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COMMISSION ON HUMAN RIGHTS  
Seventh Session  
Item 3(c) of the Agenda

DRAFT INTERNATIONAL COVENANT  
ON HUMAN RIGHTS AND MEASURES OF  
IMPLEMENTATION

U.S.A: Proposal on a  
Protocol on Petitions from Individuals and Non-Governmental Organizations

Article 1

1. With respect to States parties to this Protocol, the Human Rights Committee established pursuant to the International Covenant on Human Rights shall also have jurisdiction to receive written petitions submitted by

(a) individuals within the territory of a State party to this Protocol, alleging that that State is not giving effect to a provision of the Covenant, and

(b) non-governmental international organizations, as defined in paragraph 2, alleging that a State party to this Protocol is not giving effect to a provision of the Covenant.

2. The non-governmental international organizations referred to in paragraph 1(b) comprise organizations with consultative status to the United Nations Economic and Social Council, approved annually by two-thirds of the States parties to this Protocol at a meeting of representatives of ~~these~~ States convened by the Secretary General of the United Nations.

## Article 2

The Human Rights Committee shall determine which of the petitions received warrant detailed examination, and with respect to such petitions the following procedure shall apply:

- (a) A copy of the petition shall be provided to each of the States parties to this Protocol, the petitioner being promptly notified of this action.
- (b) Any such State shall have the right to make a submission in writing to the Human Rights Committee concerning the petition.
- (c) The Human Rights Committee may request the petitioner and the States parties to this Protocol to supply relevant information.
- (d) Subject to Article 39 of the Covenant on Human Rights, the Human Rights Committee shall ascertain the facts and prepare a report of these facts not later than eighteen months after a copy of the petition is provided to States parties to this Protocol. The Human Rights Committee shall send this report to these States and shall then communicate it to the Secretary General of the United Nations for publication.

## Article 3

The relevant provisions of Article 19 to 33 inclusive, 35 to 37 inclusive and 39 of the International Covenant on Human Rights relating to the establishment, authority and procedure of the Human Rights Committee shall also be applicable under this Protocol.

## Article 4

Article 4

1. This Protocol shall be open for signature or accession on behalf of any State Party to the International Covenant on Human Rights.

2. Ratification of or accession to this Protocol shall be effected by the deposit of an instrument of ratification or accession with the Secretary General of the United Nations, and as soon as fifteen States have deposited such instruments, the Protocol shall come into force among them. As regards any State which ratifies or accedes thereafter the Protocol shall come into force on the date of deposit of its instrument of ratification or accession.

3. The Secretary General of the United Nations shall inform all Members of the United Nations, and other States which have ratified or acceded to this Protocol, of the deposit of each instrument of ratification or accession.

Article 5

1. Any State Party to this Protocol may propose an amendment and file it with the Secretary General. The Secretary General shall thereupon communicate the proposed amendment to the States Parties to the Protocol with a request that they notify him whether they favour a conference of States Parties to this Protocol for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States favour such a conference, the Secretary General shall take the necessary steps to convene such a conference under the auspices of the United Nations. Any amendment of this Protocol adopted by a majority of States present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment shall come into force when it has been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Protocol, in accordance with their respective constitutional processes.

3. When such an amendment comes into force, it shall be binding on those States parties to the Protocol which have accepted it, other parties to the Protocol being still bound by the provisions of the Protocol and any earlier amendments which they have accepted.