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COUNCIL COMMITTEE ON NON-GOVERNMENTAL
ORGANIZATIONS

Dual Distribution

LIST OF COMMUNICATIONS RECEIVED FROM
NON-GOVERNMENTAL ORGANIZATIONS GRANTED
CATEGORY (b) OR (c) CONSULTATIVE STATUS

This list is in accordance with the provisions of section IV, paragraph 4, of the report of the Committee on Arrangements for Consultation with Non-Governmental Organizations, approved by the Council on 21 June 1946 (resolution 2/3 of 21 June, 1946, in Official Records of the Economic and Social Council, first year, second session, pages 360-365).

World Jewish Congress (Congres juif mondial)

The World Jewish Congress submits with a letter dated 9 June 1949 a "Memorandum submitted to the Fifth Session of the Human Rights Commission dated 9 June 1949, for the information of the Council and the Human Rights Commission which may be summarized as follows:

The World Jewish Congress makes several suggestions regarding the implementation of the Covenant on Human Rights. By virtue of Article IX of the Genocide Convention, parties to the Convention accept the jurisdiction of the International Court of Justice in matters relating to interpretation, application and fulfillment of the Convention. An identical Article should be incorporated into the Covenant. A provision analogous to Article VIII of the Genocide Convention should be included in order to provide for positive action by organs of the United Nations. The Secretary-General should be authorized to call violations of the Covenant to the attention of the implementing bodies.

Implementation should provide for both the domestic and international aspects of the problem. It would be useful to establish within each signatory state Special Human Rights Courts to deal with complaints concerning violations of the rights guaranteed under the Covenant.

Such courts will be able to handle complaints more effectively, more expeditiously and on a higher plane than if these were to be dealt with

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in the civil courts of the signatory states. A Higher Court to which appeals from the court of original jurisdiction could be taken would guarantee the uniform application and interpretation of the provisions of the Covenant within each signatory state.

In order to avoid or to minimize conflicting interpretation and implementation of the Covenant by different countries, the Covenant should provide for the establishment of an international committee consisting of judges from the courts of appeal of the domestic Human Rights Courts. A permanent bureau, maintained by this Committee, should furnish each member state with complete information concerning the interpretation and implementation of the Covenant by the domestic tribunals.

As effective implementation of the Covenant will be stimulated by adequate publicity, the decisions of the Human Rights Courts should be published regularly.

Regarding the international aspects, the Congress supports the Australian proposal for the creation of an International Court. Should the establishment of such a court be delayed, the International Committee or a special panel of competent persons should be charged with hearing appeals from decisions of the highest domestic courts. Their findings would be binding and would effectively safeguard international protection of Human Rights and ultimately establish uniformity in the application of the provisions of the Covenant. Authority to invoke the assistance of United Nations organs should be granted.

Provision for direct petitions to an international authority would appear advisable. Such petitions could deal with infringements upon the rights of individuals for which no effective remedy is provided and especially with measures of a general nature, i.e. those affecting groups of persons or involving questions of principle. These could properly be addressed to a standing committee designated by either the

Human Rights Commission or the Economic and Social Council. This Committee should be authorized to examine petitions at public hearings, in the presence of the petitioner or his counsel and representatives of the respondent state; to request information from the respondent state; to make inquiries and investigations and, on the basis of all evidence submitted and collected, to make decisions which the signatories should undertake to respect and implement. The Committee should also be authorized to invoke the assistance of organs of the United Nations in order to implement its decisions.

Organizations granted consultative status with the Council should be officially recognized in the procedure for implementation. Such organizations should be authorized to act before domestic and international bodies dealing with violations of the Covenant. In domestic courts they should have the right to appear as a complainant or, when there is an individual complainant, as amicus curiae, as well as the right to appeal from decisions of the domestic courts. On the international scene, these organizations should be authorized to present petitions concerning matters within their fields of activity to any body dealing with implementation. If - as it may be necessary - rules for the "receivability of petitions" are established, the petitions of such groups should be regarded as urgent and receivable without further examination.

World Jewish Congress (Congres juif mondial)

The World Jewish Congress submits for the attention of the Council and the Commission on Human Rights a "Note on the Right of Petition and French Proposals in E/CN.4/82/Add.10/Rev.1 to the U.N. Commission on Human Rights by Dr. Maurice L. Perlzweig (Consultant for the WJC)" dated 15 June 1949, which may be summarized as follows:

The World Jewish Congress on behalf of the survivors of the Nazi terror, earnestly appeals to the Human Rights Commission to embody the

of petition to an international authority in the text of the Covenant under discussion. The destruction of more than two-thirds of the Jewish population of Europe was facilitated and encouraged by the silence of the civilized world in the then prevailing doctrine that it is a government's duty to its own nationals is a matter of domestic concern. If the right of petition to an international authority had existed at that time, to which the victims or their representatives could have appealed, it would have been possible before the outbreak of hostilities to save multitudes of human beings. Many leading jurists even opposed the Nuremberg trials on the grounds that they could not be justified by the then existing international law. A system of international supervision of human rights embodying the right of petition would be an important factor in preventing a recurrence of the Nazi horror.

The appeal of the Congress is urgent because of the resurgence of racialism in Central Europe where outbreaks of violence are prevented only by the persons of the occupying troops, and by the fact that there are large numbers of people throughout the world who are victims of discrimination.

It might be argued that the existence of the right of petition in the Covenant would not effect the situation in countries which did not ratify

The answer is that the acceptance of the Covenant by the majority of the most advanced and progressive states would exercise a powerful influence on the remaining powers.

In answer to the suggestion that the prestige of the great powers did not allow them to subject their domestic affairs to the kind of international scrutiny which is implied in an international right to petition, the Congress suggests that this attitude is based on a profound misconception of national dignity. No true self-respect or fundamental principle is lost by acknowledging the sovereignty of a higher law.

Since the powers which have entered into trusteeship agreements under the Charter have, thereby, already acknowledged the right of petition in their trust territories, the Congress sees no good reason why a right which these powers accorded to people not yet ready for self government should be denied to their own citizens. It is paradoxical that this right of petition would under existing circumstances be extinguished by the achievement of independence by the trust territories. The Congress accordingly strongly supports the proposals submitted by France in document E/CN.4/62/Add.10/Rev.1, particularly the proposal that the right of petition include non-governmental organizations and private persons or groups of private persons in addition to States.

States, for all practical purposes already have the right of intervention but such action is open to many objections. A national of any state will naturally be reluctant to invoke the aid of a foreign government against his own; and the aid of such a government will often become associated with diplomatic or strategic considerations which will tend to undermine the universal acceptance of any objective judgment by an international body.

To render the individual whose right the Covenant will seek to protect legally inarticulate at any point in the struggle for redress is to undermine from the beginning the fundamental principle from which the instrument derives its purpose and authority. The French proposal under Article 29 would empower the Commission to establish its own Rules of Procedure, and these rules could be framed as to obviate the danger that the machinery would be unequal to the sheer physical task of dealing with a flood of petitions. Moreover, the French proposal regarding Article 25 would in all probability result in channeling most of these petitions through non-governmental organizations with consultative status.

The Congress respectfully differs from the French proposal that the Special Commission should select from among the consultative organizations those which should be granted the right of petition.

The whole subject of consultative status will itself shortly be under review and it is possible that the Council will make revisions which will make the additional restrictions envisaged in the French proposal unnecessary. Since consultative status is granted under an article of the Charter, no other organ than the Council itself, which is specifically charged with this right, should be empowered to make new categories of consultative organizations.

Apart from this minor amendment, the Congress fully supports the French proposal which seems to embody both an essential right for individuals and groups under the Covenant and at the same time to provide the machinery for the protection of governmental authorities against its possible abuse.

The Congress expresses the warmest appreciation of the French proposal and states that the adoption of these proposals would awaken a new hope in the hearts of thousands of survivors of the worst persecution in history; and in many forgotten and defenseless communities they would establish a new faith in the United Nations.