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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND
MEASURES OF IMPLEMENTATION

POLICY DECISIONS TAKEN BY THE GENERAL ASSEMBLY ON
4 DECEMBER 1950

Memorandum by the Secretary-General

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I. PRELIMINARY NOTE

1. Resolutions adopted by the General Assembly at its fifth session in the field of human rights

The General Assembly adopted at its fifth session three resolutions in the field of human rights;

(a) Resolution 421 (V) on the future work of the Commission on Human Rights;^{1/}

(b) Resolution 422 (V) on the territorial application of the International Covenant on Human Rights;

(c) Resolution 423 (V) on Human Rights Day.

The last of these resolutions is not directly related to the future work of the Commission concerning the international covenant on human rights and measures of implementation. The two other resolutions will have a bearing on the work of the Commission at its seventh session.

2. Resolution adopted by the Economic and Social Council at its twelfth session

By its resolution of 23 February 1951 (E/1927), the Economic and Social Council transmitted these resolutions to the Commission on Human Rights for appropriate action.^{2/}

II. REQUEST FOR POLICY DECISIONS ADDRESSED TO THE GENERAL ASSEMBLY BY THE ECONOMIC AND SOCIAL COUNCIL (Council resolution 303 I (XI))

3. Action at the sixth session of the Commission on Human Rights

At its sixth session (199th meeting), the Commission on Human Rights unanimously decided to submit to the Economic and Social Council for its consideration at its eleventh session the draft first international covenant on human rights with the draft measures of implementation set forth in annex I of the report of the sixth session together with the summary records of the 198th and 199th meetings of the Commission (Report of the Commission on Human Rights, sixth session, (E/1681), paragraph 51, resolution F).

4. Proceedings at the eleventh session of the Economic and Social Council

The draft covenant was discussed at the eleventh session of the Council in the 146th - 155th and in the 157th meetings of the Social Committee and in the

^{1/} This resolution will be referred to in the present memorandum as "the resolution".

^{2/} The text of the resolutions referred to in paragraphs (a) and (b), and paragraph 2 will be found in document E/CN.4/525.

376th to 379th and 404th plenary meetings of the Council (E/AC.7/SR.146 to 155 and SR.157 and E/SR.376 to 379 and SR.404).

After considering the draft covenant on human rights in its broad aspects, the Council, in its resolution 303 I (XI), inter alia, thanked the Commission for the contribution it had already made towards the accomplishment of a task of great importance, gave consideration to four questions which will be discussed in greater detail below and concluded that further progress on the covenant could not be made without basic policy decisions on certain questions being taken by the General Assembly. The Council transmitted the draft covenant together with relevant documentation and records of the discussion in the Council to the General Assembly for consideration with a view to reaching policy decisions on the points referred to. The Council also decided to request the Commission on Human Rights to consider the draft covenant further, bearing in mind the policy decisions of the General Assembly and the views expressed in the Council at its eleventh session and to submit a revised draft covenant to the Council at its thirteenth session.

5. Documentation referred by the Council to the General Assembly

Among the relevant documentation and records which the Council decided to refer to the General Assembly, there were, in addition to the above-mentioned summary records of the Social Committee of the Council and of its plenary meetings, the report of the Social Committee (E/1808), Council resolution 303 (XI) as a whole, a report submitted by the Director-General of the United Nations Educational, Scientific and Cultural Organization to the General Conference of UNESCO on regulations concerning economic and social rights (E/1752 and E/1752/Corr.1), reports and memoranda by the Secretary-General, a report on federal and colonial clauses (E/1721 and E/1721/Corr.1); a report on the means by which the proposed human rights committee may be able to obtain advisory opinions from the International Court of Justice (E/1772); and a memorandum by the Secretary-General on the draft first international covenant on human rights (E/L.68). The Council also referred to the General Assembly certain written statements submitted by non-governmental organizations in consultative status: statements of the International League for the Rights of Man (E/C.2/254/Add.1, and E/C.2/276); a statement by Pax Romana (E/C.2/268); and a statement submitted by the World Jewish Congress (E/C.2/259).

6. Action by the Council on economic, social and cultural rights

At its eleventh session, the Council also noted that the Commission on Human Rights considered that the draft international covenant on human rights relating to some of the fundamental rights of the individual and to certain essential civil freedoms was the first of a series of covenants and measures to be adopted in order to cover the whole of the Universal Declaration of Human Rights, noted further the Commission's decision to proceed at its seventh session with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights and to consider additional proposed articles and approved the decision of the Commission (resolution 303 C (XI)); see document E/1681, paragraph 31, resolution B. The Council requested the Secretary-General to transmit to the International Labour Organisation the proposals for relevant articles on economic and social rights so that the said specialized agency might submit to the Secretary-General before the seventh session of the Commission on Human Rights, a detailed report on what has already been achieved in these fields, what still remains to be achieved, and how it might be accomplished; (i) to make the necessary arrangements for obtaining any collaboration he may think desirable from the other organs of the United Nations and the other specialized agencies; (ii) to submit to the Commission on Human Rights before its seventh session a report on the information and observations thus obtained together with any documentation he may consider relevant (resolution 303 D (XI)); see document E/1681, paragraph 33, resolution C.

The replies received by the Secretary-General from the administrative heads of specialized agencies have been published in document E/1880 and addenda. In this connexion, attention is also drawn to the report by the Director-General of UNESCO already referred to above (E/1752 and E/1752/Corr.1).

7. Questions referred by the Economic and Social Council to the General Assembly for policy decisions

The questions on which the Economic and Social Council had asked the General Assembly to take policy decisions were as follows:

- (a) The general adequacy of the first eighteen articles;
- (b) The desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories;

/(c) The desirability

(c) The desirability of including articles on economic, social and cultural rights;

(d) The adequacy of the articles relating to implementation.

III. CONSIDERATION OF THE COUNCIL'S REQUEST AND RELATED MATTERS BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

8. The proceedings of the General Assembly

At its 285th meeting held on 25 September 1950 the General Assembly referred the agenda item entitled "Draft first international covenant on human rights and measures of implementation" to the Third Committee.

The Third Committee devoted thirty-one meetings to the consideration of the draft covenant and certain related subjects (A/C.3/SR.287 to 316 and 318). When examining the question of economic, social and cultural rights, the Committee heard statements by representatives of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization^{3/}. The Commission's attention is respectfully drawn to the report of the Third Committee (A/1559 and Corr.1) where the Rapporteur has given a detailed description of the work of the Third Committee. This report will, it is assumed, be of assistance in the study of the decisions which the General Assembly took on 4 December 1950.^{4/}

The question was discussed at the 317th plenary meeting of the General Assembly held on 4 December 1950.^{5/}

9. General scope of the decisions reached by the General Assembly

As stated above (paragraph 1), the General Assembly adopted three resolutions dealing with the problem of human rights:

(a) The resolution on Human Rights Day (resolution 423 (V)) is not directly related to the future work of the Commission concerning the covenant.

(b) The resolution on the territorial application of the covenant (resolution 422 (V)) contains a request from the General Assembly to

^{3/} See Official Records of the General Assembly, Fifth Session, Third Committee, 298th, 299th and 315th meetings.

^{4/} See the Subject analysis of the proceedings of the General Assembly (E/CN.4/514).

^{5/} See Official Records of the General Assembly, Fifth Session, Plenary meetings, 317th meeting.

the Commission on Human Rights to include in the covenant an article on the application of the covenant to metropolitan and to Non-Self-Governing and Trust Territories.

(c) The resolution on the future work of the Commission on Human Rights (resolution 421 (V)) contains a number of decisions which will have a bearing on the work of the Commission. This resolution is divided into sections (A to H).

10. General arrangement of the resolution:

(a) Policy decisions on the four questions submitted by the Economic and Social Council

The resolution is organized around the four questions which were submitted to the General Assembly by the Council with a view to the reaching of policy decisions:

- (i) Section B (paragraphs 3 and 4) deals with the first of the four questions, viz., the general adequacy of the first eighteen articles of the covenant;
- (ii) Section C (paragraph 5) deals with the desirability of including a special article on the application of the covenant to federal States. The question of the desirability of including a special article on the application of the covenant to Non-Self-Governing and Trust Territories is dealt with in a separate General Assembly resolution (422 (V));
- (iii) Section E (paragraph 7) gives the reply to the question as to the desirability of including articles on economic, social and cultural rights;
- (iv) Section F (paragraph 8) deals with the adequacy of the articles relating to implementation.

Certain passages in sections B and E of the resolution are however subject to possible interpretations which would make them exceptions to the general arrangement described above (see below, paragraphs 14, 15, 16 and 22).

11. (b) Other decisions included in the resolution

The resolution contains a number of other decisions which will affect the work of the Commission on Human Rights at its seventh session. These decisions contained in the preamble of the Resolution and in sections A, D, G and H are set out in paragraphs 29 to 32 below.

IV. POLICY DECISIONS MADE BY THE GENERAL ASSEMBLY ON THE FOUR
QUESTIONS SUBMITTED BY THE ECONOMIC AND SOCIAL COUNCIL

12. Separate memoranda on specific questions

The Secretary-General will submit to the Commission on Human Rights separate memoranda surveying and analyzing the proceedings of the Economic and Social Council and of the General Assembly concerning the questions of the general adequacy of the first eighteen articles, of the desirability of including economic, social and cultural rights, and of the adequacy of the articles relating to implementation. As far as these three problems are concerned, the present memorandum will therefore be restricted to a general outline and description.

A. THE GENERAL ADEQUACY OF THE FIRST EIGHTEEN ARTICLES

13. The two questions involved

The first main question which the Economic and Social Council put to the General Assembly was the question of "the general adequacy of the first eighteen articles".

The Secretary-General pointed out in a memorandum circulated to the Third Committee (A/C.3/534) that consideration of the general adequacy of the first eighteen articles raised two major questions: (i) whether the catalogue of rights contained in the first eighteen articles was adequate, i.e. whether any rights other than those at present dealt with in the first eighteen articles should be made the subject of provisions to be included in the covenant; and (ii) whether the existing eighteen articles as drafted were adequate to protect the rights to which they related. Many members of the Third Committee who participated in the debate on this question based their observations on this sub-division of the problem and expressed the views of their delegations on these two aspects. The Committee as a whole and eventually the General Assembly in plenary, have given a reply to these two major questions in section B (paragraphs 3 and 4) of the resolution.

14. (i) The adequacy of the catalogue of rights

Paragraph 3 (a) of the resolution states with regard to the first of these two aspects that the list of rights in the first eighteen articles of the draft covenant does not contain certain of the most elementary rights. In the opinion of the General Assembly, therefore, the catalogue of rights contained in the first eighteen articles is not adequate and it has therefore decided that other rights
/should be added.

should be added. What these additional rights to be added to the present catalogue are, has not been determined by the General Assembly in final form. The General Assembly decided that the Commission on Human Rights in its work of revision of the draft covenant, should take into account the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council. In particular, the General Assembly decided that "with a view to the addition in the draft covenant of other rights", the Commission should take into account the views relating to the rights set forth by the U.S.S.R. in document A/C.3/L.96 and by Yugoslavia in A/C.3/L.92. The proposals to make it mandatory for the Commission on Human Rights to insert in the covenant provisions regulating all the rights included in the U.S.S.R. and Yugoslav proposals were defeated in the 305th meeting of the Third Committee of the General Assembly and, as far as a similar proposal of the U.S.S.R. (A/1576 and Corr.1) presented in the plenary meeting of the General Assembly was concerned, at the 317th meeting of the General Assembly.

In a separate memorandum (see above paragraph 12) the Secretary-General will present to the Commission on Human Rights a survey of the proposals made in the course of the proceedings before different organs of the United Nations with regard to additional articles, in order to assist the Commission in the examination of the question which of the rights, which according to the decision of the General Assembly are not contained in the list of rights in the first eighteen articles, should therefore be added to that list.

It may be added, in this connexion, that, when what is now paragraph 4(1) of the General Assembly resolution was discussed in the 306th meeting of the Third Committee, representatives participating in the debate proceeded on the assumption that the Committee was deciding to add economic, social and cultural rights to the list of rights to be defined in the covenant.

While the U.S.S.R. amendment (A/C.3/L.96), which is referred to in the resolution, contained in its section II, which was proposed as an amendment to what is now section B, proposals concerning certain rights which were not of an economic, social and cultural character, in section V of the U.S.S.R. proposal, which was moved as an amendment to what now is section E of the resolution, there appeared a list of rights which came within the economic, social and cultural sphere.

/Similarly,

Similarly, the Yugoslav proposal (A/C.3/L.92), which is also referred to in the resolution, contained, in an amendment to what now is section D, a number of rights which were not of an economic, social or cultural character. In addition, the Yugoslav amendment also proposed a paragraph which eventually became section E of the resolution embodying the decision to include economic, social and cultural rights in the draft covenant.

It will be recalled that the question of the desirability of including economic, social and cultural rights was presented by the Council to the General Assembly as a separate question and an answer to this question has been given by the General Assembly in section E of the resolution.

15. (11) The adequacy of the first eighteen articles to protect the rights to which they relate

The General Assembly has also given a reply to the second problem involved in the question of the general adequacy of the first eighteen articles namely whether the existing eighteen articles as drafted are adequate to protect the rights to which they relate. The resolution states in paragraph 3 (b) that the present wording of some of the first eighteen articles of the draft covenant should be improved in order to protect more effectively the rights to which they refer. No hard and fast rules and complete texts have, however, been transmitted to the Commission on Human Rights by the General Assembly.^{6/} Here again, the Commission on Human Rights is directed to take into account the views expressed during the discussion. Reference is made, in particular, to articles 13 and 14 of the draft covenant dealing respectively with freedom of thought, conscience and religion, and freedom of opinion and information. The texts of these draft articles were criticized both on account of their substance and, article 14 in particular, because of what was described as the vagueness of its drafting, e.g. because of the use of so general a term as ordre public. A survey of the relevant debates and suggestions in this regard will be circulated in a separate document. (See paragraph 12 above)

On one aspect of this problem, the General Assembly has, however, taken a decision. It has decided in paragraph 4 (11) that the Commission on Human Rights

^{6/} The only text of a provision proposed by the General Assembly for inclusion in the covenant is the one relating to the territorial application of the covenant (see paragraph 19 below).

should take into consideration the view, expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the covenant and the limitations thereto with the greatest possible precision.

It may be felt that this provision applies to the drafting of articles on economic, social and cultural rights as well as to that of articles dealing with civic and political freedoms.

16. Taking into account the principles and purposes of the Charter

The General Assembly has stated in paragraph 3 (c) "that in the drafting of the covenant account should be taken of the principles and purposes of the Charter of the United Nations and that these principles and purposes should be consistently applied". This provision originated in a joint United States and Yugoslav amendment (A/C.3/L.101).

In the 308th meeting of the Third Committee, the representative of Lebanon said that he would welcome an explanation of the authors of the amendments regarding the reasons for it and its scope, because in his opinion the text did not make it quite clear whether it implied a criticism of the Commission on Human Rights for not having adequately taken into account the purposes and principles of the United Nations Charter or whether it was simply warning the Commission against the danger of not bearing them in mind.

The representative of Yugoslavia explained that the whole aim of the proposed amendment was to indicate to the Commission on Human Rights the lines along which it should work and that the authors of the amendment reiterated that the Commission should bear in mind the principles of the Charter and safeguard them against all abuses. The purpose, he said, was not to criticize the Commission but to place its work on a solid foundation.

The representative of the Philippines thought that the amendment served no useful purpose. He did not believe that the Commission on Human Rights had ever lost sight of the United Nations Charter.

In the 309th meeting of the Third Committee, the representative of Israel said he could not agree with those who had indicated that an amendment of that nature would represent a reflection on the Commission on Human Rights. He pointed out that the Commission might, however, inadvertently draft provisions which were implicitly at variance with the provisions of the Charter. Thus, to

/give

give one example, he said that while the Charter enjoined heed against discrimination on grounds of race, sex, language or religion, such an injunction was not among the provisions from which no derogation was permitted in article 2 (2) of the draft covenant. He thought that there was consequently every reason to adopt the proposed amendment.

The joint United States and Yugoslav amendment was thereupon adopted by the Third Committee by 43 votes to none, with 2 abstentions.

While paragraph 3 (c) forms part of section B of the resolution, it is open to the interpretation that its application extends to the entire drafting of the covenant.

B. THE DESIRABILITY OF INCLUDING SPECIAL ARTICLES ON THE
APPLICATION OF THE COVENANT TO FEDERAL STATES AND TO
NON-SELF-GOVERNING AND TRUST TERRITORIES

17. The General Assembly dealt separately with the federal clause and with the territorial application clause

The General Assembly was invited to reply to the question of the desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories. The Third Committee dealt with these two questions separately and the General Assembly has given a reply to the question of the territorial clause in the separate resolution on the territorial application of the covenant.

18. The question of a federal State article

With regard to the federal State clause, the General Assembly did not take a final decision at this stage. It called upon the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose, on the one hand, the securing of the maximum extension of the covenant to the constituent units of federal States and, on the other hand, the meeting of the constitutional problems of federal States.

19. The question of the territorial application of the covenant

Under the terms of resolution 422 (V), the Commission on Human Rights was requested to insert in the covenant an article to the effect that the provisions of the covenant are extended to, or are applicable equally to, a signatory metropolitan State and to all the territories be they non-self governing, trust

/or colonial

of colonial territories, which are being administered or governed by such metropolitan State.

In this connexion, attention is also drawn to the General Assembly resolution on information on human rights in Non-Self-Governing Territories (446 (V)) which refers to the mission which has been given by the General Assembly to the Commission on Human Rights with a view to the drafting of an international covenant on human rights which will also be applicable to Non-Self-Governing Territories.

C. THE DESIRABILITY OF INCLUDING ARTICLES ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

20. The reply of the General Assembly to the question

In section E of the resolution, the General Assembly decided to include in the covenant provisions on economic, social and cultural rights. It called upon the Economic and Social Council to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration, to include in the draft covenant a clear expression of economic, social and cultural rights, in a manner which related them to the civic and political freedoms proclaimed by the draft covenant (paragraph 7 (a) and (b)). Section E of the resolution is preceded by a special preamble in which the General Assembly refers to the Universal Declaration of Human Rights, and to the inter-connexion and inter-dependence between civic and personal freedoms on the one hand, and economic, social and cultural rights on the other, and where the General Assembly also states that, when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration of Human Rights regards as the ideal of the free man.

Proposals as to the concrete rights of an economic, social and cultural character which should be included in the covenant were made during the discussion both of section E and of section B of the resolution. The U.S.S.R. proposal (A/AC.3/L.96), referred to in section B, for example, contains in its section V a list of economic, social and cultural rights. A detailed survey of the proposals and discussions concerning economic, social and cultural rights will be found in a separate memorandum (see paragraph 12 above).

As stated above (paragraphs 15 and 16), paragraph 4 (ii) of the resolution dealing with the desirability of defining rights and limitations thereto with the greatest possible precision and paragraph 3 (c) concerning the purposes and

/principles of the

principles of the Charter, may be interpreted as applying to the entire drafting of the covenant and therefore to the drafting of articles on economic, social and cultural rights.

21. Co-operation of specialized agencies and of other United Nations organs

The General Assembly also took certain decisions of an organizational and procedural character concerning the co-operation of specialized agencies and of other organs of the United Nations with regard to economic, social and cultural rights (paragraphs 7 (c) and (d) of the resolution and E/1880 and addenda).

22. Provision relating to equality of men and women: its scope

In the course of the consideration by the Third Committee of the question of economic, social and cultural rights, the representative of Iraq presented two amendments (A/C.3/L.106 and A/C.3/L.107, respectively) to an amendment by Yugoslavia (A/C.3/L.92) and an amendment by Greece and New Zealand (A/C.3/L.83) which were then under consideration^{7/}. The Iraqi amendment to the Yugoslav amendment (A/C.3/L.106) was adopted by the Third Committee and now forms the second part of section E, paragraph 7 (a) of the General Assembly resolution by which the General Assembly decided to include in the covenant (in addition to provisions concerning economic, social and cultural rights) "an explicit recognition of the equality of men and women in related rights, as set forth in the Charter of the United Nations".

In moving this amendment, the representative of Iraq stated that the battle for women's rights had been won decades earlier by women who had valiantly opposed bigotry and prejudice; modern women should be able to enjoy the fruits of that victory. To make absolutely certain that the struggle for equal rights with men did not have to be waged again anywhere in the world, the Commission on Human Rights should state explicitly, in all its further work, the equal rights of men and women as set forth in the Charter of the United Nations. That was the purpose of her amendment. The mere mention in article 1 of the draft covenant that the rights recognized in it were to be ensured without distinction of any kind, such as sex, was insufficient to safeguard equal rights for women, since in such countries as the United Kingdom and the United States where women had been granted full political rights, they were still struggling to obtain

^{7/} See Official Records of the General Assembly, Fifth Session, Third Committee, 313th meeting.

equal pay for equal work. Her delegation hoped that the covenant would contain certain economic, social and cultural rights and believed it imperative that the equality of women in regard to those rights should be unequivocally stated.^{8/}

The representative of India supported the Iraqi amendments in the belief that the principle of equality should be emphasized because it was the one principle most likely to be ignored.^{9/}

The representative of France wondered whether the amendments submitted by Iraq were really necessary since the principle of equal rights for men and women was fully recognized and established.^{10/}

The representative of the United States of America thought that the amendment submitted by the representative of Iraq might with slight drafting changes, be included in the joint draft resolution which was then under consideration.^{11/}

The representative of Mexico favoured the amendment submitted by the representative of Iraq.^{12/}

The representative of the Dominican Republic pointed out that her delegation considered that the principle of equal rights of men and women should be specifically mentioned in the draft covenant. She had thought that the Commission on Human Rights would draft suitable articles to cover that principle and had consequently not submitted any specific amendments. As the representative of Iraq had submitted such amendments, her delegation would vote for them as a matter of principle.^{13/}

Thereupon the Iraqi amendment (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92) was adopted by 34 votes to none, with 13 abstentions.

In view of the wording of section E, paragraph 7 (a) which uses the expression "related rights" it is respectfully suggested that, when implementing this decision of the General Assembly, the Commission may wish to take into account a possible wider interpretation of the clause, going beyond economic, social and cultural rights.

^{8/} Ibid., paragraphs 12, 13 and 14.

^{9/} Ibid., paragraph 30.

^{10/} Ibid., paragraph 44.

^{11/} Ibid., paragraph 47.

^{12/} Ibid., paragraph 56.

^{13/} Ibid., paragraph 58.

D. THE ADEQUACY OF THE ARTICLES ON IMPLEMENTATION

23. No final decision yet taken by the General Assembly on this question

The fourth main question presented to the General Assembly by the Economic and Social Council was the question of the adequacy of the articles relating to implementation. In this regard, the General Assembly has not taken a final decision, since it was felt that this problem had not yet been the subject of so close and thorough a study within the Economic and Social Council and the Commission on Human Rights and by Member Governments as had been the case with the substantive part of the covenant. Section F of the resolution proceeds from the fact that this problem is still under study.

It is appropriate, nevertheless, to refer in this connexion to certain decisions on the problem of implementation which were taken both by the Third Committee and by the General Assembly at a plenary meeting. The Third Committee rejected in a roll-call vote by 29 to 5, with 12 abstentions, the proposal for the deletion from the draft covenant of the articles on implementation, a proposal based on the opinion of the sponsoring delegation that their inclusion would constitute an attempt at intervention in the domestic affairs of states and would encroach on their sovereignty, (A/C.3/L.96)^{18/}. In document A/1576, paragraph 6 presented to the plenary meeting of the General Assembly, the proposal was repeated to delete part F and to substitute the following: "The General Assembly considers that articles 19-41 of the draft covenant should be deleted since their inclusion would constitute an attempt at intervention in the domestic affairs of States and an encroachment on their sovereignty". This proposal was rejected at the 317th plenary meeting of the General Assembly in a roll-call vote by 43 to 5, with 9 abstentions.

The Third Committee also had before it an amendment to the preamble of the resolution which read: "Recognizing that the implementation of the provisions of the Covenant on Human Rights falls entirely within the domestic jurisdiction of States" (A/C.3/L.96). This proposal was rejected at the 315th meeting of the Third Committee by a roll-call vote of 32 votes to 5, with 14 abstentions. The proposal was reintroduced in the General Assembly in paragraph 1 of document

^{18/} Ibid., 314th meeting.

A/1576 and rejected in the 317th plenary meeting of the General Assembly by a roll-call vote of 37 votes to 7, with 14 abstentions.

From these four roll-call votes, it appears that the majority of the General Assembly in general supports the inclusion in the covenant of international measures of implementation.

The Commission has been instructed, however, to continue its studies of the question of implementation. The Commission has also been requested to take into consideration, in its studies of questions relating to petitions and implementation, four proposals concerning this problem submitted in the course of the proceedings in the Third Committee (Chile (A/C.3/L.81), Ethiopia and France (A/C.3/L.78), Israel (A/C.3/L.91/Rev.1) and Uruguay (A/C.3/L.93)).

24. The problem of access to the implementation organ

The Economic and Social Council is called upon to request the Commission on Human Rights to proceed with the consideration of provisions to be inserted either in the draft covenant itself, or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the covenant.

25. The problem of independence of the implementation body.

The proposal by Ethiopia and France (A/C.3/L.78) is to the effect that the Commission on Human Rights should make proposals "for the establishment of a body which by its very composition would offer all possible guarantees of independence and competence and be responsible, in accordance with precise terms of reference, for examining all charges of violations of the covenant".

26. The problem of complaints by non-governmental organizations

The proposal by Chile (A/C.3/L.81) and the first part of the proposal by Israel (A/C.3/L.91/Rev.1/Corr.1) are to the effect that non-governmental organizations duly recognized by the United Nations, or such non-governmental organizations enjoying consultative status with the Economic and Social Council as are included in the list to be drawn up for this purpose by the Secretary-General in conjunction with the Chairman of the Human Rights Committee, should have access to the human rights committee.

27. The problem of the right of the implementation body to examine motu proprio charges of non-compliance and of action in "urgent cases"

The Israel proposal also provides that the human rights committee may, by a majority vote of its members present, be seized of cases of non-compliance

/with the provisions

with the provisions of the covenant by parties thereto on its own motion when the facts before the Committee appear in its view to warrant such consideration. The Israel proposal also contemplates special action by the human rights committee on "urgent cases".

28. The problem of the creation of a United Nations agency which would initiate proceedings before the implementation body

The proposal by Uruguay (A/C.3/L.93) suggests the study of the advisability and propriety of establishing as one of the measures of the effective implementation of the covenant a permanent United Nations agency which might be called the Office of the Attorney General, High Commissioner or Procurator-General, with all or some of the powers which are outlined in the proposal.

A detailed survey of the proceedings of the eleventh session of the Council and of the fifth session of the General Assembly on the question of implementation will be presented to the Commission on Human Rights in a separate memorandum (see paragraph 12, above)

E. OTHER DECISIONS OF THE GENERAL ASSEMBLY

29. General request for further action

The General Assembly joined the Economic and Social Council in the thanks which the Council expressed to the Commission (resolution 303 I (XI), see above, paragraph 4). In section A, paragraph 1, of the resolution, it has commended the Commission on Human Rights for the important work it has thus far accomplished; in the first paragraph to the preamble of the resolution, the General Assembly expressed its appreciation of the priority which, in accordance with General Assembly resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 session gave to the preparation of a draft international covenant on human rights and measures for its implementation. In paragraph 2 of the resolution it called upon the Council to request the Commission to continue to give priority in its work to the completion of the draft covenant and measures for its implementation, in order that the General Assembly may have before it at its next (sixth) session the revised draft of this covenant. The request for such action by the Commission that the General Assembly would have before it at its sixth session a revised draft is repeated in section C (paragraph 5) of the resolution, which deals with the study of a federal State article, in section D (paragraph 6), which deals with the study of ways and means which would ensure the rights of peoples and nations to self-determination and in section G, requesting the

/Commission

Commission (through the Council) to report to the Economic and Social Council at its thirteenth session. For further action by the Council at its twelfth session, see below, paragraph 34.

30. National implementation

It is stated in the third paragraph of the preamble to the resolution that it is essential that the covenant should include provisions rendering it obligatory for States to promote the implementation of the human rights and fundamental freedoms proclaimed in the covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms.

31. The problem of self-determination

In section D of the resolution on the future work of the Commission on Human Rights, the Commission is directed to study ways and means which would secure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session. The question of self-determination of peoples and nations forms an independent item on the provisional agenda of the Commission on Human Rights (item 4) and separate documentation relating thereto will be circulated in due course.

32. Comments by Member Governments

The Economic and Social Council in resolution 303 I (XI) requested the Secretary-General to transmit its resolution together with the records of the debate at the eleventh session of the Council to Member States with a view to obtaining their observations after the fifth session of the General Assembly for transmission to the Commission on Human Rights. The General Assembly too, in section H, paragraph 10 of the resolution requested the Secretary-General to invite Member States to submit by 15 February 1951 their views concerning the draft covenant as revised by the Commission on Human Rights at its sixth session in order that the Commission may have such views before it during its further consideration of the draft covenant at its seventh session.

The comments received are being circulated to the Commission in document E/CN.4/515 and addenda.

V. RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL
AT ITS TWELFTH SESSION (E/1927)

33. Transmission of the General Assembly resolutions to the Commission

The Economic and Social Council decided to transmit the two resolutions 421 (V) and 422 (V) of the General Assembly to the Commission on Human Rights for appropriate action. The Council invited the Commission to take into consideration in its work on the draft covenant also the records of the discussion at the twelfth session of the Council, the remarks and observations made by Members of the Council and by representatives of specialized agencies, as well as the amendments to the draft covenant presented at that session.

The discussions at the twelfth session of the Council are recorded in documents E/SR.438 to E/SR.442. A statement by the representative of the United Nations Food and Agriculture Organization will be found in document E/SR.439. Amendments to the draft covenant presented by the Union of Soviet Socialist Republics at the twelfth session of the Council will be found in document E/L.137.

34. Procedural recommendations made by the Council

As requested by the General Assembly in paragraph 7 (c) and (d) of the resolution (see paragraph 21 above), the Council made the following procedural arrangements concerning the work of the Commission relating to economic, social and cultural rights: It invited such of the specialized agencies as feel directly concerned with the proposed economic, social and cultural rights to send representatives to the seventh session of the Commission to participate in the work of the Commission relating to these rights and it called upon the Commission to take such steps as are necessary in order to obtain the fullest co-operation of the specialized agencies in the consideration of economic, social and cultural rights and to consider for this purpose the setting up of one or more joint working groups consisting of representatives of the Commission and the interested specialized agencies which will report to the Commission.

In this connexion, the attention of the Commission is drawn to the opinions expressed on the question of co-operation by the administrative heads of specialized agencies, which are reproduced in documents E/1880 and addenda, and, in particular, to the communications from the International Labour Organisation and from UNESCO (E/1880/Add.1, and E/1880/Add.7, respectively) which are referred to in the preamble of the Council resolution.

/The Council

The Council finally requested the Commission on Human Rights to prepare and submit to the Council at its thirteenth session a revised draft covenant on the lines indicated by the General Assembly, together with a report on the results of its work.
