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REPORT OF THE COMMISSION ON HUMAN RIGHTS (SEVENTH SESSION)

Observations of Governments on the Draft International  
Covenant on Human Rights

5. AUSTRALIA

(Letter dated 7 August 1951 from the Permanent  
Representative of Australia to the European  
Office of the United Nations)

"I have been instructed to inform you that the Australian Government is considering the text of the draft Covenant as it now stands following the intensive work of the Human Rights Commission at its Seventh Session in the complex field of economic, social and cultural rights. Without prejudice to any view which the Government may take at a later stage on the merit of economic, social and cultural clauses as a whole and of the machinery suggested for their implementation, the Australian view is that numerous improvements could be made in the wording and arrangement of the clauses. For example, the phrase "equal remuneration for work of equal value" has, because of its precision, been used in the instrument prepared by the International Labour Office rather than the phrase "equal pay for equal work", which now appears in the draft Covenant.

It is apparent from the present draft that the Commission has tended not merely to state basic economic, social and cultural rights, but also to spell out derivative rights. The importance of the derivative rights cannot be under-estimated. Nevertheless, it is a matter for careful consideration, whether they should be written into the present instrument or left for spelling out in the Convention and the other instruments prepared under the guidance of the appropriate specialised agencies in the economic, social and cultural fields and expressly designed to cover the detailed elaboration of basic rights. In one instance in Part 3 (Article XXIX), the draft has gone so far as to provide for an undertaking on the part of signatory governments to submit evidence to demonstrate that governments have taken a first step towards the achievement of an important element in the basic right of everyone to education. Such a provision would seem to fall more appropriately within the terms of an instrument prepared by the specialised agencies concerned and would not seem to fit into the general scheme and intent of the Covenant.

It is regretted that insufficient time was available for discussion of a Colonial Application Clause and a Federal-State Article. So far as a Colonial Clause is concerned, it is unfortunate that a provision has not been inserted which would facilitate early ratification of the Covenant by governments which have territories for whose international relations they are responsible. A suitable formula to meet their position can and should be found with results beneficial for peoples non-self-governing and for trust territories for whose welfare governments are responsible. So far as Australia is concerned, the inclusion of a Federal Clause seems essential.

Finally, it is to be hoped that there will be ample opportunity for a careful review of the draft Covenant before the instrument is regarded as being ready for final consideration by governments. The document still contains many imperfections in all its parts. The Human Rights Commission should be given ample time to review this document before any endeavour is made by organs of the United Nations responsible for its consideration, to declare their satisfaction with its form and content, in view of the fact that it is an instrument which could have significance for members of the United Nations and for the prestige of the United Nations itself."