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COMMISSION ON HUMAN RIGHTS  
HUMAN RIGHTS YEARBOOK

MEMORANDUM ON CONTENTS OF FORTHCOMING YEARBOOKS  
(YEARBOOK FOR 1947, TO BE PUBLISHED IN 1948)

The Human Rights Yearbook for 1946 is the first of a series. It constitutes an initial experiment. The Secretariat has been confronted with delicate and difficult problems and has dealt with them without explicit and detailed instructions from the Commission on Human Rights. Some of these problems it has solved provisionally, others it has deferred.

The present memorandum outlines what has been done and what might be done. The Secretariat offers a few suggestions and asks a few questions. The Commission on Human Rights is requested to state whether it approves of what has been done, and to indicate its wishes with regard to the future.

The contents of the Yearbook are of two kinds: on the one hand, quotations, that is to say, reprints of the texts of constitutions, laws and regulations; on the other hand, surveys and studies written either by the Secretariat or by experts selected by the Secretariat or appointed by Governments of States Members of the United Nations.

## I. TEXTS

### 1. Constitutional Texts

The Yearbook for 1946 contains a great many constitutional texts. The Yearbook for 1947 will also contain a considerable number. Newly-created States adopt a Constitution, countries in which the regime has altered or which feel the need to reform their Constitution adopt a new one.

Constitutional texts may be divided into two categories:

#### A. DECLARATION OF RIGHTS

The text of such declarations will continue to be given in extenso.

#### B. OTHER CONSTITUTIONAL TEXTS

The 1946 Yearbook confines itself to quoting provisions affecting human rights. Two changes might be considered:

1. While adhering to the criterion already adopted, we might add the provisions with regard to suffrage, or at any rate the more important of these provisions, which are those concerning the categories of persons entitled to or deprived of the right of vote, and the age at which persons are entitled to vote.
2. We might go further and decide to publish the full text of constitutions.

The latter solution has the following reasons to commend it:

(a) The Constitutions organize the powers of the State and determine the political regime. This greatly influences the regime of human rights, its orientation, development and effective application;

(b) A publication kept up-to-date which would give the text of all the constitutions of the world would be of great value to all those interested in political science, constitutional law and international politics. From the latter standpoint, it is the constitutions which determine the competence of the organs of the State in the international field.

2. Principal Laws Affecting Human Rights Promulgated During the Year 1947

A survey of these laws in all the countries of the world is a particularly difficult task which can only be successfully accomplished with the assistance of "correspondents" living in the countries concerned and fully conversant with legislative activity as a whole.

Different points of view must be considered.

(a) Selection of Correspondents - Comparatively few people in any country are conversant with legislative activity, and those who are thoroughly familiar with the whole picture are rare indeed. Some specialize in private law, others in penal law; some are conversant with constitutional law, others with social legislation (protection of labour, social insurance), and others again with economic legislation (regulation of the professions, nationalization). Moreover, it is difficult everywhere to find people who are willing to perform a thankless task without remuneration.

In these circumstances, it would seem that Governments should be asked to appoint officers (professors of law or administrators) to furnish the Secretariat with the information it requires. These officers would do the work at their own Government's request. As they would be dealing with questions which interested them professionally, they would be able to supply accurate and complete information without much trouble. For this type of information, indeed, we should apply to persons who are already familiar with the laws, and who can procure the desired information without lengthy research.

Possibly the United Nations should pay the correspondents some remuneration.

(b) What would the correspondents do? Correspondents would furnish in the original language the texts selected by them, drawing the Secretariat's attention to their most interesting features. The texts would be translated by the Secretariat.

(c) Use to be made of such texts. It does not seem possible to adopt the same rule for ordinary laws as for constitutions, i.e. to publish the relevant texts in extenso. These texts will be of very unequal value. A flexible method would be: (i) to quote the texts of the more important laws (in extenso, or giving extracts); (ii) to mention certain other laws by indicating merely the innovations introduced; (iii) to mention certain other laws without quotations or explanations; (iv) not to mention anything of very minor interest.

3. Jurisprudence Affecting Human Rights.

It is desirable that the Yearbook should contain information on jurisprudence similar to that on legislation. Such information will be particularly necessary when the United Nations has established a system for the international safeguarding of human rights.

That, however, is complicated work which would require the collaboration of a team of experts.

4. Treaties

The Yearbook for 1947 will give the texts of provisions affecting fundamental human rights contained in international treaties coming into force during the year. The peace treaties and trusteeship agreements will be particularly interesting from this point of view.

5. Outstanding Historical Documents Affecting Human Rights.

Lastly, it might perhaps be well to include in one of the forthcoming editions of the Yearbook the text of the outstanding historical documents such as the Magna Carta of 1215, the Habeus Corpus Act of 1673, the American Declaration of Independence of 1776, the Declaration of the Rights of Man and the Citizen of 1789, etc.

II. SURVEYS, STUDIES AND HISTORICAL NOTES

This covers everything except quotations and summarized texts.

A. GENERAL REMARKS

1. Utility of Commentaries

Except in one case,\* commentaries are not really indispensable. They are accessories, but may be extremely useful. The commentaries give the reader factual information which he may need, and explanations which will help him to a better understanding of the meaning or significance of a text, and they will make the book more vivid and hold the attention of the reader who has not made a special study of law and politics.

2. Requirements which Must in Any Case be Fulfilled by the Commentaries

(a) They should only deal with law - i.e. the actual texts, and not their application. For instance, the law ordains that primary instruction is compulsory for all. There is no need to enquire whether schools exist everywhere and whether the obligation imposed by the law is being complied with.

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\* Where there is no written Constitution, or where it does not refer to human rights (for instance, the United Kingdom of Great Britain and Northern Ireland), or where a survey of the human rights regime is intended as a substitute for non-existent constitutions.

(b) They should abstain from passing judgment on the merits of the human rights regime existing in the various countries. The object of this publication is to provide precise information, not to pass judgment.

(c) Should the Commission see fit to publish commentaries concerning the human rights regime in all countries, it should decide whether the writing of these commentaries is to be entrusted to the Secretariat, which is bound by the above rules, or whether the Government should be asked to supply them (or appoint experts to do so).

## B. VARIOUS TYPES OF COMMENTARIES

Commentaries may fit in with various conceptions: "surveys", "historical notes", "studies".

### 1. Surveys

Surveys would describe the human rights regime for countries which have no written constitutions (the United Kingdom of Great Britain and Northern Ireland) or where the constitution contains no mention of human rights (as in the case of the French Constitution of 1875).

These surveys, as has been said, will be needed if we are to avoid gaps in the Yearbook.

The surveys in the 1946 Yearbook were drafted by specialists, in some cases appointed by their Governments and in others chosen by the Secretariat.

The Commission will decide what method it wishes to be adopted in the future.

### 2. Historical Notes

It has been suggested that notes summarizing the constitutional history of each State from the standpoint of human rights be included in the Yearbook. These historical notes should deal not only with the past but with the present, that is to say, the constitution in force and the laws by which it is supplemented.

Nevertheless, it is by no means easy to draft such notes without conveying, at least indirectly, some opinion on the facts of history. Under these conditions, the Secretariat has not thought it advisable to publish historical notes in the 1946 Yearbook, and feels that it is for the Commission to take a decision as regards their possible inclusion in some later edition.

When would the historical notes be published?

They would be published once. A new historical note would only be published when the text of a new constitution was published. Each year, however, there might be a supplement relating outstanding events since the publication of the historical note.

3. Studies

If historical notes are published, studies should not be a mere duplication of such notes.

The studies might either give a general view of the human rights regime in a given country, explain any changes that had taken place in the regime (new Constitution), or in some aspect of the regime (protection of individual liberty, the press, education, nationalization, etc.), or deal from the historical and modern point of view with some particular aspect of the human rights regime.

The studies published in the first Yearbook were all written by experts outside the Secretariat. Should the Secretariat be left as a rule to select the authors of such studies on its own responsibility, or should the choice be made in collaboration with the Governments concerned?

All these questions are raised so that future volumes of the Yearbook may be prepared according to a uniform method, and so that the duties and responsibilities of the Secretariat may be clearly defined.

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