and cultural rights	E/CN.4/L.19/Add.1	Text of adopted articles relating to economic, social and cultural rights adopted on 2 May 1951
E/CN.4/630	India : amendments to the draft articles submitted by the Working Group on implementation of economic, social and cultural rights	E/CN.4/L.19/Add.1/Rev.1	Text of articles relating to economic, social and cultural rights adopted on 2 May 1951
E/CN.4/631	Egypt : amendment submitted to article C contained in the report of the Working Group on the implementation of economic, social and cultural rights	E/CN.4/L.19/Add.2	Text of articles relating to economic, social and cultural rights adopted on 3 May 1951
E/CN.4/631/Rev.1	<i>Ditto</i>	E/CN.4/L.19/Add.3	Text of articles relating to economic, social and cultural rights adopted on 4 May 1951
E/CN.4/631/Rev.2	<i>Ditto</i>	E/CN.4/L.19/Add.4	Text of articles relating to economic, social and cultural rights adopted on 7 May 1951
E/CN.4/632	France : amendment to the United States of America proposal on a protocol on petitions	E/CN.4/L.19/Add.5	<i>Ditto</i>
E/CN.4/633	Guatemala : amendment to the proposal by India concerning article 38 A	E/CN.4/L.19/Add.6	Text of articles relating to economic, social and cultural rights adopted on 10 and 11 May 1951
E/CN.4/634	Guatemala : amendment to Article 38 bis proposed by Denmark and France	E/CN.4/L.19/Add.7	Text of articles relating to economic, social and cultural rights adopted on 17 May 1951
E/CN.4/634/Rev.1	<i>Ditto</i>	E/CN.4/SR.202 - SR.243	Summary records of plenary meetings of the Commission
E/CN.4/635	Draft report of the seventh session of the Commission on Human Rights	E/CN.4/SR.245 - SR.251	<i>Ditto</i>
E/CN.4/635/Add.1	<i>Ditto</i>	E/CN.4/SR.244 (Restricted)	Summary record of private meeting
E/CN.4/635/Add.1/Corr.1 (English only)	<i>Ditto</i>		
E/CN.4/635/Add.2	<i>Ditto</i>	E/CN.4/NGO/16	Statement submitted by the International Alliance of Women, category B (request for the inclusion in the draft Covenant on Human Rights of the application of the principles of Article 16 (I) of the Universal Declaration of Human Rights)
E/CN.4/635/Add.3	<i>Ditto</i>		
E/CN.4/635/Add.4	<i>Ditto</i>		
E/CN.4/635/Add.5	<i>Ditto</i>		

E/CN.4/NGO/17	Statement submitted by the Liaison Committee of Women's International Organizations, category B (proposals concerning the draft Covenant on Human Rights)	E/CN.4/NGO/29	Statement submitted by the Catholic International Union for Social Service, category B (observations on the draft International Covenant on Human Rights and measures of implementation)
E/CN.4/NGO/18	Statement submitted by the International Union of Family Organizations, category B (request for the inclusion in the draft Covenant on Human Rights of the application of the principles of article 16 (I) of the Universal Declaration of Human Rights)	E/CN.4/NGO/30	Statement submitted by Pax Romana, category B (observations and suggestions relating to the draft International Covenant on Human Rights)
E/CN.4/NGO/19	Statement submitted by the Liaison Committee of Women's International Organizations, category B (request for the inclusion in the draft Covenant on Human Rights of the application of the principles of article 16 (I) of the Universal Declaration of Human Rights)	E/CN.4/NGO/31	Statement submitted by Pax Romana, category B (observations on measures of implementation)
E/CN.4/NGO/20	Statement submitted by the International Federation of Business and Professional Women, category B (suggestions concerning provisions for inclusion in the Draft Covenant on Human Rights)	E/CN.4/NGO/32	Statement submitted by the International League for the Rights of Man, category B (observations on measures of implementation)
E/CN.4/NGO/21	Statement submitted by the World Jewish Congress, category B (observations concerning the draft First International Covenant on Human Rights)	E/CN.4/NGO/33	Statement submitted by Caritas Internationalis, category B (observations on the draft International Covenant on Human Rights)
E/CN.4/NGO/22	Statement submitted by the International Union for Child Welfare, category B (draft declaration on the rights of the child)		
E/CN.4/NGO/23	Statement submitted by the International Federation of Christian Trade Unions, category A (observations concerning the draft International Covenant on Human Rights and measures of implementation)	E/CN.4/AC.14/1	International Labour Office : tentative suggestion from the International Labour Organisation representatives regarding implementation
E/CN.4/NGO/24	Statement submitted by the International League for the Rights of Man, category B (observations on the draft International Covenant on Human Rights)	E/CN.4/AC.14/2	Working Group on economic, social and cultural rights : compilation of the proposals relating to economic, social and cultural rights
E/CN.4/NGO/25	Statement submitted by the International Council of Women, category B (observations and suggestions relating to the draft International Covenant on Human Rights and measures of implementation, and the Universal Declaration of Human Rights)	E/CN.4/AC.14/2/ Corr.1	<i>Ditto</i>
E/CN.4/NGO/26	Statement submitted by the Co-ordinating Board of Jewish Organizations, category B (observations on the draft International Covenant on Human Rights and measures of implementation)	E/CN.4/AC.14/2/ Corr.2	<i>Ditto</i>
E/CN.4/NGO/27	Statement submitted by the World Federation of United Nations Associations, category A (observations on the draft International Covenant on Human Rights and measures of implementation)	E/CN.4/AC.14/2/ Add.1	<i>Ditto</i>
E/CN.4/NGO/28	Statement submitted by the World Federation of Trade Unions, category A (proposals relating to economic, social and cultural rights)	E/CN.4/AC.14/2/ Add.2	<i>Ditto</i>
		E/CN.4/AC.14/2/ Add.3	<i>Ditto</i>
		E/CN.4/AC.14/2/ Add.3/Corr.1 (Russian only)	<i>Ditto</i>
		E/CN.4/AC.14/2/ Add.4	<i>Ditto</i>
		E/CN.4/AC.14/2/ Add.5	<i>Ditto</i>
		E/CN.4/AC.14/SR.1 - SR.3	Summary records of the Working Group on economic, social and cultural rights
		E/CN.4/AC.15/R/1 (Restricted)	Working Group on implementation of economic, social and cultural rights : synopsis of the proposals submitted by the representatives of Lebanon, Pakistan and Sweden, and France

E/CN.4/AC.15/R/ SR.1 - SR.3 (Restricted)	Summary records of the Working Group on implementation of economic, social and cultural rights	E/1752	Report submitted by the Director-General of the United Nations Educational, Scientific and Cultural Organization on regulations concerning economic and social rights in the International Cove- nant on Human Rights
	_____	E/1752/Corr.1	<i>Ditto</i>
		E/1900	Memorandum by the Secretary-General on development of a 20-year programme for achieving peace through the United Nations
E/1681/Annex I	Report of the sixth session of the Com- mission on Human Rights	E/L.68	Memorandum by the Secretary-General on the draft first International Covenant on Human Rights
E/1681/Annex III	<i>Ditto</i>	A/C.3/534	Note by the Secretary-General on the draft first International Covenant on Human Rights and measures of implementation
E/1721	Report by the Secretary-General on federal and colonial clauses	A/C.3/535	Memorandum prepared by the Secretary- General concerning subject analysis of the relevant documentation and records transmitted to the General Assembly by the Economic and Social Council
E/1721/Corr.1	<i>Ditto</i>		
E/1732	Report by the Secretary-General on means by which the proposed Human Rights Committee may be able to obtain advi- sory opinions from the International Court of Justice		