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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION

AND PROTECTION OF MINORITIES

Third session

CONCERN OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES WITH THE DRAFT INTERNATIONAL
COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

1. Resolution 217 (III) of the General Assembly reads in part:

C.

THE FATE OF MINORITIES

"The General Assembly,

"Considering that the United Nations cannot remain indifferent to the fate of minorities;

"Considering that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises,

"Considering the universal character of the Declaration of Human Rights,

"Decides not to deal in a specific provision with the question of minorities in the text of this Declaration;

"Refers to the Economic and Social Council the texts submitted by the delegations of the Union of Soviet Socialist Republics, Yugoslavia and Denmark on this subject contained in document A/C.3/307/Rev.2, and requests the Council to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities.

2. On 9 February 1949 the Economic and Social Council, by its resolution 191 (VIII), ~~transmitted~~

/"... parts B

"... parts B (Right of Petition), ... and E (Preparation of a Draft Covenant on Human Rights and Draft Measures of Implementation) of General Assembly Resolution 217 (III) to the Commission on Human Rights and Part C (on the Fate of Minorities) also to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, for the action contemplated therein".

3. At its second session (2-17 December 1947) the Commission on Human Rights had taken note of the opinion of the Sub-Commission (a) that the implementation of the rights formulated in those parts of the proposed Declaration and Covenant on Human Rights which deal with the prevention of discrimination and the protection of minorities would be of vital importance, and (b) that the machinery covering this matter formed but one part of the machinery for the implementation of human rights as a whole; and had requested the Sub-Commission, "to examine any proposals for measures of implementation formulated by the Commission, and to submit to it ~~suggestions~~ in this respect".

4. At its fifth session (9 May to 20 June 1949) the Commission adopted a number of decisions relating to the Draft International Covenant and Measures of Implementation (see Chapter V of its report, document E/1371). In addition, it adopted a separate resolution on the right of petition (see chapter VI of its report, document E/1371). Finally, it adopted a resolution (resolution D, Chapter IV) by which it requested the Sub-Commission "to postpone consideration, until its third session, of questions of implementation of human rights".

5. At its second session the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to postpone consideration of the item "Examination of proposals for measures of implementation of the International Bill of Human Rights" until its third session, in accordance with the request of the Commission on Human Rights. At the same time, it decided that at its third session it would also consider, inter alia, recommendations arising out of chapter VI (Legal Measures) of the Secretary-General's memorandum on The Main Types and Causes of Discrimination (document E/CN.4/Sub.2/40).

6. The Secretary-General has already circulated to the members of the Sub-Commission, upon request, the texts of Articles 16, 18, 19 and 20 of the Draft International Covenant on Human Rights (document E/CN.4/Sub.2/53). The Report of the fifth session of the Commission on Human Rights (document E/1371) also has been circulated; this Report includes inter alia the following:

/Chapter V

Chapter V, on the Draft International Covenant on Human Rights and Measures of Implementation;

Chapter VI, on the Right of Petition;

Annex I: The Draft International Covenant on Human Rights;

Annex II: Proposals and statements by Members of the Commission; and

Annex III: Proposals on Implementation and Questionnaire on Measures of Implementation.

7. The texts included in Annexes I and II of the report of the fifth session of the Commission have been circulated to all Member Governments for their comments and suggestions. The texts included in Annex III have likewise been circulated, for their replies to the Questionnaire on Measures of Implementation. To date no comments, suggestions, or replies to the Questionnaire have been received.

8. The Secretary-General also has prepared, for the information of the members of the Sub-Commission, a study of The Contribution of the Convention on the Prevention and Punishment of the Crime of Genocide to the Prevention of Discrimination and the Protection of Minorities (document E/CN.4/Sub.2/80).
