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COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS

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

The following communication is listed 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).

The World Jewish Congress (le Congrès juif mondial)

The World Jewish Congress submits a "Memorandum submitted by the World Jewish Congress to the fifth session of the Human Rights Commission on the Right of and the Procedure on Petitions", dated 20 June 1949, with the request that it be brought to the attention of the Council and the Commission on Human Rights. This memorandum may be summarized as follows :

I. Task before the Commission

According to General Assembly Resolution 217 (III)B, the task of Commission is to advise the General Assembly whether the right of petition should be included in the Universal Declaration of Human Rights as well as the procedure, if any, to be adopted for dealing with petitions.

II. The Right of Petition as a fundamental Human Right

The right of petition has been recognized in domestic law for several centuries. It has served as the basis for the recognition

and protection of all other fundamental human rights. It has long been recognized in the national law of nearly all Members of the United Nations. A question however arises whether the right of petition to the United Nations may also be considered as a basic human right.

Public discussion and investigation of petitions by the organs of the United Nations, it is submitted, is the most appropriate, indeed an essential, means of promoting respect for, and observance of, human rights and fundamental freedoms, as required by Article 55 (c) and Article 56 of the Charter, for only by receiving petitions can the United Nations ascertain whether those rights are threatened and the nature of the remedy required.

These contentions are reinforced by Article 87 of the Charter which explicitly grants the right of petition to the inhabitants of Trust Territories.

The Commission on Human Rights, which had previously declared the right of petition to be a fundamental human right, resolved at its third session to postpone inclusion in the Universal Declaration of Human Rights of an article dealing with the right of petition until a procedure on petitions was adopted.

There is no valid reason for not including the right of petition in the Declaration, regardless of whether or not the proper procedure has already been instituted. Such inclusion should on the contrary establish the authority for setting up an effective procedure on petitions within the framework of the United Nations. Moreover, Resolution 217(III)B has already declared the right of petition to be an essential human right. How, then, can it be excluded from the Declaration?

The Congress appeals for the inclusion of an article on petitions and suggests that the text unanimously approved by the Commission at its second Session be adopted.

III. Suggested Procedure on Petitions

The Working Party of the Commission at its second session decided that a Convention or Covenant would be necessary. This would mean that petitions could be lodged only in respect to those governments which are parties to such an instrument. As a result, the right of petition as a universal right of every human being would be denied and be granted only to the nationals or residents of such States which, by their signing of the Convention, had already shown their respect for the observance of human rights and fundamental freedoms. It would be withheld from the citizens of other States who may more urgently require public discussion and investigation of the infringement of human rights by their governments.

The reasoning leading to this conclusion is by no means convincing. The Commission started from the assumption that since a Declaration on Human Rights could not be implemented, the right would have to be based on a Covenant. It is submitted, however, that this is not the problem under consideration. The question is whether the Charter, especially Article 55(c) and 56, could and should be implemented by a proper procedure on petitions along lines similar to those indicated by Article 87 for the Trusteeship Council. The Congress states that the establishment of such a procedure is an obligation under Article 56.

The matter is of crucial importance. Public discussion, investigations and appropriate recommendations are the means through which the United Nations could begin to fulfil its task of preserving peace and protecting individuals from the tyranny of governments. The discussion of infringements of human rights and fundamental freedoms will, on the one hand, afford the governments concerned an opportunity of showing that the allegations in the

complaint are unjustified while, on the other hand, it may induce those guilty of deliberate or unintentional infringement of human rights to remedy the situation even before an investigation has been initiated.

The sifting of petitions in order to limit action thereon to genuine infringements is of decisive importance. The Secretary General could be empowered to declare incoming petitions "urgent" or "non-urgent", thus ruling out the vast majority of petitions on unfounded allegations. However, petitions submitted by members of the United Nations or by a Specialized Agency or by International Non-Governmental Organizations admitted under Article 71 of the Charter within the terms of their competence should automatically be considered as urgent. Urgent petitions could be dealt with by the Human Rights Commission or another body which, after proper investigation, would make its recommendations to the state concerned. Before stating its recommendations, it would be the obligation of the Human Rights Commission or the other body to contact the government involved in order to obtain information about the matter and, if possible, to effect a settlement.