

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

REPORT OF THE SUB-COMMITTEE APPOINTED TO EXAMINE THE
HUMAN RIGHTS YEARBOOK, THE REPORT OF THE WAR CRIMES
COMMISSION AND TO STUDY THE EVOLUTION OF
HUMAN RIGHTS

The Sub-Committee on the Human Rights Yearbook, consisting of Mr. DEHOUSSE (Belgium), Mr. LOUFTI (Egypt), Mr. RIBNIKAR (Yugoslavia), met on Thursday, 11 December 1947. Mr. DEHOUSSE was chosen as Chairman, Mr. LOUFTI as Rapporteur.

The Sub-Committee reached the following conclusions on the three categories of questions to be examined:

SECTION IHUMAN RIGHTS YEARBOOKI - Introduction

The Sub-Committee considered that the introduction to future volumes of the Yearbook should be more explicit than the introduction to the Yearbook for 1946. The reader should be informed of the place occupied by human rights in the Charter of the United Nations, of the respective parts played by the Economic and Social Council and by the Commission on Human Rights in this matter, and should be given a historical retrospect of the work started by the organs of the United Nations.

The very long list of collaborators to the Yearbook which takes up too much space should be reduced to a short note.

II - The Texts

The Sub-Committee considered the various categories of texts suitable for inclusion in the Yearbook: Constitutions, ordinary laws, court decisions, international treaties.

1) Constitutions

(a) The Sub-Committee wondered whether it would not be better to give the complete text of the Constitutions with the provisions relating to human rights printed in bold type, instead of reproducing those provisions alone.

While recognizing the value of a publication giving the full text of all the Constitutions in the world, the Sub-Committee finally decided against such an extension. It considered on the one hand that the size of the Yearbook should not be unduly

enlarged, so as to keep it if possible to a single volume, and, on the other, that the Yearbook's character as a work dealing exclusively with human rights should be preserved.

(b) The Sub-Committee felt, however, that all provisions relating to suffrage, incorporated in the actual Constitutions, should be given, seeing that the right to vote constitutes one of the human rights recognized by the International Declaration now in course of preparation.

2) Ordinary Laws

The Sub-Committee devoted special attention to ordinary legislation (laws, various regulations) relating to human rights. One of the main functions of the Yearbook should be to provide information on the general evolution of legislation relating to the various human rights in different countries, since there is at present no publication in existence which gives the public an overall view of such legislation.

But a survey of this voluminous and complex legislation from all countries constitutes a very difficult task.

In order to accomplish it, the Sub-Committee considered that it would be necessary to ask each Government to appoint one or more correspondents who would be responsible for providing the Secretariat with the necessary documents, accompanied, when necessary, by the appropriate explanations. In fact the Secretariat, which already possesses a network of private contacts, could suggest the names of these correspondents to Governments, requesting them to appoint others, should they prefer to do so.

It would of course be left to the Secretariat to decide on the use to be made of the documents supplied, bearing in mind the size of the Yearbook and its general purpose. The Secretariat should adopt a flexible method. For instance, it might quote the text of the most important laws, or merely mention certain other laws pointing out the innovations they contain, or again simply mention the titles of certain laws.

3) Jurisprudence

With regard to court decisions affecting human rights, the Sub-Committee, while recognizing the interest attaching to them, considered that for the time being they should not be dealt with in the Yearbook.

On the one hand the subject-matter is very formidable, and can only be fully grasped by the specialist of each country's legal system, while on the other the selection of court decisions, in contrast to that of laws, is a particularly delicate task, being largely a matter of personal judgment. Later on, the question might be reconsidered, should larger credits be made available for the Yearbook.

4) International Treaties

The Sub-Committee considered that all provisions directly affecting human rights contained in International Treaties registered with the United Nations Secretariat should be cited.

III COMMENTARIES

The term "Commentaries" covers everything except quotations and summarized texts. The commentaries envisaged are of three kinds:

1. Surveys.

Surveys describe the human rights regime for countries which have no written constitutions or where the constitution contains no mention of human rights. These surveys are essential.

In the Sub-Committee's view, specialists appointed by the Government of the country in question should be asked to prepare them. Should that Government fail to inform the Secretariat that such an appointment had been made, the latter should submit to the Government the name of someone it considered competent to carry out the task.

2. Historical Notes.

The inclusion, for each country, of a note summarising its constitutional history had been envisaged.

(a) The Sub-Committee considered that, apart from the fact that they would be difficult to draft, such notes might imply some judgment on historical facts and give rise to criticism. It proposed therefore that such notes should not be published.

(b) However, the Sub-Committee was of the opinion that notes should be published concerning constitutions in force. In these the Secretariat would confine itself to mentioning the stages in the preparation of such constitutions, the dates when and the conditions under which they were voted, the date of their promulgation and entry into force.

3. Studies.

(a) Without excluding the possibility of studies being published, the Sub-Committee considered that generally speaking they were not necessary. The Yearbook, whose function it is to present systematic documentation, should not have the character of a review.

(b) However, as stated above, ordinary legislation concerning human rights should on occasion be presented in the form of notes dealing with a single law, summarizing its provisions and pointing out the innovations it embodies; but such succinct and objective notes, which would not include any expression of opinion, would not be studies in the true sense of the word.

4. Outline of the activities concerning Human Rights of the Economic and Social Council and of the activities of the Commission on Human Rights.

The Sub-Committee was of the opinion that the Yearbook should retrace in broad outline the activities concerning human rights of the aforementioned organs of the United Nations

and the chief decisions taken by them.

5. Bibliography.

For each country, the books and chief review articles concerning the question of human rights should be listed.

MISCELLANEOUS OBSERVATIONS

The Sub-Committee considered that:

1. The title of the Human Rights Yearbook should be

Human Rights Yearbook for (year)

The date shown should be the year to which the contents of the Yearbook refer, and not that in which the Yearbook is published.

2. The Sub-Committee's suggestions should apply to the Yearbook for 1947 (which will appear in 1948) only in so far as this does not necessitate extensive revision which would delay publication and involve additional expense.

Full application should not be given to these decisions until the Yearbook for 1948 (which will appear in 1949) is being prepared.

SECTION II

HUMAN RIGHTS AND TRIALS OF WAR
CRIMINALS

1. The war Crimes Commission has drawn up an extensive survey, comprising 472 mimeographed pages of this matter.

The Human Rights Commission will no doubt wish to express its gratitude to the War Crimes Commission for these labours.

The Sub-Committee felt that the Secretariat might usefully arrange for the publication of this work.

2. The survey, which was completed in November 1947, does not exhaust the subject. It should therefore have a supplement dealing with judgments rendered subsequent to the completion of the work.

The Sub-Committee suggests that the Secretary-General be requested to make the necessary arrangements to bring out a supplement when the requisite documentation has been compiled. The production of this supplement might be entrusted either to the Secretariat or to a competent expert.

SECTION III

SURVEY OF THE DEVELOPMENT OF HUMAN RIGHTS.

At the instance of the nuclear Commission on Human Rights, the Economic and Social Council requested the Secretary-General

on 21 June 1946, to make arrangements for "the preparation and publication of a survey of the development of human rights".

The Human Rights Division has so far been engrossed in other tasks and has not been able to draw up this survey, which presents a number of problems in regard to the definition of its objects and its limitation in time (cf. Document E/CN.4/30).

In view of the prevailing circumstances, the Sub-Committee considered that the production of this delicate and compendious survey should be postponed. The Human Rights Division is at the moment heavily burdened with current work and has not sufficient staff to undertake and carry out such a survey.