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COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

FIRST SESSION

REPORT OF THE DRAFTING COMMITTEE TO THE
COMMISSION ON HUMAN RIGHTS

CHAPTER I

Introduction

1. The Drafting Committee of the Commission on Human Rights held its First Session during the period 9 to 25 June 1947, with the following

Representatives in attendance:

Lt. Col. W. R. Hodgson	Representative of Australia
Mr. H. Santa Cruz	" " Chile
Dr. P. C. Chang	" " China
Prof. René Cassin	" " France
Dr. Charles Malik	" " Lebanon
Prof. V. Korétsky	" " Union of Soviet Socialist Republics
Mr. Geoffrey Wilson	" " United Kingdom
Mrs. Franklin D. Roosevelt	" " United States of America

2. Mr. Ralph Harry represented Lt. Col. W. R. Hodgson (Australia) at most meetings. Mr. H. Santa Cruz represented Mr. Felix Nieto Del Rio (Chile). Mr. Pierre Ordonneau represented Prof. René Cassin (France) at the last four meetings. Prof. V. Korétsky represented Mr. V. F. Tepliakov (Union of Soviet Socialist Republics). Mr. Geoffrey Wilson represented Lord Dukeston (United Kingdom). Mr. James P. Hendrick represented Mrs. Franklin D. Roosevelt (United States of America) at parts of two meetings.

3. The Specialized Agencies were represented at the Drafting Committee as follows:

United Nations Educational, Scientific
and Cultural Organization:

Mr. J. Havet

/4. Consultants

4. Consultants in attendance were:

American Federation of Labor:

Miss Toni Sender

International Co-operative Alliance:

Mrs. H. Fuhrman

5. The Drafting Committee elected the Officers of the Commission on Human Rights as its Officers:

Mrs. Franklin D. Roosevelt as Chairman;

Dr. P. C. Chang as Vice-Chairman; and

Dr. Charles Malik as Rapporteur.

6. Professor John P. Humphrey was Secretary of the Drafting Committee.

7. The Drafting Committee adopted the Provisional Rules of Procedure of the Commission on Human Rights as its Rules of Procedure.

8. The Drafting Committee authorized the Chairman, or in the absence of the Chairman, the Rapporteur, to present this Report to the Commission on Human Rights.

9. The expression of the views of the Members of the Drafting Committee is embodied in the verbatim and summary records of the meetings.

CHAPTER II

Preliminary Draft of an International Bill of Human Rights

10. The Drafting Committee reviewed its terms of reference as contained in the letter of the Chairman of the Commission on Human Rights of 24 March 1947 (document E/383) to the President of the Economic and Social Council, and approved by decision of the Council of 28 March 1947 (document E/325). It noted in particular that its function in this session was to prepare on the basis of documentation supplied by the Secretariat, a preliminary draft of an International Bill of Human Rights.

11. In addition to the Draft Outline of an International Bill of Human Rights prepared by the Secretariat (document E/CN.4/AC.1/3, constituting Annex A of this Report and document E/CN.4/AC.1/3/Add.1, issued as a separate volume), the Drafting Committee had before it the text of a letter from Lord Dukeston, the United Kingdom Representative on the Commission on Human Rights, transmitting (a) a draft International Bill of Human Rights and (b) a draft resolution which might be passed by the General Assembly

/when adopting

when adopting an International Bill of Human Rights (document E/CN.4/AC.1/4), constituting Annex B of this Report. These two documents were considered and compared, together with certain United States proposals for the rewording of some items appearing in the Secretariat Draft Outline (documents E/CN.4/AC.1/8 and Revs. 1 and 2), constituting Annex C of this Report.

12. Concerning the form which the Preliminary Draft might take, two views were put forward. In the opinion of some Representatives it was necessary that the Preliminary Draft, in the first instance, should take the form of a Declaration or Manifesto; others felt that it should be in the form of a Convention. It was agreed, however, by those who favoured the Declaration form that the Declaration should be accompanied or followed by a Convention or Conventions on specific groups of rights. It was also agreed by those who favoured the Convention form that the General Assembly in recommending a Convention to Member Nations might make a Declaration wider in content and more general in expression. The Drafting Committee, therefore, while recognizing that the decision as to the form of the Bill was a matter for the Commission, decided to attempt to prepare two documents, one a working paper in the form of a Preliminary Draft of a Declaration or Manifesto setting forth general principles, and the second a working paper outlining a Draft Convention on those matters which the Committee felt might lend themselves to formulation as binding obligations.

13. The Committee established a temporary working group, composed of the Representatives of France, Lebanon, and the United Kingdom, with the Chairman of the Committee as an ex officio member. It requested this working group:

- (a) to suggest a logical re-arrangement of the articles of the Draft Outline supplied by the Secretariat;
- (b) to suggest a redraft of the various articles in the light of the discussions of the Drafting Committee; and

/(c) to suggest

(c) to suggest to the Drafting Committee how the substance of the articles might be divided between a Declaration and a Convention.

14. The temporary working group had three meetings, and after a general discussion decided to request Professor Cassin to undertake the writing of a draft Declaration based on those Articles in the Secretariat Outline which he considered should go into such a Declaration. It was the consensus of opinion that such a document would have greater unity if drawn up by one person. The Representatives of the United Kingdom and Lebanon, together with the Chairman, were asked independently to go over the Secretariat Outline and the United Kingdom draft with a view to determining which Articles could readily lend themselves to a Convention.

Professor Cassin produced a draft containing a Preamble and forty-four suggested Articles. The working group revised the Preamble and the first six Articles before submitting them to the Drafting Committee (document E/CN.4/AC.1/W.1). The remaining Articles were submitted to the Drafting Committee in the form proposed by Professor Cassin (document E/CN.4/AC.1/W.2/Rev.1), constituting part of Annex D of this Report.

The Chairman, the Representative of Lebanon and the Representative of the United Kingdom agreed that the Articles contained in Part II of the Draft Convention (Annex I of document E/CN.4/AC.1/4) in the United Kingdom document could be submitted to the Commission on Human Rights as possibly forming the basis of a draft Convention and that the following three subjects might be added to this draft:

- (a) physical integrity, torture and cruel punishments;
- (b) the right to a legal personality; and
- (c) the right of asylum.

15. The Drafting Committee read the draft Preamble, but recognized that its final wording could not be determined until later. The various suggestions for a Preamble of the Manifesto or Declaration are found in Annex E of this Report.

/16. The Drafting Committee

16. The Drafting Committee considered in detail each of the six draft Articles submitted by the working group, then considered in like detail the remaining draft Articles submitted by Professor Cassin. Members made comments on the form and substance of the various articles. These comments are found in the verbatim and summary records. All Members of the Drafting Committee understood that nothing said by any of them during the session was to be considered binding upon their Governments, and reserved the right to make further suggestions at a later stage. Professor Koretsky's remarks were confined in the main to procedural matters, and for all issues he specifically reserved the right to present the observations and proposals of his Government at a later stage. The United States reserved the right to urge before the Commission on Human Rights the inclusion of its rewording of certain Secretariat Articles in the Draft Declaration (Annex C of this Report)

17. The Drafting Committee accepted Professor Cassin's offer to prepare, on the basis of the discussion of his draft, a revised Draft Declaration. This Draft (document E/CN.4/AC.1/W.2/Rev.2) was examined by the Drafting Committee and further revised. It was agreed that where more than one view was expressed, all alternatives would on request be included. The result of this examination is embodied in Annex F of this Report, which is submitted to the Commission on Human Rights as a working paper for a preliminary draft of an International Manifesto or Declaration on Human Rights.

18. The Drafting Committee used Annex I, part 2 of the United Kingdom proposal (document E/CN.4/AC.1/4) as the basis for a general examination of the possible substantive contents of a Draft Convention. The result of this examination is embodied in Annex G of this Report, which is submitted to the Commission on Human Rights as a working paper for a preliminary draft of an International Convention on Human Rights which the Commission may wish to consider and elaborate.

CHAPTER III

The Question of Implementation of an International
Bill of Human Rights

19. The Drafting Committee found it necessary from time to time to take into account possible methods of enforcement, particularly when considering the problem of a Draft Convention and the United Kingdom proposals. It devoted one meeting specifically to the question of implementation, taking as a basis for discussion a paper prepared by the Secretariat (Paragraphs 1-13 of Annex H of this Report).

The Drafting Committee acted on the assumption that the international community must ensure the observance of the rights to be included in the International Bill of Human Rights. However, a wide range of views was expressed as to the precise manner in which this objective could be achieved.

The following is a summary of the principal observations made by one or more individual members of the Drafting Committee during the discussion:

- (a) that a Declaration of Human Rights and Fundamental Freedoms in a resolution of the General Assembly would in itself have considerable moral weight; but
- (b) that a more effective method for establishing human rights would be to embody them in a Convention in which the signatories would recognize them as international law;
- (c) that the signatories of such a Convention should also accept the obligation to ensure that these rights be enforceable by domestic laws in domestic courts; (it was clear from the discussion that in this connection the position of federal States, of States without written constitutions and of States where law has not been codified would require special study),
- (d) that among possible deterrents against violation of a Convention are publicity and international censure which might be achieved by
 - (i) petitions by individuals and groups to the United Nations,
 - (ii) extension of the powers of the Human Rights Commission

/or creation

- or creation of new machinery within the framework of the United Nations to receive, sift, examine and deal with communications alleging the violation of human rights,
- (iii) requests by the Secretary-General to Member Nations for reports on their observance of human rights,
 - (iv) discussion in the General Assembly;
 - (e) that an International Court of Human Rights, along the lines of the Australian proposal, be established for the adjudication of cases of alleged violation of human rights;
 - (f) that any State persistently violating human rights should be expelled from the United Nations.

None of the above suggestions was approved by the Drafting Committee as such; indeed strong objections were voiced against many of them. The Drafting Committee merely transmits them to the Commission on Human Rights for its information.

20. The Drafting Committee considered that in addition to enforcement measures the United Nations should promote through education the widest possible respect for human rights. It was suggested by individual Members of the Drafting Committee that a special international organ might be required for this purpose. The Committee also recognized that observance of human rights could not be completely ensured unless conditions of social progress and better standards of life were established in larger freedom.

ANNEX A

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

DRAFT OUTLINE OF AN INTERNATIONAL BILL OF HUMAN RIGHTS

(PREPARED BY THE DIVISION OF HUMAN RIGHTS OF THE SECRETARIAT)

The Preamble shall refer to the four freedoms and to the provisions of the Charter relating to human rights and shall enunciate the following principles:

1. that there can be no peace unless human rights and freedoms are respected;
2. that man does not have rights only; he owes duties to the society of which he forms part;
3. that man is a citizen both of his State and of the world;
4. that there can be no human freedom or dignity unless war and the threat of war is abolished.

ARTICLE 1

Every one owes a duty of loyalty to his State and to the (international society) United Nations. He must accept his just share of responsibility for the performance of such social duties and his share of such common sacrifices as may contribute to the common good.

ARTICLE 2

In the exercise of his rights every one is limited by the rights of others and by the just requirements of the State and of the United Nations.

ARTICLE 3

Every one has the right to life. This right can be denied only to persons who have been convicted under general law of some crime to which the death penalty is attached.

ARTICLE 4

No one shall be subjected to torture, or to any unusual punishment or indignity.

ARTICLE 5

Every one has the right to personal liberty.

/ARTICLE 6

Le Préambule se référera aux quatre libertés et aux dispositions de la Charte concernant les droits de l'homme et formulera les principes suivants

1. Il ne peut y avoir de paix si les droits de l'homme et les libertés fondamentales ne sont pas respectées;
2. L'homme n'a pas seulement des droits; il a aussi des devoirs envers la société dont il fait partie;
3. Tout homme est à la fois citoyen de son pays et citoyen du monde;
4. Il ne peut y avoir de liberté et de dignité pour l'homme si la guerre et la menace de guerre ne sont pas supprimées.

ARTICLE 1

Tout individu a un devoir de loyauté envers l'Etat dont il relève et envers (la société internationale) les Nations Unies. Il doit prendre sa juste part de responsabilité dans l'accomplissement de ses devoirs envers la société et sa part des sacrifices communs nécessaires au bien général.

ARTICLE 2

Les droits de chacun sont limités par ceux d'autrui et par les justes exigences de l'Etat et des Nations Unies.

ARTICLE 3

Tout individu a droit à la vie. Ce droit ne peut être refusé qu'aux personnes qui ont été condamnées conformément à la loi pour un crime passible de la peine de mort.

ARTICLE 4

Nul ne peut être soumis à la torture ou à des peines ou indignités inaccoutumées.

ARTICLE 5

Tout individu a droit à la liberté personnelle.

ARTICLE 6

No one shall be deprived of his personal liberty save by a judgment of a court of law, in conformity with the law and after a fair public trial at which he has had an opportunity for a full hearing, or pending his trial which must take place within a reasonable time after his arrest. Detention by purely executive order shall be unlawful except in time of national emergency.

ARTICLE 7

Every one shall be protected against arbitrary and unauthorized arrest. He shall have the right to immediate judicial determination of the legality of any detention to which he may be subject.

ARTICLE 8

Slavery and compulsory labour are inconsistent with the dignity of man and therefore prohibited by this Bill of Rights. But a man may be required to perform his just share of any public service that is equally incumbent upon all, and his right to a livelihood is conditioned by his duty to work. Involuntary servitude may also be imposed as part of a punishment pronounced by a court of law.

ARTICLE 9

Subject to any general law adopted in the interest of national welfare or security, there shall be liberty of movement and free choice of residence within the borders of each State.

ARTICLE 10

The right of emigration and expatriation shall not be denied.

ARTICLE 11

No one shall be subjected to arbitrary searches or seizures, or to unreasonable interference with his person, home, family relations, reputation, privacy, activities, or personal property. The secrecy of correspondence shall be respected.

/ARTICLE 12

ARTICLE 6

Nul ne peut être privé de sa liberté sans un jugement rendu par un tribunal, conformément à la loi et après un procès régulier et public, au cours duquel il aura eu toute faculté de se faire entendre, ou dans l'attente d'un procès qui devra intervenir dans un délai raisonnable après son arrestation. La détention sur simple ordre administratif est illégale, sauf en cas de péril national.

ARTICLE 7

Tout individu doit être garanti contre les arrestations arbitraires et non autorisées. Il a un droit à ce qu'une décision de justice intervienne immédiatement concernant la légalité des mesures de détention dont il serait l'objet.

ARTICLE 8

L'esclavage et le travail forcé sont incompatibles avec la dignité humaine et sont interdits par la présente Déclaration des droits. Toutefois, un individu peut être requis d'assumer une part équitable d'un service public incombant également à tous, et son droit à des moyens d'existence est subordonné à son devoir de travailler. Le travail forcé peut également être imposé à titre de peine prononcée par un tribunal.

ARTICLE 9

Sous réserve des mesures législatives d'une portée générale prise en vue de la sécurité et de l'intérêt national, tout individu peut librement circuler et choisir sa résidence à l'intérieur des frontières de l'Etat.

ARTICLE 10

Le droit d'émigrer et de s'expatrier ne peut être refusé.

ARTICLE 11

Nul ne peut être soumis à des fouilles, perquisitions ou saisies arbitraires, à des interventions abusives concernant sa personne, son domicile, sa famille, sa réputation, sa vie privée, ses occupations, ou sa propriété personnelle. Le secret de la correspondance est garanti.

/ARTICLE 12

ARTICLE 12

Every one has the right to a legal personality. No one shall be restricted in the exercise of his civil rights except for reasons based on age or mental condition or as a punishment for a criminal offense.

ARTICLE 13

Every one has the right to contract marriage in accordance with the laws of the State.

ARTICLE 14

There shall be freedom of conscience and belief and of private and public religious worship.

ARTICLE 15

Every one has the right to form, to hold, to receive and to impart opinions.

ARTICLE 16

There shall be free and equal access to all sources of information both within and beyond the borders of the State.

ARTICLE 17

Subject only to the laws governing slander and libel, there shall be freedom of speech and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication. Censorship shall not be permitted.

ARTICLE 18

There exists a duty towards society to present information and news in a fair and impartial manner.

ARTICLE 12

Tout individu a droit à la personnalité juridique.

L'exercice des droits civils ne peut être limité qu'en raison de l'âge, de l'état mental ou en suite d'une condamnation pénale;

ARTICLE 13

Tout individu a le droit de contracter mariage conformément aux lois.

ARTICLE 14

La liberté de conscience, de croyance et de culte public et privé est garantie.

ARTICLE 15

Tout individu a le droit de se former des opinions, de les affirmer ou de les communiquer, et d'entendre les opinions d'autrui.

ARTICLE 16

L'accès aux sources d'information tant nationales qu'étrangères est libre et ouvert également à tous.

ARTICLE 17

La parole et les moyens d'expression, quels qu'ils soient, sont libres, sous réserve des lois réprimant la diffamation orale ou écrite. Tout individu aura, dans des limites raisonnables, accès en fait à toutes les formes d'expression. La censure est interdite.

ARTICLE 18

C'est un devoir envers la société de présenter les informations et les nouvelles avec loyauté et impartialité.

ARTICLE 19

There shall be freedom of peaceful assembly.

ARTICLE 20

There shall be freedom to form associations for purposes not inconsistent with this Bill of Rights.

ARTICLE 21

Every one has the right to establish educational institutions in conformity with conditions laid down by the law.

ARTICLE 22

Every one has a right to own personal property.

His right to share in the ownership of industrial, commercial and other profit-making enterprises is governed by the law of the State within which such enterprises are situated.

The State may regulate the acquisition and use of private property and determine those things that are susceptible of private appropriation.

No one shall be deprived of his property without just compensation.

ARTICLE 23

No one shall be required to pay any tax or be subjected to any public charge that has not been imposed by the law.

ARTICLE 24

There shall be equal opportunity of access to all vocations and professions not having a public character.

ARTICLE 19

La liberté de réunion existe sous réserve de ne pas troubler l'ordre public.

ARTICLE 20

La liberté d'association existe pourvu que le but de l'association ne soit pas incompatible avec la présente Déclaration des Droits.

ARTICLE 21

Tout individu peut fonder des établissements d'enseignement, conformément aux conditions établies par la loi.

ARTICLE 22

Tout individu a droit à la propriété personnelle.

Le droit d'être en tout ou partie propriétaire d'entreprises industrielles, commerciales ou autres entreprises à but lucratif est régi par la loi du pays où l'entreprise est située.

L'Etat peut réglementer l'acquisition et l'usage de la propriété privée et déterminer les biens susceptibles d'appropriation privée.

Nul ne peut être privé de sa propriété sans une juste indemnité.

ARTICLE 23

Nul ne peut être assujéti à un impôt ou à une charge publique si la loi ne l'a pas prévu.

ARTICLE 24

Les conditions d'accès à toutes les occupations et professions de caractère privé seront les mêmes pour tous.

ARTICLE 25

Everything that is not prohibited by law is permitted.

ARTICLE 26

No one shall be convicted of crime except by judgment of a court of law, in conformity with the law, and after a fair trial at which he has had an opportunity for a full public hearing.

Nor shall anyone be convicted of crime unless he has violated some law in effect at the time of the act charged as an offense, nor be subjected to a penalty greater than that applicable at the time of the commission of the offense.

ARTICLE 27

There shall be access to independent and impartial tribunals for the determination of rights and duties under the law.

Every one has the right to consult with and to be represented by counsel.

ARTICLE 28

Every one has the right, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievances.

ARTICLE 29

Every one has the right, either individually or with others, to resist oppression and tyranny.

ARTICLE 30

Every one has the right to take an effective part in the government of the State of which he is a citizen. The State has a duty to conform to the wishes of the people as manifested by democratic elections. Elections shall be periodic, free and fair.

ARTICLE 31

Every one shall have equal opportunity of access to all public functions in the State of which he is a citizen.

/Appointments

ARTICLE 25

Tout ce qui n'est pas interdit par la loi est permis.

ARTICLE 26

Nul ne peut être condamné pénalement que par jugement d'un tribunal rendu en application de la loi et après un procès régulier et public au cours duquel il aura eu toute faculté de se faire entendre.

Nul ne peut être condamné pénalement à moins qu'il n'ait violé une loi en vigueur au moment où il a commis l'acte qui lui est reproché, ni être condamné à une peine plus grave que celle applicable au dit moment.

ARTICLE 27

Tout individu peut accéder à des tribunaux indépendants et impartiaux qui diront quels sont ses droits et ses devoirs au regard de la loi.

Il a le droit de consulter un conseil et d'être représenté par lui.

ARTICLE 28

Tout individu a le droit, soit à titre individuel, soit conjointement avec d'autres, d'adresser des pétitions au gouvernement de son pays ou à l'Organisation des Nations Unies, pour obtenir le redressement d'abus.

ARTICLE 29

Tout individu a le droit de résister à l'oppression et à la tyrannie, soit seul, soit conjointement avec d'autres.

ARTICLE 30

Tout individu a le droit de prendre une part effective au gouvernement de l'Etat dont il est ressortissant. L'état doit se conformer à la volonté du peuple, manifestée par des élections démocratiques. Les élections seront périodiques, libres et sincères.

ARTICLE 31

Toutes les fonctions publiques seront également accessibles à tous les citoyens.

Appointments to the civil service shall be by competitive examination.

ARTICLE 32

Every one has the right to a nationality.

Every one is entitled to the nationality of the State where he is born unless and until on attaining majority he declares for the nationality open to him by virtue of descent.

No one shall be deprived of his nationality by way of punishment or be deemed to have lost his nationality in any other way unless he concurrently acquires a new nationality.

Every one has the right to renounce the nationality of his birth, or a previously acquired nationality, upon acquiring the nationality of another State.

ARTICLE 33

No alien who has been legally admitted to the territory of a State may be expelled therefrom except in pursuance of a judicial decision or recommendation as a punishment for offenses laid down by law as warranting expulsion.

ARTICLE 34

Every State shall have the right to grant asylum to political refugees.

ARTICLE 35

Every one has the right to medical care. The State shall promote public health and safety.

ARTICLE 36

Every one has the right to education.

Each State has the duty to require that every child within its territory receive a primary education. The State shall maintain adequate and free facilities for such education. It shall also promote facilities for higher education without distinction as to the race, sex, language, religion, class or wealth of the persons entitled to benefit therefrom.

Les fonctions publiques seront pourvues par voie de concours.

ARTICLE 32

Tout individu a droit à une nationalité.

Tout individu a droit à la nationalité du pays sur le territoire duquel il est né, à moins qu'à sa majorité, il n'opte pour la nationalité à laquelle sa filiation lui donnerait droit.

Nul ne peut être déchu de sa nationalité à titre de peine ou être considéré comme ayant perdu sa nationalité de quelque autre manière, à moins qu'il n'en ait acquis simultanément une autre.

Tout individu a le droit de renoncer à sa nationalité d'origine ou à une nationalité acquise postérieurement à sa naissance en acquérant la nationalité d'un autre Etat.

ARTICLE 33

Aucun étranger légalement admis sur le territoire d'un Etat ne peut en être expulsé, sauf en exécution d'une décision ou recommandation judiciaire et à titre de peine pour les infractions auxquelles la loi attache cette sanction.

ARTICLE 34

Tout Etat a le droit d'accorder asile aux réfugiés politiques.

ARTICLE 35

Tout individu a droit aux soins médicaux. L'Etat doit protéger la santé et la sécurité publiques.

ARTICLE 36

Tout individu a droit à l'instruction.

L'Etat a le droit de prescrire que tout enfant résidant sur son territoire recevra l'instruction primaire. L'Etat en fournira gratuitement les moyens appropriés. Il favorisera également l'instruction supérieure, sans distinction de race, de sexe, de langue, de religion, de classe ou de fortune des individus appelés à en bénéficier.

ARTICLE 37

Every one has the right and the duty to perform socially useful work.

ARTICLE 38

Every one has the right to good working conditions.

ARTICLE 39

Every one has the right to such equitable share of the national income as the need for his work and the increment it makes to the common welfare may justify.

ARTICLE 40

Every one has the right to such public help as may be necessary to make it possible for him to support his family.

ARTICLE 41

Every one has the right to social security. The State shall maintain effective arrangements for the prevention of unemployment and for insurance against the risks of unemployment, accident, disability, sickness, old age and other involuntary or undeserved loss of livelihood.

ARTICLE 42

Every one has the right to good food and housing and to live in surroundings that are pleasant and healthy.

ARTICLE 43

Every one has the right to a fair share of rest and leisure.

ARTICLE 44

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science.

ARTICLE 45

No one shall suffer any discrimination whatsoever because of race, sex, language, religion, or political creed. There shall be full equality before the law in the enjoyment of the rights enunciated in this Bill of Rights.

ARTICLE 37

Tout individu a le droit et le devoir d'accomplir un travail socialement utile.

ARTICLE 38

Tout individu a droit à de bonnes conditions de travail.

ARTICLE 39

Tout individu a droit à une part équitable du revenu national, dans la mesure où son travail est nécessaire et augmente le bien commun.

ARTICLE 40

Tout individu a droit à recevoir de la Société l'aide nécessaire pour lui permettre d'assurer l'entretien de sa famille.

ARTICLE 41

Tout individu a droit à la sécurité sociale. L'Etat doit prendre les dispositions nécessaires pour empêcher le chômage et doit organiser l'assurance pour le chômage, les accidents, l'invalidité, la maladie, la vieillesse et pour le cas de toute autre perte involontaire ou imméritée des moyens d'existence.

ARTICLE 42

Tout individu a droit à une bonne alimentation et à un bon logement et à vivre dans des conditions agréables et saines.

ARTICLE 43

Tout individu a droit à une juste part de repos et de loisir.

ARTICLE 44

Tout individu a le droit de prendre part à la vie culturelle de la société, de jouir des arts et de participer aux avantages de la science.

ARTICLE 45

Nul ne sera soumis à un régime discriminatoire en raison de sa race, de son sexe, de sa langue, de sa religion, ou de ses opinions politiques. Tous les individus sont égaux devant la loi quant à la jouissance des droits énoncés dans la présente Déclaration.

ARTICLE 46

In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right to establish and maintain, out of an equitable proportion of any public funds available for the purpose, their schools and cultural and religious institutions, and to use their own language before the courts and other authorities and organs of the State and in the press and in public assembly.

ARTICLE 47

It is the duty of each member State to respect and protect the rights enunciated in this Bill of Rights. The State shall, when necessary, co-operate with other States to that end.

ARTICLE 48

The provisions of this International Bill of Rights shall be deemed fundamental principles of international law and of the national law of each of the member States of the United Nations. Their observance is therefore a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof.

ARTICLE 46

Dans les pays habités par un nombre appréciable d'individus de race, de langue ou de religion autres que celles de la majorité des habitants, les individus appartenant à ces minorités ethniques, linguistiques, ou religieuses auront le droit d'instituer et d'entretenir leurs écoles et leurs institutions religieuses et culturelles au moyen d'une part équitable des fonds publics affectés à cet effet et d'user de leur langue devant les tribunaux et autres autorités ou organes de l'Etat, dans la presse et dans les réunions publiques.

ARTICLE 47

Les Etats Membres de l'Organisation des Nations Unies ont le devoir de respecter et de protéger les droits proclamés dans la présente Déclaration. Si besoin est, les Etats collaboreront à cette fin.

ARTICLE 48

Les dispositions de la présente Déclaration internationale des Droits constitueront des principes fondamentaux du droit international et du droit national des Etats Membres des Nations Unies. Leur application intéresse l'ordre public international et les Nations Unies seront compétentes pour connaître des violations des dites dispositions.

ANNEX B

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

Text of Letter from Lord Dukeston, the United Kingdom Representative on the Human Rights Commission, to the Secretary-General of the United Nations

I have the pleasure of transmitting to you herewith, to be laid before the Drafting Committee of the Commission on Human Rights the following documents:

(a) A draft International Bill of Human Rights.

(b) A draft resolution which might be passed by the General Assembly when adopting an International Bill of Rights.

2. It is suggested that the International Bill of Rights should be prepared in the form of an instrument which would be approved by the Assembly and submitted to Governments for accession by members of the United Nations, by states parties to the Statute of the International Court of Justice, and by any other state whom the General Assembly of the United Nations shall, by resolution, declare to be eligible. The draft Bill itself requires little explanation. It is intended to contain an enumeration of the human rights and fundamental freedoms, provisions as regards execution and enforcement, and certain formal provisions which necessarily accompany the bringing of the Bill into force. The draft Assembly Resolution deals with a number of secondary matters which will assist in the execution of the Bill, but which should be approved in a form which will allow for relatively simple amendment and adaptation. The proposals in the resolution regarding the furnishing of information by signatory States are of considerable importance in this respect.

3. It is understood that the purpose of the Drafting Committee is to produce texts for the consideration of the Human Rights Commission, and that the texts submitted by the Drafting Committee, being the result of the combined efforts of its members working for this purpose, will not bind

/any delegation

any delegation which has taken part in the work of the Drafting Committee. In submitting the attached draft Bill and Assembly Resolution the United Kingdom representative is making suggestions for the assistance of the Drafting Committee, and the draft must not be taken as representing the final views of His Majesty's Government in the United Kingdom either as regards the provisions which are contained in the United Kingdom drafts or as regards any matters which are not contained in those drafts.

DRAFT OF RESOLUTION OF GENERAL ASSEMBLY WHEN ADOPTING THE
INTERNATIONAL BILL OF RIGHTS

I.

1. Whereas it is a purpose of the United Nations to achieve international co-operation as a means of encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion; and
2. Article 13 of the Charter provides that the General Assembly shall initiate studies and make recommendations for the purpose of assisting in the realization of the said human rights and fundamental freedoms;

II.

1. Whereas, in conformity with Article 68 of the Charter, the Economic and Social Council set up a Commission to study and recommend measures for the promotion of human rights; and
2. The said Human Rights Commission has reported and recommended the acceptance by all members of an International Bill of Human Rights;

III.

1. Whereas it is also an aim of the United Nations as defined in its Charter to achieve international co-operation in solving international problems of an economic, social, cultural and humanitarian character and to achieve social progress and better standards of life in larger freedom; and

/2. It is through

2. It is through measures taken through the instrumentality of the Economic and Social Council and its organs and through specialized agencies in relationship with the United Nations that the United Nations is seeking to establish international co-operation for the achievement of this aim; and

3. It is through the international co-operation so established that the United Nations can most effectively assist the realization of the right of all persons to work, to education, to social security and similar social and economic rights, which cannot by their nature be defined in the form of legal obligations for states in an instrument such as the International Bill of Rights:

IV.

THE GENERAL ASSEMBLY EXPRESSES the opinion that human rights and fundamental freedoms can only be completely assured by the application of the rule of law and by the maintenance in every land of a judiciary, fully independent and safeguarded against all pressure, and that the provisions of an International Bill of Rights cannot be fulfilled unless the sanctity of the home and the privacy of correspondence are generally respected and unless at all trials the rights of the defense are scrupulously respected, including the principle that trials shall be held in public and that every man is presumed innocent until he is proved guilty.

V.

Considering also that the promotion of human rights and fundamental freedoms will be assisted by full and accurate information on the position in every land with regard to these matters, and that such information should be published by the United Nations under conditions which will best guarantee its objectivity.

THE GENERAL ASSEMBLY ENTRUSTS this function to the Commission for Human Rights and requests the Economic and Social Council to reconsider the terms of reference of the said Commission, having regard to the principles and directives set forth in Annex 2.

VI.

Considering further that it is by defining human rights and fundamental freedoms and placing them under the protection of international law and the guarantee of the United Nations that the dignity and worth of the human person will be best secured.

THE GENERAL ASSEMBLY APPROVES the International Bill of Rights which forms Annex 1 to the present Resolution and recommends that all members should accept the obligations thereof.

. ANNEX 1

INTERNATIONAL BILL OF HUMAN RIGHTS

Preamble

1. Whereas the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person;
2. Whereas it is one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
3. Whereas all men are members of communities and as such have the duty to respect the rights of their fellow men equally with their own;
4. Whereas the just claims of the state, which all men are under a duty to accept, must not prejudice the respect of man's right to freedom and equality before the law and the safeguard of human rights, which are primary and abiding conditions of all just government;
5. Whereas the denial of human rights and fundamental freedoms endangers the general welfare and friendly relations among nations and the enjoyment of such rights and freedoms by all persons must be secured by international law and protected by the organized community of states;
6. Whereas it is expedient to define more exactly the aforesaid human rights and fundamental freedoms and to make provision for their universal observance and protection:

Now therefore the States parties to this International Bill of Rights have accepted the following provisions:

PART I

Article 1

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

/Comment to

Comment to Article 1

The phrase at the end of this Article comes from Article 38 (1) (c) of the Statute of the International Court of Justice. This phrase in the Statute of the Court is with justification considered by many commentators to represent the same principle as the phrases "law of nature" and "jus gentium" which play so great a part in the early development of international law. The conceptions both of the "law of nature" and "jus gentium" have also played a considerable part in the conception of the fundamental rights of man.

Article 2

Every state is, by international law, under an obligation to ensure:

- (a) that its laws secure to all persons under its jurisdiction, whether citizens, persons of foreign nationality or stateless, the enjoyment of these human rights and fundamental freedoms;
- (b) that any person whose rights or freedoms are violated should have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (c) that such remedies shall be enforceable by a judiciary whose independence is secured; and
- (d) that its police and executive officers should act in support of the enjoyment of these rights and freedoms.

Comment to Article 2

Proposals that the provisions of the Bill of Rights should be embodied in the constitutions of states parties to the Bill, or otherwise consecrated by special constitutional guarantees, are not practicable for all countries. Some countries, like the United Kingdom, have no rigid constitution and, as a matter of internal law, it is not possible to surround any provision with any special constitutional guarantee. No enactment can be given a greater authority than an Act of Parliament, and one Act of Parliament can repeal any other Act of Parliament. Therefore, the legal provisions which safeguard human rights can only have as their special

/safeguard

safeguard the solemn international obligations undertaken in this Bill, together with the firm foundation which these principles have in the deepest convictions of Parliament and the people.

Article 3

On receipt of a request to this effect from the Secretary-General of the United Nations, made under the authority of a resolution of the General Assembly,* the government of any party to this Bill will supply an explanation, certified by the highest legal authorities of the state concerned, as to the manner in which the law of that state gives effect to any of the said provisions of this Bill of Rights.

Comment to Article 2 (a) and Article 3

The expression "law" is used in this draft as equivalent to the word "droit" that is, anything a court will enforce including statute law, regulations and common or customary law.

Article 4

1. In time of war or other national emergency, a state may take measures derogating from its obligations under Article 2 above to the extent strictly limited by the exigencies of the situation.
2. Any state party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when the measures cease to operate and the provisions of Article 2 are being fully executed.

Article 5

A failure by any state party hereto to fulfil the obligations under Article 2 is an injury to the community of states and a matter of concern to the United Nations as the community of states organized under the rule of law.

Comment to Article 5

This Article is meant to apply to failures of a substantial

* COMMENT: Section V of the draft resolution to which this Bill is Annex 1 is intended to provide this authority.

character. It is not intended to apply to failures of a trivial or technical character.

Article 6

1. While declaring their readiness to consider the adoption of further procedures designed to strengthen the international protection of fundamental human rights and freedoms, the states parties hereto accept the right of any of them, acting in the interests of the community of states, to bring to the attention of the General Assembly of the United Nations any violation by any of them of the provisions of this Bill of Rights as constituting a situation likely to impair the general welfare or friendly relations amongst nations and as a violation of the purposes and principles of the United Nations within the meaning of Article 14 of the Charter.
2. Any party hereto which is thus alleged to have violated the provisions of this Bill of Rights shall have the right to request the General Assembly to obtain the advisory opinion of the International Court of Justice thereon and to refrain from taking any further action on the matter until this opinion has been obtained, and if such a request is made the parties hereto agree that they are bound to support the request.

Comment to Article 6

It would be possible to insert here an additional provision under which all parties to this Bill would agree that in the event of any alleged violation of the Bill being brought before the General Assembly they would support a proposal that the matter should first be considered by a committee composed only of members of the United Nations who are parties to the Bill.

Article 7

The parties hereto agree that any one of them which is found by a Resolution of the General Assembly adopted by a two-thirds majority

/persistently

persistently to have violated the provisions of this Bill of Rights should be deemed to have violated the principles of the Charter of the United Nations and therefore be liable to expulsion from the organization under Article 6 of the Charter.

PART II

Definition of Human Rights and Fundamental Freedoms

Article 8

It shall be unlawful to deprive any person of his life save in the execution of the sentence of a court following on his Conviction of a crime for which this penalty is provided by law.

Article 9

1. No form of slavery shall be permitted.

[A text on the subject of compulsory labour will be inserted here later.]

Article 10

1. No person shall be deprived of his liberty save by an arrest which is effected for the purpose of bringing him before a court on a reasonable suspicion of having committed a crime or which is reasonably considered to be immediately necessary to prevent his committing a crime or breach of the peace.

2. Every person arrested and detained shall be brought without delay before a judge, who shall either try the case or decide, after hearing evidence, whether there is sufficient case to justify that person's trial and if so whether his liberty shall be restored to him on bail.

3. The period of detention pending trial shall not be unreasonably prolonged.

4. The preceding provisions of this Article do not apply to (i) the lawful detention of a person sentenced after conviction to deprivation of liberty or (ii) lawful detention of persons of unsound mind or (iii) the lawful custody of minors or (iv) the lawful arrest and detention of

/a person

a person to prevent his effecting an unauthorized entry into the country.

5. Every person who is deprived of his liberty shall have an effective remedy in the nature of "habeas corpus" by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not justified.

6. Every person shall have an enforceable right to compensation in respect of any unlawful arrest or deprivation of liberty.

Article 11

Every person who is not subject to any lawful deprivation of liberty or to any outstanding obligations with regard to national service shall be free to leave any country including his own.

Comment to Article 11

There may also be other outstanding obligations such as those relating to taxation or the maintenance of dependents, of which account should be taken here.

Article 12

No person shall be held guilty of any offence on account of acts or omissions which did not constitute such an offence at the time when they were committed.

Article 13

1. Every person shall be free to hold any religious or other belief dictated by his conscience and to change his belief.

2. Every person shall be free to practice, either alone or in community with other persons of like mind, any form of religious worship and observance, subject only to such restrictions, penalties or liabilities as are strictly necessary to prevent the commission of acts which offend laws passed in the interests of humanity and morals, to preserve public order and to ensure the rights and freedoms of other persons.

3. Subject only to the same restrictions, every person of full age and sound mind shall be free to give and receive any form of religious teaching and to endeavour to persuade other persons of full age and sound mind of the truth of his beliefs, and in the case of a minor the parent or guardian shall be free to determine what religious teaching he shall receive.

Article 14

1. Every person shall be free to express and publish his ideas orally, in writing, in the form of art, or otherwise.

2. Every person shall be free to receive and disseminate information of all kinds, including both facts, critical comment and ideas by books, newspapers, or oral instruction, and by the medium of all lawfully operated devices.

3. The freedoms of speech and information referred to in the preceding paragraphs of this Article may be subject only to necessary restrictions, penalties or liabilities with regard to: matters which must remain secret in the interests of national safety; publications intended or likely to incite persons to alter by violence the system of Government, or to promote disorder or crime; obscene publications; [publications aimed at the suppression of human rights and fundamental freedoms]; publications injurious to the independence of the judiciary or the fair conduct of legal proceedings; and expressions or publications which libel or slander the reputations of other persons.

Comment to Article 14

The fundamental provisions of the Bill of Rights relating to freedom of speech and information will be completed by other agreements, resulting from the work of the sub-committee on Freedom of Information and the international conference on the subject.

Comments to Article 14 (3)

(a) The provision in paragraph 3 above, recognizing the right of Governments to impose the necessary restrictions, penalties

/or liabilities

or liabilities on publications likely or intended to incite persons to alter by violence the system of Government, is to be interpreted as strictly confined to such publications as advocate the use of violence, and does not apply to publications advocating a change of government or of the system of Government by constitutional means.

(b) Some doubt is felt as to the suitability of the words "publications aimed at the suppression of human rights and fundamental freedoms" from the point of view of drafting. It may be that these words afford a wider power for the limitation of freedom of publication than is necessary or desirable. On the other hand it may be said that it would be inconsistent for a Bill of Rights whose whole object is to establish human rights and fundamental freedoms to prevent any Government, if it wished to do so, from taking steps against publications whose whole object was to destroy the rights and freedoms which it is the purpose of the Bill to establish. In the last analysis, perhaps, the best definition of a Nazi or Fascist regime is that it is a regime which does not recognize the dignity and worth of the human person and permit individuals to enjoy human rights and fundamental freedoms.

(c) In any case it will be observed that no Government is obliged by the Bill to make use of the powers of limitation which are provided in paragraph 3.

Article 15

All persons shall have the right to assemble peaceably for any lawful purpose including the discussion of any matter, on which under Article 14 any person has the right to express and publish his ideas. No restrictions shall be placed on the exercise of this right other than those necessary for the protection of life and property and to prevent disorders, the obstruction of traffic and of the free movement of others.

Article 16

All persons shall be free to constitute associations, in whatever form may be appropriate under the law of the state, for the promotion and protection of their legitimate interests and of any other lawful object, including the dissemination of all information of which under Article 14 the dissemination is unrestricted. The rights and freedoms set forth in Articles 13 and 14 shall be enjoyed by such associations.

Comment to Article 16

The word "associations" is here used as the widest possible term and is intended to include the creation of entities having juridical personality.

Comment to Part II

This part of this Bill will be completed by provisions prohibiting distinctions based on race, sex, language and religion. No attempt is made to draft these provisions in advance of the reports of the sub-committee on Discrimination and Minorities and also of the Commission on the Status of Women. In any case, Part II as drafted above in fact provides for absence of discrimination seeing that it uses the words "all persons". (See also Article 2 (a) of Part I: "all persons under its jurisdiction, whether citizens, persons of foreign nationality or stateless".)

PART III

Article 17

1. This Bill of Rights is submitted, for the purpose of accession thereto, to every member of the United Nations, to every state party to the Statute of the International Court of Justice and to every other state whom the General Assembly of the United Nations shall, by resolution, declare to be eligible.

2. Accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations and the Bill of Rights shall come

/into force

into force as soon as.....* states members of the United Nations have deposited such instruments as regards those states and thereafter as regards each party on the date of the deposit of its instrument of accession.

3. Every deposit of an instrument of accession shall be accompanied by a statement that this Bill had been approved in accordance with the constitutional processes of the state concerned for the acceptance of the obligations of a treaty and by a solemn declaration made by the government of the state concerned that full and complete effect to the provisions of Part II is given by the law of that state.

4. The Secretary-General shall inform all members of the United Nations and the other states referred to in paragraph 1 above of the deposit of each instrument of accession.

Article 18

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

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

* COMMENT: The number to be given here should not be less than two-thirds of the members of the United Nations.

ANNEX 2

1. All information published by the United Nations relating to human rights should be approved by the Commission for Human Rights before publication. The Commission should be guided in this matter by the principle that accuracy and objectivity in information published is the first essential.
2. Before any information relating to the position in any particular state is published, it should be transmitted to the government of that state which should be given a reasonable time in which to make any comments thereon which it desires. If the government makes any comments and the Commission decides that publication of this information is nevertheless desirable, these comments should be published, together with the information to which they relate.
3. By careful study and selection, the Commission should endeavour to reduce the frequency of the occasions when it transmits information to governments for comments and also the volume thereof.
4. Any explanations transmitted to the Secretary-General under Part I, Article 3 of the Bill of Rights and information given to the Secretary-General under Article 4 (2) will be published automatically. Requests to governments for explanations under Article 3 of Part I shall be made on a decision of the Commission approved by the Economic and Social Council.
5. The Commission should consider the desirability of appointing an expert committee to assist it in the performance of these functions.

Comment on Annex 2

As Section V in the draft Resolution shows, it is proposed to leave to the Economic and Social Council the task of reviewing the terms of reference of the Commission on Human Rights in the light of the provisions of the Bill. Since the first task of the Commission under its existing terms of reference was the preparation of the draft Bill, it is obvious /that when

that when the Bill comes into operation, the Commission must act under new terms of reference which will be drawn up having particular regard to the provisions of the Bill. All that the draft Assembly Resolution does is to lay down certain provisions which must in any case be included in the future terms of reference. The Economic and Social Council would have to consider the manner in which petitions on Human Rights questions received by the Secretary-General should be dealt with and whether, and if so under what conditions, they should be passed to the Commission. Experience of the minorities procedure of the League of Nations has shown that this is a question which requires very mature consideration and that inappropriate procedure may tend to damage rather than further the advancement of Human Rights. In any case, it is suggested that provisions on these matters should not be included in the Bill itself, as such provisions should be capable of easy adaptation and amendment.

ANNEX C

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

UNITED STATES SUGGESTIONS FOR ARTICLES TO BE INCORPORATED
IN AN INTERNATIONAL BILL OF HUMAN RIGHTS

(Article Numbers Correspond to those of the Declaration in Annex E)

Article 3

"The state is created by the people for the promotion of their welfare and the protection of their mutual rights. In the exercise of his rights everyone is limited by the rights of others." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 2).

Articles 5, 6

"There shall be equal protection before the law is the enjoyment of the rights enumerated in this Bill of Rights, without distinction as to race, sex, language or religion." (E/CN.4/AC.1/11 referring to Secretariat Article 45).

Article 8

"The right to life is fundamental and may not be denied to any person except upon conviction of the gravest of crimes under general law providing for the penalty of death.

"No one shall be deprived of life or personal liberty, or be convicted or punished for crime in any manner, save by judgment of a competent and impartial tribunal, in conformity with law, after a fair public trial at which he has had the opportunity for a full hearing, the right to be confronted with the witnesses against him, the right of compulsory process for obtaining witnesses in his favour, and the right to consult with and be represented by counsel." (E/CN.4/AC.1/11 referring to Secretariat Articles 3 and 6).

Articles 9, 10

"No person shall be subjected to arbitrary or unauthorized arrest or detention. Every person who is arrested or detained shall be immediately
/informed of

informed of the charges on which he is held, and shall have the right to prompt judicial determination of the legality of his detention. Trial of the charges must be afforded within a reasonable time, or he shall be released from detention. Every person shall be entitled to secure his release pending trial upon furnishing reasonable security for his appearance, except where such release would defeat the administering of justice." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 7).

"No one shall be subjected to torture, or to any unusual punishment or indignity." (Secretariat Article 4)

"No one shall be convicted of crime except by judgment of a competent and impartial tribunal for violation of a law in effect at the time of the commission of the act charged as an offense, nor be subjected to a penalty greater than that applicable at the time of the commission of the offense. No one acquitted or convicted of a crime shall thereafter be again put in jeopardy of life or liberty for the offense of which he was acquitted or convicted." (E/CN.4/AC.1/8 referring to Secretariat Article 26).

"Every person has the right to have any civil claims or liabilities determined without undue delay by a competent and impartial tribunal, before which he has the opportunity for a fair hearing, and has the right to consult with and to be represented by counsel." (E/CN.4/AC.1/8 referring to Secretariat Article 27).

Article 11

"No one shall be held in slavery, nor be required to perform compulsory labour in any form other than as part of punishment pronounced by a competent judicial tribunal. No person shall be imprisoned or held in servitude in consequence of the mere breach of contractual obligations." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 8).

Article 12

"No one shall be subjected to arbitrary or unauthorized searches and seizures of his person, home, papers and effects, or to unreasonable
/interference

interference with his person, home, family, relations with others, reputation, privacy, activities or property. The secrecy of correspondence shall be respected." (E/CN.4/AC.1/11 referring to Secretariat Article 11).

Article 13

"All persons shall equally enjoy the right to freedom of movement from one part of the territory of the state to another, and to free choice of residence in any part of the territory.

"Every person shall, subject to equitable immigration and deportation laws, be free to enter, travel through or over, and remain temporarily in the territory of another state, provided always that he observes local laws and police regulations.

"The right of emigration and expropriation shall not be denied." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 9; Secretariat Article 10).

Article 15

"Every one has the right to a legal personality. No person shall be restricted in the exercise of his civil rights except under general law based on reasons of age or mental incompetence, or as punishment for a criminal offence, or as otherwise permitted in this bill." (E/CN.4/AC.1/11 referring to Secretariat Article 12).

Article 16

"There shall be equal opportunity to engage in any vocation or profession, not constituting public employment, subject to such reasonable qualifications as are inherent in the work to be performed."

(E/CN.4/AC.1/11 referring to Secretariat Article 24).

Article 17

"Every one has the right to own and transfer property, subject to reasonable regulation, under general laws, governing the acquisition and use thereof, and determining, in the interest of national welfare and security, those things not susceptible of private ownership. No one shall

/be deprived

be deprived of property except in accordance with due process of law, nor suffer his property to be taken other than for public use with just compensation to him." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 22).

Article 18

"Every person shall have the right to a nationality". (E/CN.4/AC.1/11 referring to Secretariat Article 32).

Article 21

"Every one has the right to form and hold opinions and to receive them from, and impart them, within or beyond the borders of the State." (E/CN.4/AC.1/11 referring to Secretariat Article 15).

Article 22

"Freedom of everyone to receive, read and listen to all matters of information shall not be impaired, and there shall be free and equal access to all sources of information both within and beyond the border of a State.

"There shall be freedom of speech, of the press and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication." (E/CN.4/AC.1/11 referring to Secretariat Articles 16, 17).

Article 23

"There shall be freedom of assembly.

"There shall be freedom to form associations." (E/CN.4/AC.1/11 referring to Secretariat Articles 19, 20).

Article 24

"No State shall abridge the right of everyone, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievance." (E/CN.4/AC.1/11 referring to Secretariat Article 28).

Articles 26, 27

"Government derives its just powers from the consent of the governed. Everyone has the right to take an effective part in the government of the state or territory of which he is a citizen. The citizens of the state or territory are accordingly entitled to exercise self-government through representatives freely and fairly chosen by them in periodic democratic elections by secret ballot." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 30).

Article 28

"Everyone shall have equal opportunity to engage in public employment in the State of which he is a citizen." (E/CN.4/AC.1/11 referring to Secretariat Article 31).

Articles 29-36

In lieu of these articles the United States suggests the following;

Article 29

"Everyone has the right to a fair and equal opportunity to advance his own physical, economic, spiritual and cultural well-being and to share in the benefits of civilization.

"It is the duty of the State, in accordance with the maximum use of its resources and with due regard for the liberties of individuals, to promote this purpose by legislation or by other appropriate means. Among the social rights thus to be achieved progressively by joint effort of the individual and the State are those defined in the following Articles."
(E/CN.4/AC.1/8/Rev.1, page 3 - no corresponding Secretariat article).

Article 30

"Everyone, without distinction as to economic or social condition, has a right to the highest attainable standard of health.

"The responsibility of the State for the health and safety of its people can be fulfilled only by provision of adequate health and social measures." (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 35; identical with Article 33 of Committee's Declaration).

/Article 31

Article 31

"Everyone has the right to education.

"Each State has the duty to require that each child within territories under its jurisdiction receive a fundamental education. The State shall maintain adequate and free facilities for such education which, however, shall not be exclusive of private educational facilities or institutions. It shall also assure development of facilities for further, including higher education, which are adequate and effectively available to all the people within such territories. (E/CN.4/AC.1/8/Rev.1 referring to Secretariat Article 36).

Article 32

"Everyone has a right to a decent standard of living, to a fair and equal opportunity to earn a livelihood; to wages and hours and conditions of work calculated to insure a just share of the benefits of progress to all; and to protection against loss of income on account of disability, unemployment or old age.

"It is the duty of the State to undertake measures that will promote full employment and good working conditions; provide protection for wage-earners and dependents against lack of income for reasons beyond their control; and assure adequate food, housing, and community services necessary to the well-being of the people." (E/CN.4/AC.1/11 referring to Secretariat Article 38).

Articles 33, 34

No articles suggested.

Article 35

"Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science."
(Secretariat Article 44).

Article 36

No article suggested.

ARTICLES ON IMPLEMENTATION

1. The Articles in this Bill of Rights shall be referred to the appropriate organs or agencies of the United Nations with a view to the formulation of a series of international conventions to be submitted individually to the member states for ratification or other appropriate action in accordance with their respective constitutional processes.
2. The Conventions thus concluded shall be deposited with the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter.
3. The Conventions shall provide for submission to the Secretary-General of copies of the laws or regulations by which the member state gives effect to the provisions of the Convention together with the name of the competent authority responsible for compliance, and of periodic reports concerning the enforcement and revisions of such laws.
4. The Secretary-General shall inform the General Assembly each year of the Conventions embodying the provisions of this Bill of Rights which have been proposed to the member states, and the number of states which have ratified or have failed to ratify them. (E/CN.4/AC.1/13).

ANNEX D

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN
INTERNATIONAL BILL OF HUMAN RIGHTS

SUGGESTIONS SUBMITTED BY THE REPRESENTATIVE OF FRANCE FOR
ARTICLES OF THE INTERNATIONAL DECLARATION OF HUMAN RIGHTS

(The English text is an official translation of the Articles suggested by Professor Cassin. The Drafting Committee did not work from this text but from a rough translation.)

/PREAMBLE

ANNEX D

PREAMBLE

WHEREAS:

1. ignorance and contempt of human rights have been among the principal causes of the sufferings of humanity and particularly of the massacres which have polluted the earth in two world wars;
2. there can be no peace unless human rights and freedoms are respected and, conversely, human freedom and dignity cannot be respected as long as war and the threat of war are not abolished;
3. it was proclaimed as the supreme aim of the recent conflict that human beings should enjoy freedom of speech and worship and be free from fear and want;
4. in the Charter of 26 June 1945 we reaffirmed our faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women;
5. it is one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;
6. the enjoyment of such rights and freedoms by all persons must be protected by the community of nations and guaranteed by international as well as municipal law,

/NOW, THEREFORE,

ANNEXE D

PREAMBULE

Nous, Peuples des Nations Unies,

1. Considérant que l'ignorance et le mépris des Droits de l'Homme ont été une des causes les plus importantes des souffrances de l'humanité et, en particulier, des massacres qui ont souillé la terre au cours de deux guerres mondiales;

2. qu'il ne peut y avoir de paix si les droits et les libertés de l'homme sont respectés et que, corrélativement, ces droits et libertés ne peuvent être pleinement respectés, tant que la guerre et les menaces de guerre ne seront pas abolies;

3. que l'établissement d'un régime où les êtres humains, libres de parler et de croire, seront mis à l'abri de la terreur et de la misère, a été proclamé comme l'enjeu suprême de la plus récente lutte;

4. que, dans la Charte du 26 juin 1945, nous avons réaffirmé notre foi dans les droits fondamentaux de l'homme, dans la dignité et la valeur de la personne humaine et dans l'égalité de droit de tout homme et de toute femme;

5. qu'un des buts des Nations Unies est de réaliser la coopération internationale en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion;

6. qu'il importe que ceux-ci soient protégés par la communauté des Nations et garantis tant par la loi internationale que par les lois nationales,

/Avons résolu

NOW, THEREFORE, we the Peoples of the United Nations have resolved to define in a solemn Declaration the essential rights and fundamental freedoms of man, so that this Bill, being constantly present in the minds of all men, may unceasingly remind them of their rights and duties, and so that the United Nations and its Members may constantly apply the principles hereby formulated

AND WE HAVE THEREFORE adopted the following Bill:

CHAPTER 1. (General Principles)

Article 1

All men, being members of one family are free, possess equal dignity and rights, and shall regard each other as brothers.

Article 2

The object of society is to enable all men to develop, fully and in security, their physical, mental and moral personality, without some being sacrificed for the sake of others.

Article 3

As human beings cannot live and achieve their objects without the help and support of society, each man owes to society fundamental duties which are: obedience to law, exercise of a useful activity, acceptance of the burdens and sacrifices demanded for the common good.

Article 4

The rights of all persons are limited by the rights of others.

Article 5

The law is the same for all. It applies to public authorities and judges in the same way as to private persons. Anything not prohibited by law is permissible.

Article 6

The rights and freedoms hereinafter declared shall apply to all persons. No person shall suffer discrimination by reason of his race, sex, language, religion, or opinions.

/CHAPTER 2.

Avons résolu de définir dans une déclaration solennelle, les droits essentiels et les libertés fondamentales de l'être humain, afin que cette déclaration constamment présente à tous les membres de la société humaine, leur rappelle sans cesse leurs droits et leurs devoirs et afin que l'Organisation des Nations Unies et ses Membres puissent constamment appliquer les principes ainsi formulés,

En conséquence, nous avons adopté la déclaration suivante :

CHAPITRE 1 (Principes généraux)

Article 1

Les êtres humains, tous membres de la même famille, sont libres, égaux en dignité et en droits et doivent se regarder comme des frères.

Article 2

La mission de la société est de permettre à tous les hommes de développer pleinement et en sécurité leur personnalité physique, intellectuelle et morale, sans que les uns soient sacrifiés aux autres.

Article 3

L'homme ne pouvant vivre et réaliser ses fins sans l'aide et l'appui de la société chacun a, vis-à-vis de celle-ci, des devoirs fondamentaux, l'obéissance aux lois, l'exercice d'une activité utile, l'acceptation des charges et sacrifices exigés par le bien commun.

Article 4

Les droits de chacun sont limités par ceux d'autrui.

Article 5

La loi est la même pour tous. Elle s'impose aux autorités publiques et aux juges comme aux particuliers. Ce qui n'est pas interdit par elle ne peut être empêché.

Article 6

Les droits et libertés ci-dessous déclarés doivent s'appliquer à toute personne. Nul ne sera soumis à un régime discriminatoire à raison de sa race, de son sexe, de sa langue, de sa religion ou de ses opinions.

CHAPTER 2. (Right to Life and Physical
Inviolability)

Article 7

Every human being has the right to life and to the respect of his physical inviolability.

No person, even if found guilty, may be subjected to torture, cruelty, or degrading treatment.

CHAPTER 3. (Personal Freedoms)

Article 8

Everyone has the right to personal liberty and security.

Article 9

Private life, the home, correspondence and reputation are inviolable and protected by law.

Article 10

No person may be arrested or detained save in the cases provided for and in accordance with the procedure prescribed by law. Any person arrested or detained shall have the right to immediate judicial determination of the legality of the proceedings taken against him.

Article 11

Every accused shall be presumed innocent until found guilty.

No person may be punished except in pursuance of a judgment of an independent and impartial court of law, delivered after a fair and public trial, at which he has had a full hearing or has been legally summoned, and has been given all the guarantees necessary for his defence.

Article 12

No person may be convicted of a crime unless he has violated a law in force at the time of the act charged as an offence, nor suffer a penalty greater than that legally applicable at the time of the commission of the offence.

Article 13

Slavery, being inconsistent with human dignity, is prohibited.

No public authority may exact personal service or work except by virtue of the law and for the common interest.

Article 14

CHAPITRE 2 (Droit à la vie et à l'intégrité physique)

Article 7

Tout être humain a droit à la vie et au respect de son intégrité physique.

Aucun individu, même coupable, ne peut être soumis à la torture, à des peines cruelles ou à des traitements dégradants.

CHAPITRE 3 (Libertés personnelles)

Article 8

Tout homme a droit à la liberté et à la sûreté de sa personne.

Article 9

La vie privée, le domicile, la correspondance et la réputation de chacun sont inviolables et protégés par la loi.

Article 10

Nul ne peut être arrêté ou détenu que dans les cas prévus par la loi et selon les formes qu'elle a prescrites. Tout individu arrêté ou détenu est en droit d'obtenir que le juge vérifie sans délai la légalité des mesures dont il est l'objet.

Article 11

Tout accusé est présumé innocent jusqu'à ce que sa culpabilité ait été déclarée.

Nul ne peut être puni si ce n'est en vertu du jugement d'un tribunal indépendant et impartial, rendu après un procès régulier et public au cours duquel l'accusé aura été entendu ou légalement appelé et aura joui des garanties nécessaires à sa défense.

Article 12

Nul ne peut être condamné pénalement à moins qu'il n'ait violé une loi en vigueur au moment de l'infraction, ni être condamné à une peine plus grave que celle légalement applicable au dit moment.

Article 13

L'esclavage, incompatible avec la dignité humaine, est interdit.

L'autorité publique ne peut imposer un service ou travail personnel qu'en vertu de la loi et dans l'intérêt commun.

Article 14

Subject to any general legislative measures adopted in the interest of security and the common good, there shall be liberty of movement and free choice of residence within the State; individuals may also freely emigrate or expatriate themselves.

CHAPTER 4. (Legal Status)

Article 15

Every individual has a legal personality everywhere.

Article 16

No person may be deprived of the personal exercise of his civil rights except in virtue of a general law based on considerations of age, or of a mental or other condition requiring protection, or as a punishment for a criminal offence.

Article 17

Every person has the right to contract marriage in accordance with the laws.

Article 18

All private occupations or professions shall be open to all on equal terms.

Article 19

Every person has a right to own property.

No person shall be deprived of his property except in the public interest and in return for just compensation.

The State may determine the property capable of private appropriation and regulate the acquisition and use of such property.

The right to full or part ownership of any industrial, commercial or other profit-making private or collective enterprise, is governed by the law of the country within which such enterprise is situated.

Article 20

Article 14

Sous réserve des mesures législatives d'ordre général prises en vue de la sécurité et de l'intérêt commun, tout individu peut librement circuler et choisir librement sa résidence à l'intérieur de l'Etat; il peut également émigrer ou s'expatrier.

CHAPITRE 4 (Statut juridique)

Article 15

Tout individu possède en tous lieux la personnalité juridique.

Article 16

Nul ne peut être privé d'exercer personnellement ses droits, si ce n'est en vertu d'une loi générale, en raison de l'âge, de l'état mental, ou d'une autre situation requérant des mesures de protection ou en suite d'une condamnation pénale.

Article 17

Tout individu a le droit de contracter mariage en se conformant aux lois.

Article 18

Les conditions d'accès à toutes les occupations et professions de caractère privé, seront les mêmes pour tous.

Article 19

Tout individu a droit à la propriété personnelle.

Nul ne peut être privé de sa propriété que dans l'intérêt public et moyennant une juste indemnité.

L'Etat peut déterminer les biens susceptibles d'appropriation privée et réglementer l'acquisition et l'usage de ces biens.

Le droit d'être, en tout ou partie, propriétaire d'entreprises industrielles, commerciales ou d'autres entreprises individuelles ou collectives, à but lucratif, est régi par la loi du pays où l'entreprise est située.

/Article 20

Article 20

Every person shall have access whether as plaintiff or defendant, to independent and impartial tribunals for the determination of his rights, liabilities and obligations under the law. He shall have the right to obtain legal advice and, if necessary, to be represented by counsel.

CHAPTER 5. (Public Freedoms)

Article 21

The personal freedom of conscience, belief and opinion is an absolute and sacred right.

The practice of a private or public creed and the expression of conflicting convictions may not be subjected to any restraints except those necessary to protect public order, morality and the rights and freedoms of others.

Article 22

No person may be molested for his opinions, even if they derive from other than national sources.

Every person is equally free to change, affirm, or impart his opinion, or to hear and discuss the opinions of others.

Article 23

There shall be freedom of expression by word of mouth, in writing, in the press, in books or by visual, audible or other means; provided, however, that the author, and the publishers, printers and others concerned shall be answerable for any abuse of this right by defamation of character or failure to present information and news in a true and impartial manner.

Article 24

The freedom of assembly and of association for political, cultural, scientific, sporting, economic and social purposes compatible with this Bill is recognized and guaranteed, subject only to the protection of public order.

Article 25

Article 20

Tout individu peut accéder, en demande comme en défense, à des tribunaux indépendants et impartiaux qui diront quels sont ses droits, responsabilités et obligations au regard de la loi. Il doit pouvoir consulter un conseil et, le cas échéant, se faire représenter par lui.

CHAPITRE 5 (Libertés publiques)

Article 21

La liberté individuelle de conscience, de croyance et de pensée est un droit sacré et absolu.

L'exercice d'un culte public ou privé et les manifestations de convictions opposées ne peuvent être soumis qu'aux restrictions imposées dans l'intérêt de l'ordre public, de la morale ou des droits et libertés d'autrui.

Article 22

Nul ne peut être inquiété pour ses opinions même s'il a puisé à des sources d'information autres que nationales.

Tout individu est également libre de modifier son opinion, de l'affirmer ou de la communiquer, d'entendre et discuter les opinions d'autrui.

Article 23

La parole, l'écrit, la presse, le livre et les moyens d'expression visuels auditifs ou autres, sont libres - sauf pour l'auteur et éventuellement les éditeurs, les imprimeurs, etc., à répondre de l'abus de cette liberté, s'il a soit diffamé autrui, soit manqué à l'obligation de présenter les informations et nouvelles avec loyauté et impartialité.

Article 24

La liberté de réunion et la liberté de s'associer en organisations poursuivant des buts politiques, culturels, scientifiques, sportifs, économiques et sociaux compatibles avec la présente Déclaration des droits sont reconnus et garanties, sous la seule réserve de ne pas troubler l'ordre public.

/Article 25

Article 25

No State may deny any individual the right, either for himself or in association with others, to petition the authorities or government of his country or of his residence, or the United Nations, for the redress of grievances.

Article 26

Whenever a government seriously or systematically violates the fundamental human rights and freedoms, individuals and peoples have the right to resist oppression and tyranny, without prejudice to their right of appeal to the United Nations.

CHAPTER 6. (Political Rights)

Article 27

Every person has an equal right to take part, directly or through his representatives, in the formation of the law, the institution of the taxes necessary for public expenditure and generally the government of the State of which he is a citizen. Each citizen shall bear his share of public expenses according to his means.

Article 28

The government shall conform to the wishes of the people, as expressed in democratic elections. Elections shall be periodic, free and fair.

Article 29

The protection of Human Rights requires a public force. Such force shall be instituted for the service of all and not for the private use of those to whom it is entrusted. Each citizen should regard it as an honour to perform military service in States where such service exists.

Article 30

All public offices shall be open to all citizens equally; such offices may not be considered as privileges or favours,

/but should

Article 25

Aucun Etat ne peut dénier à n'importe quel individu le droit d'adresser, seul ou conjointement avec d'autres, des pétitions soit aux autorités et au gouvernement de son pays ou de sa résidence, soit à l'Organisation des Nations Unies, pour obtenir le redressement d'abus.

Article 26

Lorsqu'un régime foule gravement ou systématiquement les droits et libertés fondamentales de l'homme, les individus et les peuples possèdent, sans préjudice de l'appel aux Nations Unies, le droit de résister à l'oppression et à la tyrannie.

CHAPITRE 6 (Droits politiques)

Article 27

Dans l'Etat dont il est citoyen, tout individu a un droit égal de concourir, par lui-même ou ses représentants, à la formation de la loi, à l'établissement des contributions indispensables aux dépenses publiques, et d'une manière générale, au gouvernement de son pays. Chacun supporte sa part des dépenses publiques, selon ses facultés.

Article 28

Le gouvernement doit se conformer à la volonté du peuple, manifestée par des élections démocratiques. Celles-ci seront périodiques, libres et sincères.

Article 29

La garantie des Droits de l'homme nécessite une forme publique. Celle-ci est instituée pour le service de tous, non pour l'utilité particulière de ceux à qui elle est confiée. Tout citoyen doit considérer, comme un honneur de participer au service militaire là où il est établi.

Article 30

Toutes les fonctions publiques seront également accessibles à tous les citoyens; elles ne peuvent être considérées comme des privilèges ou
/des faveurs,

but should be granted to the ablest on the basis of competitive examinations or on the grounds of their qualifications.

Article 31

There can be no guarantees of Human Rights where the authors of or accessories to arbitrary acts go unpunished and where there is no provision establishing the liability of public authorities or their agents.

CHAPTER 7. (Nationality and Protection of Aliens)

Article 32

Every person has the right to a nationality.

It is the duty of the United Nations and Member States to prevent statelessness as being inconsistent with human rights and the interests of the human community.

Article 33

Every State has the right to grant asylum to political refugees.

Article 34

No alien legally admitted to the territory of a State may be expelled therefrom without being given a hearing. If his residence is of at least one year's standing, his expulsion may not take place except in pursuance of a judicial decision or recommendation for reasons recognized by law.

CHAPTER 8. (Social, Economic and Cultural Rights)

Article 35

All persons have the right and the duty to do work useful to society and to develop their personalities fully.

Article 36

Services may be hired for a term, but no person may alienate his person or place himself in a state of servitude to another.

/Article 37

des faveurs, mais doivent être attribuées aux plus capables, choisis au concours ou à raison de leurs titres.

Article 31

Il n'y a pas de garanties des droits de l'homme, là où les auteurs et complices d'actes arbitraires ne sont pas punis et où n'est pas organisée la responsabilité soit des collectivités publiques, soit de leurs fonctionnaires.

CHAPITRE 7 (Nationalité et protection des étrangers)

Article 32

Tout individu a droit à une nationalité.

Les Nations Unies ont, avec les Etats Membres, le devoir de prévenir l'apatridie contraire aux droits de l'homme et à l'intérêt de la communauté humaine.

Article 33

Tout Etat a le droit d'accorder asile aux réfugiés politiques.

Article 34

Aucun étranger légalement admis sur le territoire d'un Etat ne peut en être expulsé sans avoir eu la possibilité de se faire entendre. S'il a une résidence depuis au moins une année, cette expulsion ne peut avoir lieu qu'en exécution d'une décision ou recommandation judiciaire, pour les motifs autorisés par la loi.

CHAPITRE 8 (Droits sociaux, économiques et culturels)

Article 35

Tout homme a le droit et le devoir d'accomplir un travail utile à la société et à l'épanouissement de sa personnalité.

Article 36

Il peut engager ses services à temps. Mais il ne peut ni aliéner sa personne, ni se placer en état de servitude vis-à-vis d'autrui.

/Article 37

Article 37

Human labour is not a chattel. It must be performed in suitable conditions. It must be justly remunerated according to its quality, duration and purpose, and must yield a decent standard of living to the worker and his family.

Article 38

Every worker has the right to protect his professional interests. In particular, he may, either in person or through his representatives or his trade union organization, take part in the collective determination of conditions of work, the preparation of general plans of production or distribution, and in the supervision and management of the undertaking in which he works.

Article 39

Every human being has the right to assistance from the community to protect his health. General measures should, in addition, be taken to promote public hygiene and the betterment of housing conditions and nutrition.

Article 40

Every person has the right to social security. The community should take steps to prevent unemployment and to organize with contributions from those concerned, insurance against disability, illness, old age and all other involuntary and undeserved loss of work and of livelihood.

Mothers and children have the right to special attention, care and resources.

Article 41

All persons have an interest in learning and a right to education. Primary education is obligatory for children and the community shall provide appropriate and free facilities for such education.

Access to higher education should be facilitated by the grant of equal opportunities to all young persons and adults without distinction as to

/race,

Article 37

Le travail humain n'est pas une marchandise. Il doit s'accomplir dans des conditions convenables. Il doit être justement rémunéré, suivant sa qualité, sa durée et le but auquel il répond et lui permettre un niveau de vie décent pour lui et sa famille.

Article 38

Quiconque travaille a droit à défendre ses intérêts professionnels. Il peut notamment contribuer, par lui ou par l'intermédiaire de ses délégués ou de son organisation syndicale, à la détermination collective des conditions du travail, à l'établissement des plans généraux de production et de répartition, et, le cas échéant, participer au contrôle et à la gestion de l'entreprise où il travaille.

Article 39

Tout être humain a droit, pour le soin de sa santé, à l'appui de la collectivité. Des mesures générales doivent en outre être prises en faveur de l'hygiène publique et de l'amélioration des conditions de l'habitation et de l'alimentation.

Article 40

Tout individu a droit à la sécurité sociale. La collectivité doit prendre les dispositions nécessaires pour empêcher le chômage et organiser avec la contribution des intéressés l'assurance contre l'invalidité, la maladie, la vieillesse et contre tous autres cas de perte involontaire et imméritée du travail et des moyens d'existence.

La maternité et l'enfance confèrent un droit à des égards, à des soins et à des ressources spéciales.

Article 41

Tout être humain a vocation au savoir et droit à l'instruction. L'instruction primaire est obligatoire pour les enfants et la collectivité en fournira gratuitement les moyens appropriés.

L'accès aux études supérieures doit être favorisé, en donnant à tous les jeunes gens et aux adultes égalité de chances, sans distinction de

/race, de sexe.

race, sex, language, religion, social standing or financial means.

Vocational and technical training should be generalized.

Article 42

Every person has the right to a fair share of rest and leisure and to a knowledge of the outside world.

Every person has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science.

Article 43

The authors of all artistic, literary and scientific works and inventors shall retain, in addition to the just remuneration of their labour, a moral right to their work or discovery which shall not disappear even after such work or discovery has become the common property of mankind.

Article 44

In all countries where there are substantial communities of a race, language or religion other than that of the majority of the inhabitants, persons belonging to such ethnical, linguistic or religious minorities shall have the right, within the limits required by public order, to open and maintain schools and religious or cultural institutions. Subject to the same limitations, they may use their language in the press, at public meetings and when appearing before the courts or other authorities of the State.

Article 45

The provisions of the present International Bill of Human Rights are part of the fundamental principles of International Law and shall become an integral part of the Municipal Law of the States Members of the United Nations; their application is a matter of concern to public international order, and the United Nations is competent to take cognisance of violations of the said provisions.

/Article 46

race, de sexe, de langue, de religion, de condition sociale ou de fortune des individus appelés à en bénéficier.

La formation technique et professionnelle doit être généralisée.

Article 42

Tout individu a droit à une juste part de repos et de loisir et de connaissance du monde extérieur.

Tout individu a le droit de prendre part à la vie culturelle de la société, de jouir des arts, de participer aux bienfaits de la science.

Article 43

L'auteur de toute oeuvre artistique, littéraire, scientifique et l'inventeur conservent indépendamment des revenus légitimes de leur travail un droit moral sur leur oeuvre ou leur découverte qui ne disparaît pas, même lorsqu'elle est tombée dans le patrimoine commun de tous les hommes.

Article 44

Dans tous les pays où se trouve un nombre appréciable d'individus agglomérés de race, de langue ou de religion autres que celle de la majorité des habitants, les individus appartenant à ces minorités ethniques, linguistiques et religieuses auront le droit dans les limites assignées par l'ordre public, d'ouvrir et d'entretenir des écoles et des institutions religieuses ou culturelles. Ils pourront dans les mêmes limites, user de leur langue dans la presse, les réunions publiques, ainsi que devant les tribunaux et autres autorités de l'Etat.

Article 45

Les dispositions de la présente Déclaration internationale des Droits de l'Homme font partie des principes fondamentaux du droit international et devront devenir partie intégrante du droit national des Etats Membres des Nations Unies, leur application intéresse l'ordre public international et les Nations Unies sont compétentes pour connaître les violations desdites dispositions.

/Article 46

Article 46

Each State Member of the United Nations has the duty to take such legal measures and make such legal arrangements as may be necessary within the scope of its jurisdiction to apply and ensure respect for the rights and freedoms proclaimed in the present Bill. If necessary, Members shall co-operate to this end.

The United Nations and its specialized agencies shall recommend all such international conventions, and shall each take such measures as may be necessary to give full effect to the provisions of the Charter and of the present Bill to safeguard these rights and freedoms throughout the world.

Article 46

Chacun des Etats Membres de l'Organisation des Nations Unies a le devoir de prendre les mesures et dispositions juridiques nécessaires pour assurer, dans l'étendue de sa juridiction, la mise en vigueur et le respect effectif des droits et libertés proclamés dans la présente déclaration. Si besoin est, ils collaboreront à cet effet.

Les Nations Unies et leurs institutions spécialisées recommanderont toutes les conventions internationales et prendront, chacune pour leur part, toutes les mesures nécessaires pour donner plein effet aux dispositions de la Charte et de la présente Déclaration pour sauvegarder dans le monde entier ces droits et libertés.

ANNEX E

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN
INTERNATIONAL BILL OF HUMAN RIGHTS

SUGGESTIONS FOR THE PREAMBLE OF AN INTERNATIONAL
DECLARATION ON HUMAN RIGHTS

SECRETARIAT DRAFT OUTLINE

The Preamble shall refer to the four freedoms and to the provisions of the Charter relating to human rights and shall enunciate the following principles:

1. that there can be no peace unless human rights and freedoms are respected;
2. that man does not have rights only; he owes duties to the society of which he forms part;
3. that man is a citizen both of his State and of the world;
4. that there can be no human freedom or dignity unless war and the threat of war is abolished.

TEMPORARY WORKING GROUP OF THE DRAFTING COMMITTEE

We, the Peoples of the United Nations,

CONSIDERING

1. that ignorance and contempt of human rights have been among the principal causes of the sufferings of humanity and of the massacres and barbarities which outraged the conscience of mankind before and especially during the last world war; and
2. that there can be no true peace unless human rights and freedoms are respected; and only by abolishing war and the threat of war can human freedom and dignity be assured to all mankind; and
3. that it has been proclaimed as the supreme aim of the recent strife that human beings shall be free in speech and in worship and free from fear and want; and
4. that the Charter begins by reaffirming our faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women; and

/5. that it is

5. that it is one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

6. (There were two points of view: (1) that the wording as submitted by Professor Cassin, "That the enjoyment of such rights and freedoms by all persons must be protected by the commonwealth of nations and secured by international as well as national laws," be retained and modified; (2) that the previous and following paragraphs covered the substance and that it was more suited to the preamble of a Convention.)

NOW, THEREFORE, we the Peoples of the United Nations have resolved to define in a solemn Declaration the essential rights and fundamental freedoms of man, so that this Declaration, being forever present in the minds of all men, may constantly remind them of their rights and duties and that the United Nations and the Member States may constantly be inspired by the principles so formulated to translate them into reality.

CHILE

1. Whereas freedom and dignity are essential and inalienable attributes of the human person;

2. Whereas in order to enjoy fully the fundamental freedoms of thought, expression and activity, the human being must be biologically and economically protected against social insecurity;

(Note: These two Articles are drafted by the Representative of Chile for possible inclusion in the suggested Draft Preamble of the Temporary Working Group.)

UNITED KINGDOM PROPOSALS FOR A PREAMBLE OF A CONVENTION

1. Whereas the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person;

/2. Whereas it is one

2. Whereas it is one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;
3. Whereas all men are members of communities and as such have the duty to respect the rights of their fellow men equally with their own;
4. Whereas the just claims of the State, which all men are under a duty to accept, must not prejudice the respect of man's right to freedom and equality before the law and the safeguard of human rights, which are primary and abiding conditions of all just government;
5. Whereas the denial of human rights and fundamental freedoms endangers the general welfare and friendly relations among nations and the enjoyment of such rights and freedoms by all persons must be secured by international law and protected by the organized community of States;
6. Whereas it is expedient to define more exactly the aforesaid human rights and fundamental freedoms and to make provision for their universal observance and protection;

Now therefore the States parties to this International Bill of Rights have accepted the following provisions:

UNITED STATES SUGGESTIONS FOR A PORTION OF THE PREAMBLE

"Whereas one of the purposes of the United Nations as set forth in its Charter is to achieve international co-operation in promoting and encouraging respect for and observance of human rights and fundamental freedoms for all;

"Whereas all Members of the United Nations have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;

"Whereas the adoption of a bill of human rights will promote the fulfillment of this purpose;

/"Therefore

"Therefore the General Assembly calls upon the Member States to make effective the rights set forth in this bill by international convention and national legislation."

SUGGESTIONS FOR A PREAMBLE TAKEN BY THE DRAFTING COMMITTEE FROM
THE LAST ARTICLE OF PROFESSOR CASSIN'S REVISED TEXT

The United Nations and their specialized agencies shall recommend all international conventions and shall take, each within their respective spheres, all measures for the implementation of the provisions of the Charter and of this Declaration, in view of protecting these rights and freedoms all over the world.

ANNEX F

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

SUGGESTIONS OF THE DRAFTING COMMITTEE FOR ARTICLES
OF AN INTERNATIONAL DECLARATION ON HUMAN RIGHTS*

Article 1

All men are brothers. Being endowed with reason and conscience, they are members of one family. They are free, and possess equal dignity and rights.

Articles 2, 3 and 4

First Alternative (three Articles)

Article 2 The object of society is to afford each of its members equal opportunity for the full development of his spirit, mind and body.

Article 3 As human beings cannot live and develop themselves without the help and support of society, each one owes to society fundamental duties which are: obedience to law, exercise of a useful activity, willing acceptance of obligations and sacrifices demanded for the common good.

Article 4 In the exercise of his rights, everyone is limited by the rights of others.

Second Alternative (one Article only)

Article 2 These rights are limited only by the equal rights of others. Man also owes duties to society through which he is enabled to develop his spirit, mind and body in wider freedom.

Article 5

All are equal before the law and entitled to equal protection of the law. Public authorities and judges, as well as individuals are subject to the rule of law.

* The United States suggested alternative Articles which appear in Annex C.

Article 6

Every one is entitled to the rights and freedoms set forth in this Declaration, without distinction as to race, sex, language, or religion.

(1. The Drafting Committee suggested that this matter be referred to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, for thorough consideration. 2. The view was expressed that the substance of this Article might be included in the Preamble to the Declaration, in which case it could be omitted here.)

Article 7

Every one has the right to life, to personal liberty and to personal security.

Additional Text (Chilean proposal)

Unborn children and incurables, mentally defectives and lunatics, shall have the right to life.

All persons shall have the right to the enjoyment of conditions of life enabling them to live in dignity and to develop their personality adequately.

Persons unable to maintain themselves by their own efforts shall be entitled to maintenance and assistance.

Alternative Text (Lebanon)

Every one has the right to life and bodily integrity from the moment of conception, regardless of physical or mental condition, to liberty and security of person.

Article 8

No one shall be deprived of his personal liberty or kept in custody except in cases prescribed by law and after due process. Every one placed under arrest or detention shall have the right to immediate judicial determination of the legality of any detention to which he may be subject.

(1. There was a feeling in the Drafting Committee that Articles 8, 9 and 10 would need to be reconsidered in the light of any convention that might be recommended for adoption. 2. The Representative of the United States felt that the following alternative wording for the second sentence might be considered:

/"Every one

"Every one placed under arrest or detention shall have the right to release on bail and if there is a question as to the correctness of the arrest shall have the right to have the legality of any detention to which he may be subject determined in a reasonable time.")

Article 9

No one shall be held guilty of any offence until legally convicted.

No one shall be convicted or punished for any offence except by judgment of an independent and impartial court of law, rendered in conformity with law after a fair and public trial at which he has had an opportunity for a full hearing and has been given all guarantees necessary for his defence.

Article 10

No one can be convicted of crime unless he has violated some law in effect at the time of the act charged as an offence nor be subjected to a penalty greater than that applicable at the time of the commission of the offence.

No one, even if convicted for a crime, can be subjected to torture.

Article 11

Slavery, which is inconsistent with the dignity of man, is prohibited in all its forms.

(1. The consensus of opinion of the Drafting Committee was that the substance of the following sentence, which formed a part of this Article, might be included and elaborated in a Convention: "Public authority may impose a personal service or work only by application of a law and for the common interest.")

Article 12

The privacy of the home and of correspondence and respect for reputation shall be protected by law.

Alternative Text (Chile and France)

The inviolability of privacy, home, correspondence and of reputation shall be protected by law.

Article 13

There shall be liberty of movement and free choice of residence within the borders of each State. This freedom may be regulated by

/any general

any general law adopted in the interest of national welfare and security.

Individuals may freely emigrate or renounce their nationality.

(The Committee expressed the opinion that this text should be passed on to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for further consideration.)

Article 14

Every one has the right to escape persecution on grounds of political or other beliefs or on grounds of racial prejudice by taking refuge on the territory of any State willing to grant him asylum.

Article 15

Every one has the right to a status in law and to the enjoyment of fundamental civil rights.

Every one shall have access to independent and impartial tribunals for the determination of his rights, liabilities and obligations under the law. He shall have the right to consult with and to be represented by counsel.

(1. In considering this Article the Drafting Committee discussed the right to contract marriage, but decided to wait until the Sub-Commission on Prevention of Discrimination and the Protection of Minorities had reviewed recommendations made on this subject by the Commission on the Status of Women and had reported back to the Commission on Human Rights on its findings. 2. The Representative of France suggested the following text in French to replace the second sentence of the second paragraph of this Article: "Il aura le droit d'être assisté et, toutes les fois que sa comparution personnelle ne sera pas exigée par la loi, représenté par un conseil.")

Article 16

There shall be equal opportunity for all to engage in all vocations and professions not constituting public employment.

(The Drafting Committee expressed the opinion that the rights of foreigners in relation to this Article should be the subject of a Convention.)

Article 17

Every one has a right to own personal property.

No one shall be deprived of his property except for public welfare and with just compensation.

The State may determine those things, rights and enterprises, that
/are susceptible

are susceptible of private appropriation and regulate the acquisition and use of such property.

1. The Representative of the United States stated the opinion that it was sufficient to say, "Every one has a right to own property" and objected to the use of the word "personal" as qualifying "property" because of its technical meaning (chattels as distinguished from real property) in English-American law.
2. The Representatives of Australia and of the United Kingdom stated the opinion that the Article should be deleted altogether.
3. The Representative of Chile felt that the concept of the right to property, as stated in the Draft submitted by his Government, should be included.)

Article 18

Every one has the right to a nationality.

(The Drafting Committee expressed the opinion that this Article should be considered at greater length as the subject of a Convention.)

Article 19

No alien legally admitted to the territory of a State may be expelled therefrom without having a fair hearing.

(Members of the Drafting Committee appreciated that the subject of the Article constitutes a difficult problem and stated the opinion that it needed further consideration.)

Article 20

Individual freedom of thought and conscience, to hold or change beliefs, is an absolute and sacred right.

The practice of a private or public worship, religious observances, and manifestations of differing convictions, can be subject only to such limitations as are necessary to protect public order, morals and the rights and freedoms of others.

Alternative Text (United Kingdom)

1. Every person shall be free to hold any religious or other belief dictated by his conscience and to change his belief.
2. Every person shall be free to practice, either alone or in community with other persons of like mind, any form of religious worship and observance, subject only to such restrictions, penalties or liabilities as are strictly necessary to prevent the commission of acts which offend laws

/passed

passed in the interests of humanity and morals, to preserve public order and to ensure the rights and freedoms of other persons.

3. Subject only to the same restrictions, every person of full age and sound mind shall be free to give and receive any form of religious teaching and to endeavour to persuade other persons of full age and sound mind of the truth of his beliefs, and in the case of a minor the parent or guardian shall be free to determine what religious teaching he shall receive.

Article 21

Every one is free to hold or impart his opinion, or to receive and seek information and the opinion of others from sources wherever situated.

Alternative Text (France)

The Representative of France suggested that this Article read in French as follows:

"Personne ne peut être inquiété en raison de ses opinions.

"Chacun est libre de soutenir ou d'exprimer son opinion, de connaître celle des autres, de recevoir ou de rechercher des informations à toutes les sources possibles."

Article 22

There shall be freedom of expression either by word, in writing, in the press, in books or by visual, auditive or other means. There shall be equal access to all channels of communication.

(This would need to be considered by the Sub-Commission on Freedom of Information and of the Press for possible inclusion in the Convention or the Declaration and would have to be elaborated further.)

Article 23

There shall be freedom of peaceful assembly and of association for political, religious, cultural, scientific, professional and other purposes.

(This would need to be considered for possible inclusion in the Convention or the Declaration and would have to be elaborated further.)

Article 24

No State shall deny to any individual the right, either individually

/or in

or in association with others, to petition or to communicate with the Government of his State or of his residence or the United Nations.

Article 25

When a government, group or individual seriously or systematically tramples the fundamental human rights and freedoms, individuals and peoples have the right to resist oppression and tyranny.

(There was a substantial expression of opinion in favour of including this Article in the Preamble instead of as an Article.)

Article 26

Every one has the right to take an effective part in his Government directly or through his representatives.

Alternative Text (Chile, France and Lebanon)

Every one has the right to take an effective part directly or through his representatives in the formulation of law, the framing of a tax policy for public expenses and his government whether State or territorial.

Article 27

The State can derive its authority only from the will of the people and has a duty to conform to the wishes of the people. These wishes shall be manifested particularly by democratic elections, which shall be periodic, free, and by secret ballot.

Article 28

Every one shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Access to examinations for public employment shall not be a matter of privilege or favour.

(It was felt that the Article might be referred to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, after which it might be elaborated further.)

Article 29

Every one has the right to perform socially useful work.

Article 30

Human labour is not a merchandise. It shall be performed in good

/conditions

conditions and shall secure a decent standard of living to the worker and his family.

Article 31

Every one has the right to education. Primary education shall be free and compulsory. There shall be equal access for all to such facilities for technical, cultural and higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, political affiliation or financial means.

Article 32

Every one has the right to a fair share of rest and leisure.

Article 33

Every one, without distinction as to economic or social conditions, has a right to the highest attainable standard of health.

The responsibility of the State and community for the health and safety of its people can be fulfilled only by provision of adequate health and social measures.

(The Drafting Committee suggested that each Article referring to economic and social rights should be referred to the appropriate Specialized Agencies for their consideration and comment.)

Article 34

Every one has the right to social security. To the utmost of its possibilities, the State shall undertake measures for the promotion of full employment and for the security of the individual against unemployment, disability, old age and all other loss of livelihood for reasons beyond his control.

Mothers and children have the right to special regard, care and resources.

Article 35

Every one has the right to participate in the cultural life of the community, to enjoy the arts, and to share in the benefits that result

/from

from scientific discoveries.

(It was the opinion of some of the members that the thought back of this Article should be included in the Preamble.)

Article 36

In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right as far as compatible with public order to establish and maintain their schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State.

(In view of the supreme importance of this Article to many countries, the Drafting Committee felt that it could not prepare a draft Article without thorough pre-examination by the Commission on Human Rights and suggested that it might if necessary be referred to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for examination of the minority aspects.)

Footnote to this document: The consensus of opinion of the Drafting Committee was that the substance of the following draft Article might receive consideration for inclusion in an International Convention:

"Authors of all artistic, literary and scientific works and inventors shall retain, in addition to the just remuneration of their labour, a moral right on their work and/or discovery which shall not disappear, even after such work and/or discovery shall have become the common property of mankind."

ANNEX G

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN
INTERNATIONAL BILL OF HUMAN RIGHTS

DRAFT ARTICLES ON HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS TO BE CONSIDERED FOR INCLUSION IN A CONVENTION

Article 1

(Formerly Article 8, United Kingdom Draft, Document E/CN.4/AC.1/4)

It shall be unlawful to deprive any person of his life save in the execution of the sentence of a court following on his conviction of a crime for which this penalty is provided by law.

Alternative Text (Lebanon)

It shall be unlawful to deprive any person, from the moment of conception, of his life or bodily integrity, save in the execution of the sentence of a court following on his conviction of a crime for which this penalty is provided by law.

Article 2

(Addition suggested by the Drafting Committee)

No person shall be subjected to:

- (a) torture in any form;
- (b) any form of physical mutilation or medical or scientific experimentation against his will;
- (c) cruel or inhuman punishments.

Article 3

(Taken from a United States proposal for rewording a Secretariat Article in the Declaration. The United States subsequently amended this proposal in document E/CN.4/AC.1/8/Rev.1)

No one shall be held in slavery, nor be required, to perform compulsory labour in any form other than public service equally incumbent by law upon all or as part of punishment pronounced by a competent judicial tribunal. No person shall be imprisoned or held in servitude in consequence of the mere breach of contractual obligations.

/Article 4

Article 4

(Formerly Article 10 of United Kingdom Draft)

1. No person shall be deprived of his liberty save by an arrest which is effected for the purpose of bringing him before a court on a reasonable suspicion of having committed a crime or which is reasonably considered to be immediately necessary to prevent his committing a crime or breach of the peace.
2. Every person arrested and detained shall be brought without delay before a judge, who shall either try the case or decide, after hearing evidence, whether there is sufficient case to justify that person's trial and if so whether his liberty shall be restored to him on bail.
3. The period of detention pending trial shall not be unreasonably prolonged
4. The preceding provisions of this Article do not apply to (i) the lawful detention of a person sentenced after conviction to deprivation of liberty or (ii) lawful detention of persons of unsound mind or (iii) the lawful custody of minors or (iv) the lawful arrest and detention of a person to prevent his effecting an unauthorized entry into the country.
5. Every person who is deprived of his liberty shall have an effective remedy in the nature of "habeas corpus" by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not justified.
6. Every person shall have an enforceable right to compensation in respect of any unlawful arrest or deprivation of liberty.

Article 5

(Formerly Article 11, United Kingdom Draft)

Every person who is not subject to any lawful deprivation of liberty or to any outstanding obligations with regard to national service shall be free to leave any country including his own.

Article 6

(Formerly Article 12, United Kingdom Draft)

No person shall be held guilty of any offence on account of acts or
/omissions

omissions which did not constitute such an offence at the time when they were committed.

Article 7

(Addition Suggested by the Drafting Committee)

No person shall be restricted in the personal exercise of his civil rights or deprived of judicial personality, save in the case of:

- (a) minors;
- (b) persons of unsound mind; and
- (c) persons convicted of crime for which this penalty is provided by law.

Article 8

(Formerly Article 13, United Kingdom Draft)

1. Every person shall be free to hold any religious or other belief dictated by his conscience and to change his belief.
2. Every person shall be free to practice, either alone or in community with other persons of like mind, any form of religious worship and observance, subject only to such restrictions, penalties or liabilities as are strictly necessary to prevent the commission of acts which offend laws passed in the interests of humanity and morals, to preserve public order and to ensure the rights and freedoms of other persons.
3. Subject only to the same restrictions, every person of full age and sound mind shall be free to give and receive any form of religious teaching and to endeavour to persuade other persons of full age and sound mind of the truth of his beliefs, and in the case of a minor the parent or guardian shall be free to determine what religious teaching he shall receive.

Article 9

(Formerly Article 14, United Kingdom Draft)

1. Every person shall be free to express and publish his ideas orally, in writing, in the form of art, or otherwise.

/2. Every person

2. Every person shall be free to receive and disseminate information of all kinds, including both facts, critical comment and ideas by books, newspapers, or oral instruction, and by the medium of all lawfully operated devices.

3. The freedoms of speech and information referred to in the preceding paragraphs of this Article may be subject only to necessary restrictions, penalties or liabilities with regard to: matters which must remain secret in the interests of national safety; publications intended or likely to incite persons to alter by violence the system of Government, or to promote disorder or crime; obscene publications; (publications aimed at the suppression of human rights and fundamental freedoms); publications injurious to the independence of the judiciary or the fair conduct of legal proceedings; and expressions or publications which libel or slander the reputations of other persons.

Comment to Article 9

The fundamental provisions of the Bill of Rights relating to freedom of speech and information will be completed by other agreements, resulting from the work of the Sub-committee on Freedom of Information and the international conference on the subject.

Article 10

(Formerly Article 15, United Kingdom Draft)

All persons shall have the right to assemble peaceably for any lawful purpose including the discussion of any matter, on which under Article 14 any person has the right to express and publish his ideas. No restrictions shall be placed on the exercise of this right other than those necessary for the protection of life and property and to prevent disorders, the obstruction of traffic and of the free movement of others.

Article 11

(Formerly Article 16, United Kingdom Draft)

All persons shall be free to constitute associations, in whatever
/form may

form may be appropriate under the law of the state, for the promotion and protection of their legitimate interests and of any other lawful object, including the dissemination of all information of which under Article 9 the dissemination is unrestricted. The rights and freedoms set forth in Articles 8 and 9 shall be enjoyed by such associations.

General Comment

These suggestions will be completed by provisions prohibiting distinctions based on race, sex, language and religion. No attempt is made to draft these provisions in advance of the reports of the Sub-Commission on Discrimination and Minorities and also of the Commission on the Status of Women.

ANNEX H

COMMISSION ON HUMAN RIGHTS

REPORT OF THE DRAFTING COMMITTEE ON AN INTERNATIONAL BILL OF HUMAN RIGHTS

MEMORANDUM ON IMPLEMENTATION PREPARED BY THE DIVISION OF HUMAN RIGHTS
OF THE SECRETARIAT AT THE REQUEST OF THE DRAFTING COMMITTEE

1. The attention of the Drafting Committee is respectfully drawn to the resolution of the Economic and Social Council of 21 June 1946. This resolution reads as follows:

"Considering that the purpose of the United Nations with regard to the promotion and observance of human rights, as defined in the Charter of the United Nations, can only be fulfilled if provisions are made for the implementation of human rights and of an international bill of rights, the Council requests the Commission on Human Rights to submit at an early date suggestions regarding the ways and means for the effective implementation of human rights and fundamental freedoms, with a view to assisting the Economic and Social Council in working out arrangements for such implementation with other appropriate organs of the United Nations."

(Journal of the Economic and Social Council, No. 29, page 521).

2. In a memorandum prepared for the Commission on Human Rights at its first session in January 1947, the Secretariat drew attention to Professor Lauterpacht's discussion of the problem of implementation in his book, "An International Bill of the Rights of Man."

3. In the same memorandum, the Secretariat raised the following questions:

(a) whether or not the Bill should contain a provision to the effect that it cannot be unilaterally abrogated or modified;

(b) whether or not the Bill should include an express statement to the effect that the matters dealt with in it are of international concern;

(c) whether or not the Bill should become part of the fundamental law of States accepting it; and

/(d) whether or not

(d) whether or not the provisions of the Bill should be declared to be directly applicable in the various countries without further implementation by national legislation or transformation into national law.

It would seem that provisions of the nature mentioned in (c) and (d) are necessary if the Bill is to be enforceable as part of the national law of the various countries accepting it. Insofar as implementation on the international plane is concerned, it is suggested that the Commission might consider the possibility of providing in successive stages for international supervision and enforcement. The following successive stages are suggested:

- (a) the establishment of the right of the General Assembly and other organs of the United Nations, including possibly the Commission on Human Rights, to discuss and make recommendations in regard to violations of the Bill;
- (b) the establishment of the right of individuals to petition the United Nations as a means of initiating procedure for enforcement of human rights;
- (c) the establishment of a special organ of the United Nations with jurisdiction and the duty to supervise and enforce human rights *motu proprio*;
- (d) the establishment of jurisdiction in this organ to consider cases of suspension of the Bill of Rights, either in whole or in part;
- (e) the establishment of local agencies of the United Nations in the various countries with jurisdiction to supervise and enforce human rights therein. The Commission might find it useful, in this connection, to study the precedents established, for example, by the Convention between Germany and Poland on Upper Silesia of 15 May 1922.

The Commission may want also to discuss the role which the Security Council might play in the implementation of the Bill. According to

/Article 2,

Article 2, paragraph 7, of the Charter, the exception of domestic jurisdiction cannot be invoked in cases where enforcement measures are being taken by the Security Council under Chapter VII. The Commission may want to consider the question whether the Security Council should not be given a more extended jurisdiction in the matter (E/CN.4/W.4, pages 13 and 14).

4. The first session of the Commission on Human Rights devoted relatively little time to the problem. Nevertheless, Colonel Hodgson, the member for Australia, submitted a draft resolution for the establishment of an International Court of Human Rights. This draft resolution reads as follows: (E/CN.4/15)

"1. There is hereby established an International Court of Human Rights. The Court shall be constituted and shall function in accordance with the Articles contained in this Part and in the Statute of the Court.

2. The Court shall have jurisdiction to hear and determine all disputes concerning the rights of citizenship and enjoyment of human rights and fundamental freedoms provided for in the Declaration of Human Rights. Subject to such conditions as shall be contained in the Statute of the Court, the jurisdiction of the Court shall be both original and appellate, and shall extend to questions of interpretation arising in such disputes as are brought before administrative tribunals or administrative authorities.

3. The Appellate jurisdiction shall extend to appeals from all decisions of the courts of the States bound by the obligations contained in the Declaration of Human Rights, in which any question arises as to the rights of citizenship or the enjoyment of human rights, or fundamental freedoms.

4. The Court shall be open to any person or group of persons. It shall also be open to any of the States acceptors of the Declaration.

/5. Each of

5. Each of the States accepting the Declaration shall comply with the judgment of the Court in any case to which the State is a party and with any order which the Court may make against it.
6. Any judgment or order made by the Court in favour of any person or group of persons within the jurisdiction of any of such States shall be fully effective according to its terms and shall be enforced in and by the State affected by the judgment or order.
7. Each of such States undertakes that the provisions contained in the declaration shall be recognized as fundamental laws and that no law, regulation or official action shall conflict or interfere with those provisions, nor shall any law, regulations or official action prevail over them.
8. The Court shall also have jurisdiction, both original and appellate, to hear and determine disputes concerning such rights of citizenship and enjoyment of human rights and fundamental freedoms as shall be provided for in the treaties of peace which will be made by any of the Allied and Associated Powers with Roumania, Bulgaria, Hungary, Finland, Austria, Germany or Japan.
9. The Court shall be composed of a body of independent judges, selected according to the standards laid down by the Charter of the United Nations for the election of judges of the International Court of Justice.
10. The Court shall consist of not less than three members appointed in the manner set out in the Statute of the Court.
11. The Court shall make an annual report to the Economic and Social Council of the United Nations on the working of the Court in relation to the rights and freedoms within its jurisdiction. The Court may also make other reports to that Council if and when it thinks proper to do so."

5. At the fifteenth meeting of the Commission on Human Rights, Colonel Hodgson made the following comments: (E/CN.4/SR.15, page 2):

/"...The Australian

"...The Australian Government considered that the resolution of the General Assembly Committee regarding this Bill should not be a simple recommendation, but a multilateral Convention binding Member States. These States should incorporate the principles laid down in this Bill in their own legislation."

He recalled that similar principles were incorporated in the Peace Treaties following the 1914-1918 war. In view of the negative results of those different declarations, the Australian Government had proposed, at the Paris Conference, the setting up of definite machinery for the application of these principles; that is to say, an International Court of Human Rights. By this action, the Australian Government was only conforming with the terms of a letter of June 1946 from Mr. Trygve Lie to the various governments. The Members of the Paris Conference, however, rejected this proposal on the grounds that the United Nations had at its disposal a body competent to settle the question; the Security Council. The objection was, in fact, unjustifiable as the Council could only intervene if peace were in danger. In view of the great number of Stateless persons whose future could only be settled on the international plane, the question was now even more acute.

The Australian Government therefore proposed that the Commission on Human Rights should recommend to the Economic and Social Council and to the General Assembly, the creation of an International Court of Human Rights. This Court would be the Central Appeal Court to which States, groups of individuals or even single individuals could appeal when all domestic possibilities of appeal had been exhausted.

6. At the sixteenth meeting, again commenting on the Australian draft resolution, Colonel Hodgson recalled: (E/CN.4/SR.16, pages 2-3):

"...that the objection had been raised that the Commission could not consider implementing an international bill of rights before deciding on its contents. He believed, however, that the Commission
/had an obligation

had an obligation under Article 56 to implement those rights and freedoms already laid down in the Charter. It was necessary to establish effective machinery to make those human rights and fundamental freedoms a reality."

Moreover, it was not premature to consider machinery for implementation of the Bill, since the definitive rights to be enforced would be known by the time the bill was submitted to the General Assembly. The various principles enunciated therein would subsequently be incorporated in an international convention for ratification by States members. Therefore, the elaboration and implementation of the Bill constituted parallel processes.

Colonel Hodgson also recalled that it had been suggested that the human rights and fundamental freedoms embodied in the bill should first be implemented by Governments through national legislation. He considered, however, that this function belonged to an international tribunal, to which there could be appeal over and beyond national courts.

In conclusion, the representative of Australia stated that the Commission should not confine itself to abstractions but was bound to consider immediately effective machinery for implementing human rights and fundamental freedoms, in accordance with its solemn obligations. He moved, therefore, that the Australian proposal for the establishment of an International Court of Human Rights should be referred to the drafting group for consideration, with a view to reporting on the implementation of human rights and fundamental freedoms, as contained in the proposed bill of human rights, to the next session of the Commission.

7. The question of implementation is also raised in the draft resolution for the General Assembly which was presented by Mrs. Hansa Mehta, the member of the Commission for India, at the first session of the Commission on Human Rights. This draft resolution reads as follows: (E/CN.4/11):

/"The General Assembly,

"The General Assembly,

Recognizing the fact that the United Nations has been established for the specific purpose of enthroneing the natural rights of man to freedom and equality before the law, and for upholding the worth and dignity of human personality;

Having taken note of the Preamble and the relevant clauses of the United Nations Charter; the resolutions of the Economic and Social Council; the Human Rights Clauses of the Trusteeship Agreements as approved by the First Assembly of the United Nations; and the Human Rights Clauses of the European Treaties,

Resolves that the following be incorporated into a General Act of the United Nations Assembly:

1. (a) Every human being is entitled to the right of liberty, including the right to personal freedom; freedom of worship; freedom of opinion; freedom of assembly and association; and the right to access to the United Nations, without risk of reprisal, whenever there is an actual or threatened infringement of human rights.
(b) Every human being has the right of equality, without distinction of race, sex, language, religion, nationality or political belief.
(c) Every human being has the right of security, including the right to work, the right to education, the right to health, the right to participate in government, and the right to property, subject only to the over-riding consideration of public weal when the State or its appropriate organs acquire it after paying equitable compensation.
2. (a) This General Act is an obligation undertaken by Member States of the United Nations, and comes into force within twelve calendar months from the date on which it is passed by the United Nations Assembly.
(b) Non-self-governing areas and areas under the trusteeship of the United Nations automatically come under the regime of this Act.

/(c) Non-Member

(c) Non-Member States are eligible to adhere to this Act.

3. Nothing mentioned in this Act shall be construed as not obligating the individual to his corresponding duties to his own State and to the international community under the United Nations.

4. No State Member of the United Nations, non-self-governing territory, trusteeship area or non-member of the United Nations which has adhered to this Act, shall have the right to suspend it in whole or in part once it was adhered to in due form.

5. The Security Council of the United Nations shall be seized of all alleged violations of human rights, investigate them and enforce redress within the framework of the United Nations."

8. In accordance with the instructions of the Economic and Social Council, the Secretariat prepared a draft outline of an International Bill of Rights to serve as the basis of discussions in the Drafting Committee. This outline contains several articles which touch on the question of implementation, to wit: (E/CN.4/AC.1/3):

Article 28: "Every one has the right, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievances."

Article 47: "It is the duty of each member State to respect and protect the rights enunciated in this Bill of Rights. The State shall, when necessary, co-operate with other States to that end."

Article 48: "The provisions of this International Bill of Rights shall be deemed fundamental principles of international law and of the national law of each of the member States of the United Nations. Their observance is therefore a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof."

9. Immediately before the opening of the present session of the Drafting Committee, Lord Dukeston, the member of the Commission for the United Kingdom, submitted a document (E/CN.4/AC.1/4) which deals with the question of

/implementation

implementation in some detail. This document is now before the Drafting Committee and, since it is long and must be read as a whole, no extracts are reproduced herein.

10. Reference to implementation will also be found in the proposal of the United States for modification of Article 28 of the Secretariat draft. The United States proposal reads as follows: (E/CN.4/AC.1/11, page 32):

"No State shall abridge the right of every one, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievances."

11. Article 24 of Professor Cassin's draft deals with the same point; the Article reads as follows: (E/CN.4/AC.1/W.2/Rev.1, page 4):

"No State shall deny to any individual the right, either individually or in association with others, to petition the government of his State or of his residence or the United Nations for redress of grievances."

12. Professor Cassin also suggests that the Preamble to the Declaration should include the following words: (E/CN.4/AC.1/W.1, page 2):

"...that the enjoyment of such rights and freedoms by all persons must be protected by the the commonwealth of nations and secured by international as well as national laws".

Some of the members of the Drafting Group were of the opinion, however, that if this provision were to be retained it should be modified and put in the Preamble of a Convention.

13. The question of implementation is raised in the final paragraph of the proposal submitted by the Delegation of France to the Drafting Committee. This paragraph reads as follows: (E/CN.4/AC.1/5, page 2):

"And that the General Assembly of 1947 instruct the Commission on Human Rights to study the constitution of an appropriate International organ with a view to ensuring effective observance of those rights."

/This memorandum

This memorandum does not discuss the various suggestions for implementation that have been submitted by individuals and organizations.

14. During the session of the Drafting Committee, the United States made the following suggestions concerning implementation:

1. The Articles in this Bill of Rights shall be referred to the appropriate organs or agencies of the United Nations with a view to the formulation of a series of international conventions to be submitted individually to the member States for ratification or other appropriate action in accordance with their respective constitutional processes.

2. The Conventions thus concluded shall be deposited with the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter.

3. The Conventions shall provide for submission to the Secretary-General of copies of the laws or regulations by which the member State gives effect to the provisions of the Convention together with the name of the competent authority responsible for compliance, and of periodic reports concerning the enforcement and revisions of such laws.

4. The Secretary-General shall inform the General Assembly each year of the Conventions embodying the provisions of this Bill of Rights which have been proposed to the member States, and the number of States which have ratified or have failed to ratify them.

15. The consensus of opinion of the Drafting Committee was that the following three Articles should be referred to the Commission on Human Rights for consideration in connection with the problem of implementation:

Article A

There is no protection of human rights where the authors of tyrannical or arbitrary acts or their accomplices are not punished and where there is no provision for the liability of public authorities or their agents.

/Article B

Article B

The provisions of this International Bill of Rights shall be deemed fundamental principles of international law and shall become part of the national law of each of the member States of the United Nations. Their observance is therefore a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof.

Article C

It is the duty of each Member State to take, within its jurisdiction, all measures and legal dispositions for the enactment and effective respect of the rights and freedoms proclaimed in this Declaration. The State shall, when necessary, co-operate with other States to that end.
