

United Nations
ECONOMIC
AND
SOCIAL COUNCIL

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COMMISSION ON HUMAN RIGHTS

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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

United States and United Kingdom: Proposal for Implementation Article

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

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

The record of the Committee shall be deposited with the Secretary-General.
9. Nothing in this Article shall preclude reference of the matter to the International Court of Justice for decision if the States referred to in paragraph 1 so agree.

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