

COMMISSION ON HUMAN RIGHTS

THIRD SESSION

COMMENTS BY GOVERNMENTS ON THE DRAFT INTERNATIONAL DECLARATION
ON HUMAN RIGHTS, THE DRAFT INTERNATIONAL COVENANT ON
HUMAN RIGHTS, AND IMPLEMENTATION

COMMUNICATION RECEIVED FROM THE FRENCH GOVERNMENT

Please add the following articles to the Draft Covenant communicated by the French Government and reproduced as document E/CN.4/82/Add.8.

Article XXI

A Special Commission consisting of eleven members and established by the General Assembly of the United Nations shall be responsible for ensuring that the human rights and fundamental freedoms as defined in the foregoing articles are respected.

Article XXII

The members of the said commission shall be appointed by a two-thirds majority of the Assembly for their competence and standing, subject to equitable geographical distribution. They shall be elected from a panel of candidates submitted by the Members of the United Nations on the basis of one candidate for each Member. They shall be elected for three years and be re-eligible.

Article XXIII

By the same majority the Assembly shall appoint a permanent Secretary-General to the Commission who shall serve for a period of five years and be re-eligible.

Article XXIV

The Commission shall consider the provisions of the laws and regulations in force in the various States, and of the agreements between them, and administrative, executive and final judicial decisions, with a view to verifying that they are consistent with the provisions of the present Covenant.

Article XXV

The Commission shall be moved by application submitted by a Contracting Party, a non-governmental organization or a private person,

/Article XXVI

Article XXVI

The Commission, in considering applications, may draw upon any sources of information which it may deem necessary.

Article XXVII

The Commission shall make recommendations to the contracting parties based upon its investigations and after holding discussions with the party or parties concerned.

Such recommendations may be accompanied by all or part of the documents on which they are based.

The Commission may also make recommendations to the other organs of the United Nations and to other international organizations.

Article XXVIII

The Commission may propose draft recommendations to the General Assembly for amendments to the present Covenant.

Article XXIX

The Commission shall establish its own rules of procedure. It shall meet three times a year. Should circumstances so require, it may hold special sessions. Such special sessions shall be called by the Secretary-General at the request of a majority of the members of the Commission.

Article XXX

The Secretary-General shall attend all the meetings of the Commission. He shall submit an annual report to the Commission on its activities. He shall classify the applications addressed to the Commission. He shall be generally responsible for the preparation and execution of the work of the Commission.

He may submit proposals to the Commission for action.

Article XXXI

The Secretary-General shall appoint the staff of the Secretariat in conformity with the staff regulations to be submitted to the Commission for its approval.

Article XXXII

The Commission, after being duly authorized to do so by the General Assembly of the United Nations in accordance with Article 96, paragraph 2, of the Charter, may request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

Article XXXIII

Article XXXIV

The headquarters of the Commission and its Secretariat shall be at Geneva.

The Commission may meet elsewhere if it should so desire.

Article XXXV (new)

The provisions of Articles 21 to 33 shall not be construed as excluding private proceedings which may be prescribed by convention in such matters as the protection of the right to life or the regulation of labour.

Article XXXVI (new)

The present Covenant shall not affect the operation of organizations established by the Economic and Social Council within the sphere of its jurisdiction.

Article XXXVII

Subject to the provisions of Chapters XII and XIII of the Charter of the United Nations, the present Covenant shall apply to any territory not enjoying full independence in international relations when the State on which it is dependent has acceded to the Convention in its name. If necessary the responsible State shall endeavour to obtain the consent of the competent authorities of such territories for this purpose.

Article XXXVIII

In the case of federal States the provisions of the present Covenant shall be binding upon the federal State as well as upon the individual States, provinces or cantons.

Article XXXIX

1. Amendments to this Covenant shall come into force when they have been adopted by a vote of two-thirds of the Members of the General Assembly of the United Nations and ratified in accordance with their respective constitutional processes by two-thirds of the parties to this Covenant.
2. When such amendments come into force they shall be binding on those parties which have ratified them, leaving other parties still bound by the provisions of the Covenant which they have accepted by accession, including earlier amendments which they have ratified.

Article XL

1. (a) This Covenant shall be open for accession to every Member of the United Nations or State party to the Statute of the International Court of Justice and to any other State which the General Assembly of the United Nations shall, by resolution, have invited to accede.
(b) Accession to the present Covenant shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

/(c) The Secretary-General

E/CN.4/82/Add.10

Page 4

(c) The Secretary-General of the United Nations shall notify the Members of the United Nations and the other States mentioned in paragraph 1 above of the deposit of each instrument of accession.

2. As regards the States which have acceded, this Covenant shall come into force as soon as two-thirds of the Members of the United Nations have deposited their instruments of accession. As regards any State acceding subsequently, the Covenant shall come into force at the date of the deposit of its instrument of accession.
