

COMMISSION ON HUMAN RIGHTS

DRAFT RESOLUTION FOR AN INTERNATIONAL COURT OF HUMAN
RIGHTS SUBMITTED BY THE REPRESENTATIVE
FROM AUSTRALIA

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 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 these 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.
