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DRAFT FIRST INTERNATIONAL COVENANT ON HUMAN RIGHTS
AND MEASURES OF IMPLEMENTATION

Report of the Third Committee

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I. INTRODUCTION

1. On 10 December 1948, the General Assembly, by resolution 217 A (III), adopted and proclaimed the Universal Declaration of Human Rights. At the same time, the General Assembly, in resolution 217 E (III), "considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant and measures of implementation", requested "the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation". By resolution 191 (VIII) of 9 February 1949, the Economic and Social Council transmitted General Assembly resolution 217 E (III) to the Commission on Human Rights for the action contemplated therein.

2. The Commission on Human Rights accordingly continued to prepare and to draft the International Covenant on Human Rights and measures of implementation, and devoted most of its fifth and sixth sessions to this task. At its sixth session, the Commission prepared a draft First Covenant and draft measures of implementation and took a number of decisions connected therewith.

3. The following are the main features of the draft First Covenant on Human Rights as prepared by the Commission at its sixth session:

Part I (articles 1 and 2) and article 18 of part II provide for certain general obligations which the States Parties to the Covenant undertake; for the derogation of certain of the rights set forth in the Covenant in the case of a state of emergency officially proclaimed; there are also provisions deferring the relationship between the draft Covenant and other instruments of both national and international law.

Part II (articles 3 to 17) defines the following rights together with the limitations thereto:

Article 3 - right to life

Article 4 - prohibition of torture and cruel, inhuman or degrading treatment and punishment

Article 5 - prohibition of slavery, slave trade, servitude and forced labour

Article 6 - freedom of the person from arbitrary arrest or detention

Article 7 - prohibition of imprisonment for the non-performance of contractual obligations

Article 8 - freedom of movement

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- Article 9 - expulsion of aliens
- Article 10 - fair trial in criminal and civil cases
- Article 11 - prohibition of retroactive penal laws
- Article 12 - recognition as a person before the law
- Article 13 - freedom of thought, conscience and religion
- Article 14 - freedom of opinion, expression and information
- Article 15 - right of assembly
- Article 16 - right of association
- Article 17 - equality before the law and equal protection of the law.

Part III (articles 19 to 41) contains measures of implementation which are based on the following principles: the establishment of a Human Rights Committee composed of seven members elected by the States Parties to the Covenant; only States Parties to the Covenant would have access to the Committee; in cases of dispute, the Committee would ascertain the facts and make available its good offices to the States concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in the Covenant; the Committee would normally deal with a matter referred to it only if available domestic remedies had been invoked and exhausted in the case; the Committee would draw up a report to be sent to the States concerned and communicated to the Secretary-General of the United Nations for publication; if a solution were reached, the Committee would confine its report to a brief statement of the facts and the solution reached; if such a solution were not reached, the Committee should state in the report its conclusions on the facts.

Part IV of the draft Covenant provides in article 42 for signature, ratification and accession, and in article 45 for amendments to the Covenant. The Commission decided, however, not to discuss the drafts for articles 43 and 44 on the application of the Covenant to federal States and to Non-Self-Governing or Trust Territories, but to transmit to the Economic and Social Council for its consideration the draft texts of these articles proposed at previous sessions, together with comments and suggestions relating thereto.

4. As far as proposals for the inclusion of additional articles in the draft Covenant were concerned, that is to say, both articles referring to economic, social and cultural rights and articles not coming within this category, the Commission decided that the Covenant should be the first of a series of covenants and measures of implementation to be adopted, in order to cover the whole of the Universal Declaration of Human Rights. It decided to proceed, at its seventh

/session in 1951,

session in 1951, with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights, and requested the Economic and Social Council to confirm this decision. It also recommended to the Economic and Social Council to take steps to secure the co-operation in this field of other United Nations organs and of specialized agencies.

5. As far as access to the contemplated organ for the implementation of the Covenant, the Human Rights Committee, is concerned, the Commission on Human Rights rejected, by 7 votes to 4, with 3 abstentions, the inclusion of a provision under which the Committee could consider complaints from selected non-governmental organizations; it also rejected, by 8 votes to 3, with 3 abstentions, the inclusion in the Covenant of provisions for petitions from individuals. The Commission further expressed the opinion that it was desirable that the Human Rights Committee should be able to obtain from the International Court of Justice advisory opinions on questions of law arising in the course of its work.

6. At its eleventh session, the Economic and Social Council considered the draft Covenant on Human Rights in its broad aspects.* It gave consideration to the following questions:

- (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 of including articles on economic, social and cultural rights; and
- (d) The adequacy of the articles relating to implementation.

The Council concluded that further progress on the Covenant could not be made without basic policy decisions on the above matters being taken by the General Assembly.

It therefore transmitted the draft Covenant on Human Rights, together with relevant documentation and records of the discussion in the Council, to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the four points (a), (b), (c) and (d). The Council also requested the Commission on Human Rights to consider the draft Covenant further, bearing in

* See Council resolution 303 I (XI) of 9 August 1950.

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 (summer, 1951). At the same time, the Council requested the Secretary-General to transmit the resolution, together with the records of the debate in 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. In resolutions 303 C (XI) and 303 D (XI), the Council approved, with certain modifications, the suggested work programme of the Commission in the fields of economic, social, cultural, political and other categories of human rights.

7. The General Assembly, at its 285th meeting held on 26 September 1950, referred to the Third Committee item 63 of the agenda entitled "Draft First International Covenant on Human Rights and measures of implementation".

8. Pursuant to the decisions taken by the Economic and Social Council at its eleventh session, the General Assembly and the Third Committee respectively had before them the documentation referred to the Assembly by the Economic and Social Council, including the draft First International Covenant on Human Rights contained in the report of the sixth session of the Commission on Human Rights (E/1681) and other documents listed in a note by the Secretary-General (A/1384, paragraph 4). The Third Committee had before it also an additional note by the Secretary-General (A/C.3/534) and a subject analysis of the documentation and records (A/C.3/535).

II. GENERAL OUTLINE OF THE WORK OF THE THIRD COMMITTEE

9. The Third Committee devoted 31 meetings to the consideration of the draft Covenant and related subjects mentioned below (A/C.3/SR.287 - 316 and 318). The Committee began its work with an examination of each of the four questions referred to the General Assembly by the Economic and Social Council (see paragraph 6 above) and took up proposals concerning them at the end of the general discussion on the last of these points. The Committee considered separately a draft resolution proposed by Syria and the Philippines on the question of the territorial clause and also two additional questions which arose in the course of the proceedings of the Committee, namely, the question of the self-determination of nations and people introduced by a joint proposal of Afghanistan and Saudi Arabia (see paragraph 46 below) and the question of Human Rights Day, introduced by the United States of America (see paragraph 64 below). As a result of these discussions, the Committee adopted three draft resolutions for submission to the General Assembly:

- (a) A draft resolution on the future work of the Commission on Human Rights (resolution I);
- (b) A draft resolution on the territorial application of the Covenant (resolution II);
- (c) A draft resolution on Human Rights Day (resolution III).

10. The three draft resolutions cover those replies which the Third Committee recommends should be given to the four questions placed before the General Assembly by the Economic and Social Council as well as decisions on the two additional questions referred to in paragraph 9.

11. The arrangement of the resolutions is as follows:

- | | |
|--|--|
| A. General decisions on action to be taken by the Economic and Social Council, the Commission on Human Rights and the Secretary-General. | Preamble and sections A, G and H of the resolution entitled "Future work of the Commission on Human Rights". |
| B. General adequacy of the first eighteen articles of the draft First Covenant. | Section B of the resolution entitled "Future work of the Commission on Human Rights". |
| C. The desirability of including special articles on the application of the Covenant: | |

/(i) To federal

- (i) To federal States: Section C of the resolution entitled "Future work of the Commission on Human Rights".
- (ii) To Non-Self-Governing and Trust Territories. Resolution entitled "Territorial application of the International Covenant on Human Rights".
- D. The question of self-determination of peoples and nations. Section D of the resolution entitled "Future work of the Commission on Human Rights".
- E. The desirability of including articles on economic, social and cultural rights. Section E of the resolution entitled "Future work of the Commission on Human Rights".
- F. The adequacy of the articles relating to implementation. Section F of the resolution entitled "Future work of the Commission on Human Rights".
- The question of Human Rights Day is treated in a separate resolution.

III. DISCUSSION OF THE FOUR QUESTIONS REFERRED TO THE GENERAL ASSEMBLY
BY THE ECONOMIC AND SOCIAL COUNCIL

12. At the 288th to 291st meetings held on 18 to 20 October 1950, the Third Committee examined the first of the four questions referred to the General Assembly by the Council, namely, the general adequacy of the first eighteen articles and, in particular, the two major questions raised thereby: (i) whether the catalogue of rights contained in the first eighteen articles was adequate, i.e. whether any rights other than those dealt with in those articles should be made the subject of provisions to be included in parts I and II of the Covenant; and (ii) whether the existing eighteen articles as drafted were adequate to protect the rights to which they relate (A/C.3/534, paragraph 4).

In the course of the debates, some delegations expressed the view that the list of rights as contained in the draft was generally adequate for inclusion in the First Covenant, while others maintained that a number of rights which, in their opinion, were very important should be added to the list. Differing points of view were also expressed as regards the adequacy of the definitions and limitations contained in the draft articles. Several delegations also referred to particular provisions which, in their view, should either be deleted, added to, or changed.

13. The Committee decided to deal separately with the question of the application of the Covenant to federal States, on the one hand, and to Non-Self-Governing and Trust Territories, on the other. It discussed the question of the federal State clause at its 292nd to 294th meetings held on 25 and 26 October 1950. Some delegations pointed out that in certain federal States either all or some matters relating to human rights were not within the jurisdiction of the federal Power, but were matters of concern to state, provincial or cantonal authorities. It was explained that it was the purpose of the federal State clause to enable federal Governments to accept obligations concerning those matters which were within their jurisdiction and to recommend favourably to the state, provincial or cantonal authorities those which fall within their jurisdiction. Other delegations, however, declared that a federal State clause would be tantamount to a reservation and an escape clause and that, if a federal State clause were adopted, this would mean that different States Parties to the Covenant would undertake different obligations.

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14. The Committee discussed the question of the territorial application clause at its 294th to 296th meetings held on 26 and 27 October 1950. Some delegations pointed out, in support of including a territorial application clause, that some Non-Self-Governing Territories under their administration had reached a stage in their development towards self-government which placed them in a position to enact, through their own autonomous organs, the laws covering matters dealt with in the Covenant, and that the metropolitan Powers could therefore automatically adhere to the Covenant on behalf of such Territories without consulting their legislative organs. The majority of the Committee, however, favoured the principle of the universal application of the Covenant (see paragraph 18 below concerning the adoption of the draft resolution on the territorial application of the Covenant).

15. The Committee then took up the question of the desirability of including in the Covenant articles on economic, social and cultural rights and considered the matter at its 297th to 299th meetings held on 30 and 31 October 1950. Almost all participants in this debate were in favour of international instruments to be adopted under the auspices of the United Nations defining and guaranteeing economic, social and cultural rights. A number of speakers doubted, however, the feasibility of including articles on these rights in the present Covenant. Most speakers also emphasized the necessity of the United Nations being assisted in this task by the specialized agencies. As is stated below (paragraph 51), the Committee eventually decided in favour of including articles on economic, social and cultural rights in the present Covenant. When examining the question of economic, social and cultural rights and the assistance to be given in connexion therewith by specialized agencies, the Committee heard statements by the representatives of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization (A/C.3/SR.298, 299 and 315).

16. The discussions on the question of the adequacy of the articles relating to implementation took place at the 300 and 301st meetings held on 1 November 1950. Some delegations were of the opinion that the present articles on implementation were generally adequate, though drafting changes might be necessary. Others feared that an implementation system restricted to State-to-

State complaints was not satisfactory, and that provisions for the admission of petitions from selected non-governmental organizations or from individuals should be included. It was suggested by some delegations that provisions on the admissibility and handling of petitions should be included in a separate protocol. Observations were made concerning the composition, emoluments and competence of the proposed Human Rights Committee and as regards the relationship of the implementation machinery with the organs of the United Nations, including the General Assembly, the Trusteeship Council and the International Court of Justice. It was suggested, for example, that the proposed Human Rights Committee should submit annual reports on its work to the General Assembly and that provision should be made for the Committee to have recourse to the International Court of Justice for advisory opinions. Doubts were expressed concerning the wording of that article of the draft Covenant which deals with the exhaustion of domestic remedies. The Committee rejected a proposal for the deletion from the draft Covenant of the Articles on implementation.

IV. DRAFT RESOLUTIONS PRESENTED TO THE COMMITTEE

17. At the conclusion of the debates on the above four questions, the Third Committee had before it the following draft resolutions and proposals:

A/C.3/L.71/Rev.1: Philippines and Syria. Draft resolution according to which the provisions of the Covenant would extend or be applicable to a signatory metropolitan State as well as to all the Territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State.

A/C.3/L.74 and Add.1: Uruguay. Draft resolution according to which it would be recommended that the Commission on Human Rights, in revising the draft articles on implementation, should take into account the proposal for the creation of a permanent agency of the United Nations, to be known as an Attorney-General or High Commissioner for Human Rights, who would initiate proceedings before a standing committee upon receipt of such complaints from Governments Parties to the Covenant, individuals or groups of individuals, and would act as official plaintiff in these proceedings, who would be responsible for the general supervision of the observance of the Covenant by signatory States, who would have power to make investigations ex officio and who would attempt to secure an amicable settlement before referring the case to the implementation body.

A/C.3/L.75/Rev.1: Egypt. Draft resolution in which it would be recommended to the Commission on Human Rights to add to the safeguards expressed in article 14, paragraph 3, of the draft International Covenant on Human Rights, that of the maintenance of peace and friendly relations between States and to delete from article 13, paragraph 1, of the draft Covenant the implication concerning freedom to change one's religion or belief.

A/C.3/L.76: Brazil, Turkey and the United States of America. Joint draft resolution mapping out the future work of the Commission on Human Rights concerning the Covenant. As it was eventually decided to accept this draft resolution as the basis for the Third Committee's work it need not be summarized here (see below paragraph 19).

/A/C.3/L.77/Rev.1:

A/C.3/L.77/Rev.1: Union of Soviet Socialist Republics. Draft resolution in the preamble of which it would be stated that the general character of the first eighteen articles did not correspond to the aims envisaged either in regard to the rights enumerated in those articles or in regard to the guaranteeing of the rights to which they referred; in which it would be noted that the Covenant omitted a number of essential provisions concerning human rights and fundamental freedoms; in which it would be considered essential that the Covenant should include provisions rendering it obligatory for States to promote the implementation of the rights concerned and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms. It was also suggested that the General Assembly would recognize that the implementation of the provisions of the Covenant on Human Rights falls entirely within the domestic jurisdiction of States. In this draft resolution, it was further recommended to the Economic and Social Council to instruct the Commission on Human Rights to provide for the inclusion in the Covenant of a number of additional provisions dealing with the right to participate in the government of one's country, with the right to national self-determination, the protection of minorities, the right to freedom of expression, the limitation of propaganda on behalf of fascist or nazi views, the prohibition of incitement of hatred among the peoples, racial discrimination and the dissemination of slanderous rumours. The proposal also contained a comprehensive list of defined rights coming within the category of economic, social and cultural rights.

A/C.3/L.78: Ethiopia and France. Amendment to insert in the draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76) provisions to the effect that preparation should be made for the establishment of an implementation 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.

/A/C.3/L.79:

A/C.3/L.79: Yugoslavia. Draft resolution on the general adequacy of the first eighteen articles stating that certain basic rights had been omitted from those articles and that in their present form, they were not adequate to protect the rights to which they refer and proposing to decide that the rights to universal and equal suffrage, the right of everyone to participate in the administration of his country, the right of every member of a minority to use his own language and develop his culture, and the right of asylum should be added to those rights to be defined in the Covenant. It would also be stated in the draft resolution that the purposes and principles of the United Nations Charter should be logically implemented and properly protected against the abuse of certain rights, and that fundamental human rights and freedoms should be based on the general principles of the rights acquired by mankind in its efforts to promote human welfare and democratic relations between human beings.

A/C.3/L.80: Yugoslavia. Draft resolution by which the General Assembly would decide to include economic, social and cultural rights in the Covenant and to invite the Commission on Human Rights to incorporate in the Covenant, in the spirit of the Universal Declaration, a clearly worded provision for economic, social and cultural rights corresponding to the provision guaranteeing civic and political freedoms.

A/C.3/L.81: Chile. Draft resolution by which it would be recommended to the Economic and Social Council to give consideration to the inclusion in the Covenant of a new article or paragraph to the effect that not only a State party to the Covenant might have access to the contemplated Human Rights Committee but that the right of access to that Committee might also be exercised by non-governmental organizations duly recognized by the United Nations.

A/C.3/L.82: France. Amendment to insert in the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) a request to the Economic and Social Council to give consideration at its twelfth session, to the methods by which the specialized agencies might assist the work of the Commission on Human Rights with regard to economic, social and cultural rights.

A/C.3/L.83:

A/C.3/L.83: Greece and New Zealand. Amendment to the joint draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76) according to which the Commission on Human Rights would be requested to proceed with the consideration of additional instruments and measures dealing with economic, social, cultural and other human rights not included in the First International Covenant on Human Rights, only after the completion of the work on the First International Covenant.

A/C.3/L.84: Israel. Draft resolution by which it would be recommended to the Commission on Human Rights to insert in the provisions dealing with implementation additional provisions to the effect (a) that the right to bring cases of non-compliance with the provisions of the Covenant to the attention of the Human Rights Committee would be granted also to such non-governmental organizations enjoying consultative status with the Economic and Social Council as would be included in a list to be drawn up for this purpose by the Secretary-General in conjunction with the Chairman of the Human Rights Committee; (b) that the Human Rights Committee might (by a majority decision of the members present) be seized of cases of non-compliance with the provisions of the Covenant by parties thereto on its own motion when the facts before the Committee appeared in its view to warrant such consideration; (c) that in urgent cases, the Human Rights Committee might deviate from the provisions of articles 39 and 41 and recommend to the State or States concerned the adoption of measures designed to give immediate effect to the provisions of the Covenant. It was also contemplated in the draft resolution proposed by Israel that the Human Rights Committee should have the right to suggest to the States concerned such remedies as it deemed advisable.

V. DECISION ON THE DRAFT RESOLUTION CONCERNING THE TERRITORIAL APPLICATION OF
THE COVENANT

18. At its 302nd meeting on 2 November 1950, the Third Committee decided to take up first the draft resolution submitted by the Philippines and Syria concerning the territorial application of the Covenant (A/C.3/L.71/Rev.1). After the sponsors of the draft resolution had accepted a number of minor oral amendments, the resolution, as amended, was adopted by a roll-call vote of 30 to 11, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Greece, Netherlands, New Zealand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Denmark, Dominican Republic, France, Norway, Peru, Sweden, Thailand.

The text of the resolution is to be found at the end of the present report as resolution I.

VI. ADOPTION OF THE JOINT DRAFT RESOLUTION OF BRAZIL, TURKEY AND UNITED STATES OF AMERICA AS BASIC TEXT

19. At its 303rd meeting on 3 November 1950, the Third Committee found that among the resolutions presented to it there were two that could be described as general or "over-all" resolutions purporting to cover the whole range of the problems submitted to the General Assembly by the Economic and Social Council for policy decisions, namely, the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) and the draft resolution submitted by the Union of Soviet Socialist Republics (A/C.3/L.77/Rev.1).

The Committee first decided, by 28 votes to 13, with 4 abstentions, to adopt as the basic text for its further work one of these two "over-all" draft resolutions. Subsequently, the Committee decided, by 31 votes to 8, with 10 abstentions, to adopt as the basic text the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76). At the same meeting, delegations which had submitted draft resolutions and proposals to the Committee were requested to re-draft them in the form of amendments to the basic text of the above joint draft resolution. The delegations which had submitted proposals complied with this request, so that the Committee, when examining the joint draft resolution had eventually before it the following amendments and sub-amendments:

A/C.3/L.78: Ethiopia and France. To insert a new sub-paragraph between sub-paragraphs 2 (f) and 2 (g).

A/C.3/L.82/Rev.1: France. To insert a new paragraph between paragraphs 2 and 3.

A/C.3/L.83/Rev.1: Greece and New Zealand. Amendment to sub-paragraph 2 (e).

A/C.3/L.86: Lebanon. Amendment to sub-paragraph 2 (c).

A/C.3/L.88/Rev.1: Afghanistan and Saudi Arabia. To insert a new sub-paragraph (d) between sub-paragraphs 2 (c) and 2 (e)..

A/C.3/L.89/Rev.1: Mexico. To substitute a new text for sub-paragraph 2 (c).

A/C.3/L.91/Rev.1 and Corr.1: Israel. To insert a new text after sub-paragraph 2 (g).

A/C.3/L.92: Yugoslavia. To insert new texts after sub-paragraph 2 (a); to delete sub-paragraphs 2 (c) and 2 (d), and to replace by a new text sub-paragraph 2 (e).

A/C.3/L.93: Uruguay. To insert a new sub-paragraph after sub-paragraph 2 (g).

A/C.3/L.94/Rev.1 (Superseding A/C.3/L.87 and 90): Lebanon and the United Kingdom. Addition of a new sub-paragraph after sub-paragraph 2 (b).

A/C.3/L.96: Union of Soviet Socialist Republics. To insert three paragraphs in the Preamble; to add new texts after sub-paragraph 2 (b); to add a text at the end of sub-paragraph 2 (c); to delete sub-paragraph 2 (d); to substitute a new text for sub-paragraph 2 (e); to insert a new sub-paragraph after paragraph 2 (e).

A/C.3/L.99 (Superseding A/C.3/L.85, 97/Rev.1 and 98): Egypt, United Kingdom and United States of America. Revised text of sub-paragraph 2 (b).

A/C.3/L.101: United States of America and Yugoslavia. Amendment to the Yugoslav amendment (A/C.3/L.92).

A/C.3/L.104: Lebanon. Procedural proposal relating to the amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88/Rev.1).

A/C.3/L.106: Iraq. Amendment to the Yugoslav amendment (A/C.3/L.92).

A/C.3/L.107: Iraq. Amendment to the amendment submitted by Greece and New Zealand (A/C.3/L.83).

An amendment to insert a new sub-paragraph in paragraph 2 of the joint draft resolution (A/C.3/L.76), presented by Egypt on 14 November 1950 (A/C.3/L.103), was not accepted by the Chairman, as it had been submitted after the agreed time-limit had expired (A/C.3/SR.313).

The substance of the amendments enumerated above will be described below in connexion with the actual vote concerning them.

VII. VOTING ON THE VARIOUS PROPOSALS WHICH ARE NOW EMBODIED IN THE DRAFT RESOLUTION ON THE FUTURE WORK OF THE COMMISSION ON HUMAN RIGHTS

20. The following paragraphs describe the voting on the different parts of the joint draft resolution which was accepted by the Committee as the basic text, and on the amendments and sub-amendments submitted thereto. The present report does not show the chronological order in which the individual parts of what now is the draft resolution on the future work of the Commission on Human Rights adopted by the Committee were taken up, but is arranged according to the substance of the decisions taken as reflected in that draft resolution.

21. At the 309th meeting of the Committee on 9 November 1950, the representatives of Brazil, Turkey and the United States of America withdrew sub-paragraph 2 (d) of their draft resolution (A/C.3/L.76) as it would conflict with the Philippine and Syrian resolution adopted by the Committee on 1 November (A/C.3/541: see paragraph 18 above).

Preamble to the draft resolution on the future work of the
Commission on Human Rights

22. The Committee, having agreed at its 304th meeting held on 6 November 1950 to consider the preamble of the joint draft resolution (A/C.3/L.76) and the amendments to it after action had been taken on the operative part, decided, at its 315th meeting on 16 November 1950, to vote on the three paragraphs of the preamble to the joint draft resolution and the amendments submitted thereto by the Union of Soviet Socialist Republics (A/C.3/L.96).

23. The first paragraph of the preamble of the joint draft resolution was adopted by 37 votes to none, with 2 abstentions, as follows:

"Appreciating the priority which, in accordance with General Assembly resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation".

24. The second paragraph of the preamble to the joint draft resolution was adopted by 36 votes to none, with 2 abstentions, as follows:

"Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft Covenant on Human Rights together with relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in resolution 303 (XI) of the Economic and Social Council".

25. The Committee then voted on the USSR amendment for the insertion of three additional paragraphs in the preamble (A/C.3/L.96). The first paragraph of the amendment, which read "Noting that the articles of the draft Covenant referred to omit a number of essential provisions concerning human rights and fundamental freedoms; in particular, the right to participate in the administration of the State, the right of peoples and nations to national self-determination, and the right to employment, social security, leisure and education and other rights in the social, economic and cultural fields", was rejected by 20 votes to 8, with 11 abstentions.

26. The second paragraph of the USSR amendment was adopted by 16 votes to 15, with 12 abstentions, as follows:

"Considering it essential that the Covenant should include provisions rendering it obligatory for States to promote the implementation of 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".

27. The third paragraph of the USSR amendment, which read: "Recognizing that the implementation of the provisions of the Covenant on Human Rights falls entirely within the domestic jurisdiction of States", was rejected by a roll-call vote of 32 to 5, with 14 abstentions. The voting was as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Haiti, India, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Afghanistan, Argentina, El Salvador, Honduras, Indonesia, Iran, Mexico, Pakistan, Saudi Arabia, Syria, Union of South Africa, Venezuela, Yemen, Yugoslavia.

28. The third paragraph of the preamble of the joint draft resolution was adopted by 49 votes to none, with 2 abstentions, as follows:

"Having considered the draft Covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies".

Part A of the draft resolution on the future work of the
Commission on Human Rights

29. At the 304th meeting on 6 November 1950, the Committee considered paragraph 1 and sub-paragraph 2 (a) of the joint draft resolution (A/C.3/L.76). It adopted unanimously (by 39 votes to none, with no abstentions) paragraph 1 of the operative part of the joint draft resolution, as follows:

"Commends the Commission on Human Rights for the important work it has thus far accomplished."

30. At the same meeting, the Committee decided, by 18 votes to 16, with 15 abstentions, to vote on sub-paragraph 2 (a) in two parts, the first part consisting of the request "to continue to give priority in its (the Commission's) work to the completion of the draft International Covenant on Human Rights and measures for its implementation", and the second part consisting of the clause "in order that the General Assembly may at its sixth session have before it the revised draft of this Covenant".

The first part was adopted unanimously (by 52 votes to none, with no abstentions), and the second part by 41 votes to 3, with 6 abstentions.

31. The introductory phrase to paragraph 2 and sub-paragraph 2 (a) as a whole were adopted in the following form by 48 votes to none, with 2 abstentions:

"Calls upon the Economic and Social Council to request the Commission on Human Rights;

(a) To continue to give priority in its work to the completion of the draft International Covenant on Human Rights and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this Covenant."

Part B of the draft resolution on the future work of the Commission on
Human Rights (general adequacy of the first eighteen articles)

32. At its 305th meeting held on 6 November 1950, the Committee decided, by 22 votes to 15, with 10 abstentions, to vote first on the paragraph of the Yugoslav amendment (A/C.3/L.92) to sub-paragraph 2 (b) of the joint draft resolution beginning with the words "Decides that the following rights should be added to the list of rights to be defined in the Covenant", with the understanding that the two introductory paragraphs of the Yugoslav amendment beginning with the word "Considering" (subsequently orally changed into "Considers") would be voted upon later. The Committee voted separately on the words: "Decides that the following rights should be added to the list of the rights to be defined in the
/Covenant"

Covenant" and rejected them by 24 votes to 18, with 5 abstentions. In view of this vote, it was found unnecessary to put the remainder of this part of the Yugoslav amendment (sub-paragraphs (a), (b), (c) and (d)) to the vote.

33. The Committee thereupon proceeded to vote on the USSR amendment to sub-paragraph 2 (b) (section II of A/C.3/L.96). The Committee decided, by 20 votes to 18, with 18 abstentions, to take a separate vote on the clause of the USSR amendment reading as follows: "In drafting the Covenant, to have in mind the inclusion therein of the following provisions...". This clause was rejected by a roll-call vote of 28 to 17, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, India, Indonesia, Iraq, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, Denmark, Dominican Republic, Egypt, Ethiopia, France, Greece, Guatemala, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Ecuador, Iran, Liberia, Yemen.

Accordingly, the five subsequent paragraphs of the USSR amendment were not put to the vote.

34. The representative of Egypt and of the United States of America having withdrawn their amendments (A/C.3/L.85 and L.97/Rev.1 and A/C.3/L.98 respectively) in favour of the joint amendment by Egypt, the United Kingdom and the United States of America (A/C.3/L.99), the Committee proceeded to vote on this joint amendment. The amendment was to add after the words "To take into consideration in its work of revision of the draft Covenant, the views expressed during the discussion of the draft Covenant in this session of the General Assembly and in the eleventh session of the Economic and Social Council" the following words: "including those relating to articles 13 and 14 of the draft Covenant and, with a view to the addition, in this first Covenant or in other instruments, of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92."

/The Committee

The Committee first voted on a Mexican amendment to delete the words "first" and "or in other instruments" from the joint amendment (A/C.3/L.99). The Mexican amendment was adopted by a roll-call vote of 28 to 18, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Peru, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Denmark, Dominican Republic, France, Greece, Netherlands, New Zealand, Norway, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Lebanon, Pakistan, Philippines.

35. The joint amendment by Egypt, the United Kingdom and the United States of America to sub-paragraph 2 (b), as amended, was adopted by 25 votes to 18, with 6 abstentions. Thereupon, sub-paragraph 2 (b), as amended, was adopted, as a whole, by 27 votes to 13, with 7 abstentions, as follows:

"(b) To take into consideration in its work of revision of the draft Covenant the views expressed during the discussion of the draft Covenant in this session of the General Assembly and in the eleventh session of the Economic and Social Council, including those relating to articles 13 and 14 of the draft Covenant and, with a view to the addition in this Covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92."

36. At the 307th meeting on 8 November 1950, the Committee adopted, by 25 votes to 16, with 9 abstentions, the following first paragraph of the Yugoslav amendment (A/C.3/L.92):

"Considers that the list of rights in the first eighteen articles of the draft Covenant on Human Rights does not contain certain of the most elementary rights".

37. Thereupon, the Committee adopted, by 48 votes to none, with 2 abstentions, the following revised text of the second paragraph of the Yugoslav amendment (A/C.3/L.92):

/"Considers

"Considers that the present wording of some of the first eighteen articles of the draft Covenant on Human Rights should be improved in order to protect more effectively the rights to which they refer".

38. The delegations of the United States of America and Yugoslavia presented a joint amendment (A/C.3/L.101) to replace those parts of the Yugoslav amendment to paragraph 2 (b) which followed upon the four sub-paragraphs (a), (b), (c) and (d) of the Yugoslav amendment (A/C.3/L.92) by the following:

"Considers that in the drafting of the Covenant on Human Rights account should be taken of the principles and purposes of the Charter of the United Nations and that these principles and purposes of the Charter of the United Nations should be consistently applied and assiduously protected."

This joint amendment was adopted, at the 309th meeting on 9 November, by 43 votes to none, with 2 abstentions.

39. At the 307th meeting on 8 November 1950, the Committee adopted, by 39 votes to none, with 10 abstentions, the following amendment submitted by Lebanon and the United Kingdom (A/C.3/L.94/Rev.1) to add a new sub-paragraph to paragraph 2 of the joint draft resolution:

"To take into consideration in its work of revision of the draft Covenant, the view, expressed during the discussion of the draft Covenant in this session of the General Assembly and in 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".

Part C of the draft resolution on the future work of the
Commission on Human Rights (the federal clause)

40. At the 309th meeting, the USSR amendment (A/C.3/L.96) to add at the end of sub-paragraph 2 (c) of the joint draft resolution, after the words "constitutional problems of federal States" the following: "the intention being to extend the provisions of the Covenant without any exceptions or restrictions to all parts of federal States." was rejected by a roll-call vote of 21 to 6, with 21 abstentions. The voting was as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

/Against:

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Argentina, Burma, Chile, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Iraq, Israel, Mexico, Nicaragua, Pakistan, Saudi Arabia, Syria, Uruguay, Venezuela.

41. The Committee also rejected, by a roll-call vote of 21 to 12, with 13 abstentions, the following part of the Mexican amendment (A/C.3/L.89/Rev.1), reading: "To study the problem of the so-called federal clause in order to obtain a formula that will positively prevent the possibility of the non-application of the Covenant in any one or more of the territories forming a federation..." The voting was as follows:

In favour: Argentina, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Iraq, Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Denmark, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Burma, Dominican Republic, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Israel, Nicaragua, Pakistan, Saudi Arabia, Syria, Venezuela.

The second part of the Mexican amendment proposed orally by the representative of Mexico to add to the above-mentioned text the words "five years after the ratification of the Covenant" was consequently not put to the vote".

42. Following the rejection of the USSR and Mexican amendments, the Committee, at the same meeting, adopted by a roll-call vote of 27 to 6, with 16 abstentions, the Lebanese amendment (A/C.3/L.86) to insert after the words "Have as their purpose" in sub-paragraph 2 (c) of the joint draft resolution the

words "securing the maximum extension of the Covenant to the constituent units of federal States, and...". The vote was as follows:

In favour: Australia, Belgium, Bolivia, Brazil, Canada, China, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Greece, India, Iran, Israel, Lebanon, Netherlands, New Zealand, Norway, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Cuba, Denmark, Iraq, Mexico, Peru, Yugoslavia.

Abstaining: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Indonesia, Nicaragua, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

43. An oral Chinese amendment to replace the word "the" (before "federal State article") by the word "a" in the first line of sub-paragraph 2 (c) of the joint draft resolution was adopted by a roll-call vote of 16 to 9, with 22 abstentions. The voting was as follows:

In favour: Argentina, China, El Salvador, Ethiopia, Iran, Iraq, Netherlands, New Zealand, Peru, Philippines, Syria, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, France, Mexico, Nicaragua, Thailand, Turkey, United States of America.

Abstaining: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, Dominican Republic, Greece, India, Indonesia, Israel, Lebanon, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

44. An oral amendment by Australia for the substitution of the word "positions" for the word "problems" in the last line of sub-paragraph 2 (c) of the joint draft resolution was rejected by 12 votes to 9, with 24 abstentions.

45. Sub-paragraph 2 (c), as amended, was adopted in the following form by a roll-call vote of 31 to 3, with 14 abstentions:

"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 securing the maximum extension of the Covenant to the constituent units of federal States, and meeting the constitutional problems of federal States."

The voting was as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, Dominican Republic, El Salvador, Ethiopia, France, Greece, India, Iran, Israel, Lebanon, Netherlands, New Zealand, Nicaragua, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Denmark, Mexico, Yugoslavia.

Abstaining: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Indonesia, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Part D of the draft resolution on the future work of the
Commission on Human Rights

46. At its 309th to 311th meetings on 9 and 10 November 1950, the Committee discussed the joint amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88) relating to the right of peoples and nations to self-determination. In document A/C.3/L.88 the sponsoring Delegations had suggested that the General Assembly call upon the Economic and Social Council to request the Commission on Human Rights to study the problem of the right of peoples and nations to self-determination. In a revised version of the amendment (A/C.3/L.88/Rev.1), they had proposed that the study should refer to the right of nations to self-determination. Subsequently, however, the representatives of the two countries withdrew the revised version of the proposal so that, at its 311th meeting, the Committee voted upon the original text of document A/C.3/L.88 dealing with the right of both peoples and nations to self-determination. The amendment was adopted by a roll-call vote of 31 to 16, with 5 abstentions, as follows:

"To study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session."

/The voting was

The voting was as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, France, Greece, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Ethiopia, Lebanon, Thailand, Venezuela.

47. Thereupon the Committee rejected by a roll-call vote of 16 to 7, with 28 abstentions a Lebanese proposal whereby the General Assembly would decide to include in the agenda of its sixth session as a separate item the question of the study of ways and means which would ensure the right of nations to self-determination (A/C.3/L.104). The voting was as follows:

In favour: Denmark, Ethiopia, Iraq, Lebanon, Mexico, Netherlands, Peru.

Against: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Guatemala, India, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

Abstaining: Argentina, Brazil, Canada, Chile, China, Cuba, Dominican Republic, Egypt, France, Greece, Haiti, Honduras, Indonesia, Iran, Israel, Nicaragua, Norway, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela.

Part E of the draft resolution on the future work of the
Commission on Human Rights

48. At its 312th and 313th meetings on 13 and 14 November, the Committee examined sub-paragraph 2 (c) of the joint draft resolution to which there were the following amendments: USSR amendment (A/C.3/L.96); Iraqi amendment to the Yugoslav amendment (A/C.3/L.106); Yugoslav amendment (A/C.3/L.92); Iraqi

/amendment

amendment (A/C.3/L.107) to the amendment submitted by Greece and New Zealand (A/C.3/L.83/Rev.1); amendment by Greece and New Zealand (A/C.3/L.83/Rev.1).

49. At its 313th meeting, the Committee, rejected by 25 votes to 14, with 10 abstentions, the motion for voting by division on the various paragraphs of the USSR amendment concerning economic, social and cultural rights. Thereupon, the Committee voted on the following USSR amendment as a whole:

"V. Delete paragraph 2 (e) and replace by the following:

"Include in the said draft Covenant on Human Rights the following provisions concerning human rights in the economic, social and cultural spheres:

"1. The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.

"2. Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provision of free elementary education, a system of scholarships and the requisite system of schools.

"3. It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to create conditions which will exclude the threat of death from hunger and from exhaustion.

"4. The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable limitation of working hours and for periodic holidays with pay.

"5. Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.

"6. The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.

"7. Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.

"8. The right freely to combine in trade unions shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views.

"Trade unions shall be guaranteed the right freely to pursue their activities directed towards improving the life and economic welfare of workers, and all regulations of whatever kind directed against trade union organizations by hired workers and employees shall be prohibited.

"9. Trade union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade unions and their members. Public authorities or officials shall be required to abstain from founding, financing or interfering in the direction of trade union organizations.

"10. Legislative measures shall be adopted to enable trade union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.

"11. Trade union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade union organizations.

"12. The right to strike shall be guaranteed.

"13. No one may prevent an international trade union organization from fulfilling its functions and communicating with the organizations affiliated to it."

The USSR amendment was rejected by 26 votes to 8, with 15 abstentions.

50. Thereupon, the Committee voted next on the amendment submitted by Iraq (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92) to add after the words "Decides to include economic, social and cultural rights in the draft Covenant on Human Rights", in section 3 of the Yugoslav amendment the words "and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations". The Iraqi amendment was adopted, at the 313th meeting of the Committee, by 34 votes to none, with 13 abstentions.

51. At the same meeting, the Yugoslav amendment, amended by the Iraqi amendment, was adopted by 23 votes to 17, with 10 abstentions, to replace subparagraph 2 (e) of the joint draft resolution. The wording was as follows:

/"Whereas the

"Whereas the Covenant on Human Rights should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights;

"Whereas the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong;

"Whereas the enjoyment of civic and political freedoms and that of economic, social and cultural rights are interconnected and interdependent;

"Whereas when deprived of economic, social and cultural rights man does not represent the human person whom the Universal Declaration regards as the ideal of the free man;

"Decides to include economic, social and cultural rights in the draft Covenant on Human Rights and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations;

"Calls upon the Economic and Social Council to request the Commission on Human Rights in accordance with the spirit of the Universal Declaration of Human Rights to include in the Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms to be proclaimed by the Covenant."

The Iraqi amendment to the New Zealand-Greece amendment and the New Zealand-Greece amendment itself were consequently not put to the vote.

52. At its 314th meeting on 15 November 1950, the Committee adopted unanimously (by 43 votes to none, with no abstentions) paragraph 2 (f) of the joint draft resolution (A/C.3/L.76) calling upon the Economic and Social Council to request the Commission on Human Rights

"to take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of specialized agencies in the consideration of such rights" (i.e. economic, social and cultural rights).

53. At its 315th meeting, the Committee adopted by 36 votes to none, with 1 abstention, the following amendment by France (A/C.3/L.82/Rev.1) as a new paragraph to be inserted in the joint draft resolution:

"Requests the Economic and Social Council to give consideration, at its twelfth session, to the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights".

Part F of the draft resolution on the future work of the Commission on Human Rights (adequacy of the articles of implementation)

54. At its 314th meeting on 15 November 1950, the representative of Mexico suggested that the Commission on Human Rights should be allowed to examine certain proposals concerning implementation which had been made before the Third Committee, a decision to this effect not amounting to a commitment of delegations to any or all of those proposals. He therefore moved that the following amendment be added at the end of sub-paragraph 2 (g) of the joint draft resolution:

"and to take into consideration in their studies of questions relative to petitions and implementation the proposals presented by the delegations of Chile, Ethiopia and France, Israel, Uruguay, in documents A/C.3/L.81, A/C.3/L.78, A/C.3/L.91/Rev.1, A/C.3/L.91/Rev.1/Corr.1 and A/C.3/L.93".

In so far as it referred to the Chilean proposal (A/C.3/L.81), the Mexican amendment was adopted by 24 votes to 11, with 11 abstentions.

In so far as it referred to the joint French-Ethiopian proposal (A/C.3/L.78), the Mexican amendment was adopted by 33 votes to 8, with 5 abstentions.

In so far as it referred to the Israeli proposal (A/C.3/L.91/Rev.1 and Corr.1), the Mexican amendment was adopted by 21 votes to 16, with 10 abstentions.

In so far as it referred to the Uruguayan proposal (A/C.3/L.93), the Mexican amendment was adopted by 21 votes to 16, with 8 abstentions.

The Mexican amendment as a whole was adopted by 28 votes to 9, with 8 abstentions.

55. The sponsors of the joint draft resolution accepted the proposal of Israel for the insertion of the words "of provisions to be inserted in the draft Covenant or" between the words "consideration" and the words "in separate protocols..." in the text of sub-paragraph 2 (g) of the joint draft resolution. The Committee adopted the following part of this paragraph by 26 votes to 10, with 7 abstentions:

"To proceed with the consideration of provisions to be inserted in the draft Covenant,.....".

56. A separate vote was taken on the words "or in separate protocols" which followed the words of sub-paragraph 2 (g) just adopted, and it was decided by 21 votes to 10, with 13 abstentions, to retain these words.

57. Thereupon, the Committee adopted, by 26 votes to 11, with 7 abstentions, the remainder of sub-paragraph 2 (g) of the joint draft resolution (A/C.3/L.76)

/consisting

consisting of the words "for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights".

58. The division of the voting on the amended paragraph as a whole having been requested, the Committee voted on the first part of the amended text consisting of the joint amendment, without the Mexican amendment, reading as follows: "To proceed with the consideration of provisions to be inserted in the draft Covenant or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights". Eight members voted in favour of this text, 21 against, and 13 abstained.

59. Subsequently, however, the Committee adopted, by 28 votes to 13, with 3 abstentions, a motion to reconsider the separate voting on this part of the paragraph and also the result of this separate voting, namely, the decision to reject this part of the paragraph. Thereupon, the whole of sub-paragraph 2 (g), as amended, was put to the vote as a whole, and was adopted in the following form by 24 votes to 11, with 11 abstentions:

"To proceed with the consideration of provisions to be inserted in the draft Covenant or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights; and to take into consideration in their studies of questions relative to petitions and implementation, the proposals presented by the delegations of Chile, Ethiopia and France, Israel, Uruguay, in documents A/C.3/L.81, A/C.3/L.78, A/C.3/L.91/Rev.1, A/C.3/L.91/Corr.1 and A/C.3/L.93."

60. At its 314th meeting on 15 November 1950, the Committee also considered the amendment by the USSR (A/C.3/L.96) to the effect that the articles on implementation (articles 19 to 41) should be deleted from the draft International Covenant on Human Rights since their inclusion would constitute an attempt at intervention in the domestic affairs of States and would encroach on their sovereignty. This Soviet amendment was rejected by a roll-call vote of 29 to 5, with 12 abstentions. The voting was as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

/Against:

Against: Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Greece, Guatemala, Haiti, Israel, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Afghanistan, Argentina, Burma, Egypt, India, Iran, Iraq, Mexico, Pakistan, Saudi Arabia, Syria, Yugoslavia.

Part G of the draft resolution on the future work of the
Commission on Human Rights

61. At its 315th meeting on 16 November 1950, the Committee adopted by 29 votes to none, with 2 abstentions, sub-paragraph 2 (h) of the joint draft resolution by which the Commission on Human Rights was requested "to report to the thirteenth session of the Economic and Social Council concerning the above matters".

Part H of the draft resolution on the future work of the
Commission on Human Rights

62. At its 315th meeting on 16 November 1950, the Committee also adopted, by 37 votes to none, with 1 abstention, paragraph 3 of the joint draft resolution, reading as follows:

"Requests the Secretary-General to invite Member States to submit their views by 15 February 1951 concerning the draft International Covenant on Human Rights as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it in its further consideration of the draft Covenant at its seventh session."

VIII. VOTING ON THE DRAFT RESOLUTION ON THE FUTURE WORK OF THE
COMMISSION ON HUMAN RIGHTS AS A WHOLE

63. The Committee, having considered and voted upon all the parts of the joint draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76) and the amendments submitted thereto, agreed, at the 315th meeting on 16 November 1950, to postpone the voting on the draft resolution as a whole until the officers of the Committee, with the assistance of the Secretariat, had prepared a consolidated and rearranged text of the whole draft resolution as it had been adopted in parts. The officers of the Third Committee presented to the 318th meeting of the Committee held on 17 November 1950, a proposal for a consolidated text of the draft resolution (A/C.3/L.111). The text of the draft resolution as a whole, as contained in that proposal was adopted at that meeting by 29 votes to 5, with 13 abstentions. It was also agreed at that meeting that this draft resolution should be called "Draft Resolution on the Future Work of the Commission on Human Rights". The text of the resolution thus adopted will be found in Part X of the present report (resolution I).

IX. DRAFT RESOLUTION ON HUMAN RIGHTS DAY

64. At its 315th and 316th meetings held on 16 November 1950, the Committee considered a proposal by the United States of America concerning the proclamation of Human Rights Day (A/C.3/L.102). The Committee also had before it in this connexion a memorandum from the Secretary-General (A/C.3/542). The Committee, by 44 votes to none, with 4 abstentions, adopted the draft resolution with certain amendments (A/C.3/543), the text of which will be found in section X below (resolution III).

X. RECOMMENDATIONS OF THE THIRD COMMITTEE

65. The Third Committee therefore recommends to the General Assembly the adoption of the following three resolutions:

RESOLUTION I

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES
OF IMPLEMENTATION: FUTURE WORK OF THE
COMMISSION ON HUMAN RIGHTS

The General Assembly,

Appreciating the priority which, in accordance with General Assembly Resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation,

Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft Covenant on Human Rights together with relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in Resolution 303 (XI) of the Economic and Social Council,

Considering it 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,

Having considered the draft covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies:

A.

Commends the Commission on Human Rights for the important work it has thus far accomplished;

Calls upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft International Covenant on Human Rights and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this Covenant.

B.

Considers

(a) that the list of rights in the first eighteen articles of the Draft

/Covenant

Covenant on Human Rights does not contain certain of the most elementary rights;

(b) that the present wording of some of the first eighteen articles of the draft Covenant on Human Rights should be improved in order to protect more effectively the rights to which they refer;

(c) that in the drafting of the Covenant on Human Rights account should be taken of the principles and purposes of the Charter of the United Nations and that these principles and purposes of the Charter of the United Nations should be consistently applied and assiduously protected;

Calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration in its work of revision of the draft Covenant:

- (i) the views expressed during the discussion of the draft Covenant in this session of the General Assembly and in the eleventh session of the Economic and Social Council, including those relating to articles 13 and 14 of the Draft Covenant and, with a view to the addition in this covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92;
- (ii) the view, expressed during the discussion of the draft Covenant in this session of the General Assembly and in 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.

C.

Calls 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 securing the maximum extension of the Covenant to the constituent units of federal states, and meeting the constitutional problems of federal states.

D.

Calls upon the Economic and Social Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session.

/Whereas

E.

Whereas the Covenant on Human Rights should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights;

Whereas the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong;

Whereas the enjoyment of civic and political freedoms and that of economic, social and cultural rights are interconnected and interdependent;

Whereas when deprived of economic, social and cultural rights man does not represent the human person whom the Universal Declaration regards as the ideal of the free man;

(a) Decides to include economic, social and cultural rights in the draft Covenant on Human Rights and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations;

(b) Calls 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 Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the Covenant;

(c) Calls upon the Economic and Social Council to request the Commission on Human Rights to take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of Specialized Agencies in the consideration of such rights;

(d) Requests the Economic and Social Council to give consideration at its twelfth session, to the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights.

F.

Calls upon the Economic and Social Council to request the Commission on Human Rights to proceed with the consideration of provisions to be inserted in the draft Covenant or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights; and to take into consideration in their studies of questions relative to petitions and implementation the proposals presented by the delegations of Chile, Ethiopia and France, Israel, Uruguay, in

documents A/C.3/L.81, A/C.3/L.78, A/C.3/L.91/Rev.1, A/C.3/L.91/Rev.1/Corr.1 and A/C.3/L.93.

G.

Calls upon the Economic and Social Council to request the Commission on Human Rights to report to the thirteenth session of the Economic and Social Council concerning the above matters.

H.

Requests the Secretary-General to invite Member States to submit their views by 15 February 1951 concerning the draft International Covenant on Human Rights as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it in its further consideration of the draft Covenant at its seventh session.

RESOLUTION II

TERRITORIAL APPLICATION OF THE INTERNATIONAL COVENANT ON HUMAN RIGHTS

The General Assembly,

Requests the Commission on Human Rights to include the following article in the International Covenant on Human Rights:

Article

"The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan State".

DRAFT FIRST INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

RESOLUTION III

HUMAN RIGHTS DAY

The General Assembly,

Considering that on 10 December 1948 the General Assembly proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

Considering that the Declaration marks a distinct forward step in the march of human progress,

/Considering that

Considering that the anniversary of this event should be appropriately celebrated in all countries as part of a common effort to bring the Declaration to the attention of the peoples of the world,

Expressing its appreciation to all those countries, Members or non-members of the United Nations which have already celebrated this anniversary,

Invites all States and interested organizations to adopt 10 December of each year as Human Rights Day, and observe this day to celebrate the proclamation of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948, and to exert increasing efforts in this field of human progress,

Invites all States and interested organizations to report annually through the Secretary-General concerning the observance of Human Rights Day.
