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COMMISSION ON HUMAN RIGHTS

THIRD SESSION

SYNOPSIS

OF THE TEXTS OF THE DRAFT DECLARATION
ON HUMAN RIGHTS AND OF THE DRAFT INTERNATIONAL COVENANT
ON HUMAN RIGHTS AS CONTAINED IN THE REPORT OF THE SECOND SESSION
OF THE DRAFTING COMMITTEE (E/CN.4/95)

(Prepared by the Secretary-General)

PART I. JUXTAPOSITION OF TEXTS

OF THE
DRAFT INTERNATIONAL DECLARATION ON HUMAN RIGHTS AND THE DRAFT INTERNATIONAL

Article 1

Article

(The Drafting Committee did not have the time to consider this Article)

Equal protection of
enjoyment of any of the
in Part II of this Coven
one on account of race (
language, religion, poli
status, or national or s

All men are born free and equal in dignity and rights. They are
endowed by nature with reason and conscience, and should act towards
one another like brothers.

No corresponding Ar

Article 2

(The Drafting Committee did not have time to consider this Article)

In the exercise of his rights everyone is limited by the
rights of others and by the just requirements of the democratic
State. The individual owes duties to society through which he
is enabled to develop his spirit, mind and body in wider freedom.

Article 3

Article

(The Drafting Committee did not have time to consider this Article)

(See above)

1. Everyone is entitled to all the rights and freedoms set forth
in this Declaration, without distinction of any kind, such as race
(which includes colour), sex, language, religion, political or
other opinion, property status, or national or social origin.

2. All are equal before the law regardless of office or status and
entitled to equal protection of the law against any arbitrary
/discrimination

Article

(Deletion suggested by t

discrimination or against any incitement to such discrimination,
in violation of this Declaration

Article 4

Everyone has the right to life, to liberty and security of
person.

Any advocacy of national
hostility that constitutes
shall be prohibited by the

Article

No one shall be deprived
execution of the sentence
conviction of a crime for
provided by law.

For a list of possible
see document E/CN.4/95, p.

Article

(The Drafting Committee
of the following three texts

I. Text originally forwarded

Human Rights, as Amended

1. No one shall be subjected
detention.

2. In consequence, no one
his liberty save in the case

(a) the arrest of a person
purpose of bringing him
reasonable suspicion of
crime or which is rendered
immediately necessary
a crime;

- (b) the lawful arrest and detention of a person for non-compliance with the lawful order or decree of a court;
 - (c) the lawful detention of a person sentenced after conviction to deprivation of liberty;
 - (d) the lawful detention of persons of unsound mind;
 - (e) the parental or quasi-parental custody of minors;
 - (f) the lawful arrest and detention of a person to prevent his effecting an unauthorized entry into the country;
 - (g) the lawful arrest and detention of aliens against whom deportation proceedings are pending.
3. Any person who is arrested shall be informed promptly of the charges against him. Any person who is arrested under the provisions of sub-paragraph (a) or (b) of paragraph 2 of this Article shall be brought promptly before a judge, and shall be tried within a reasonable time or released.
4. Everyone who is deprived of his liberty by arrest or detention shall have an effective remedy in the nature of "habeas corpus" by which the lawfulness of his detention shall be decided speedily by a court and /his

his release ordered if the detention is not lawful.

5. Every person shall have an enforceable right to compensation in respect of any unlawful arrest or deprivation of liberty.

(Note: A list of all the possible limitations suggested by various governments, together with an analysis of this list, follows the text of this Article proposed by the United States, below).

II. Text Proposed by the delegation of the Union of Soviet Socialist Republics

The inviolability of the human person shall be guaranteed by law. No person shall be subjected to arrest except by order of a court or a prosecuting authority.

Any person who is arrested shall be informed promptly of the charges against him. Every person who is deprived of his liberty shall be brought promptly before a court for an order for the trial of his case within a reasonable time or for his release.

Every person shall have an enforceable right to compensation in respect of any unlawful arrest or deprivation of liberty.

/III. Text

III. Text Proposed by the United States

No one shall be deprived of liberty without due process of law.

No one shall be arrested or detained without being informed of the reasons for the arrest and without being entitled to a fair hearing with respect to release.

No one shall be denied the right to be heard by an independent and impartial tribunal in the event of any criminal charge against him or of any civil obligations.

No one shall be convicted or punished without a public trial within a reasonable time by an independent and impartial tribunal.

(Note: It will be observed that the principle now contained in Article 9 of the Covenant is based on the principle now contained in Article 8* of the Covenant.)

For a "List and analysis of suggestions received by the Commission on Human Rights in response to Article 9 of the Covenant on Human Rights," see E/CN.4/95, pages 22-26.

Article 5 (formerly Article 8)

Slavery is prohibited in all its forms.

Article 8*

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour except as a consequence of a sentence imposed by a competent court.

3. For the purposes of this Article, the term "forced or compulsory labour" shall not include:

(a) Any service of a purely military character, or service in the case of conscientious objectors, exacted in virtue of compulsory military service laws, provided that the service of conscientious objectors be compensated with maintenance and pay not inferior to what a soldier of the lowest rank receives;

(b) Any service exacted in cases of emergencies or calamities threatening the life or well-being of the community;

(c) Any minor communal services considered as normal civic obligations incumbent upon the members of the community, provided that these obligations have been accepted by the members of the community concerned directly or through their directly elected representatives.

(Note: (1) The following text, which follows the wording of a relevant article of the International Labour Organization's Forced Labour Convention of 1930 was suggested by the representative of the International Labour Organization, and the Committee decided to forward it to the Commission as an alternative text for paragraph 3 (c):

/"Minor

"Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services."

(2) The Committee also decided to forward to the Commission, as possible additions to paragraph 3, two further possible limitations submitted by the delegation of the United States:

(d) Services exacted from deserting seamen returned to their ships, having entered into voluntary contracts for a period of service;

(e) Services performed by minors, either in the course of normal family life or pursuant to contracts made in their behalf either by parents or guardians.

* The representative of the Union of Soviet Socialist Republics proposed that the following text be added after the first sentence of this Article: "The slave trade is forbidden in all its forms."

/Article 6

/Article 9

Article 6 (formerly Article 5)

(Geneva text)

No one shall be deprived of his personal liberty or kept in custody except in cases prescribed by law and after due process. Everyone placed under arrest or detention, shall have the right to immediate judicial determination of the legality of any detention to which he may be subject and to trial within a reasonable time or to release.

Article 7 (formerly Article 6)

(Geneva text)

Everyone shall have access to independent and impartial tribunals in the determination of any criminal charge against him, and of his rights and obligations. He shall be entitled to a fair hearing of his case and to have the aid of a qualified representative of his own choice, and if he appears in person to have the procedure explained to him in a manner in which he can understand it and to use a language which he can speak.

Article 9

(see above, opposite Article 6)

Article 10

(The Drafting Committee voted for the following texts).

- A. 1. In the determination of any criminal charge against him or of any rights and obligations, everyone shall be entitled to be heard before an independent and impartial tribunal.
2. In the determination of any rights and obligations against him everyone shall be entitled to be heard before an independent and impartial tribunal.

- (a) A public trial shall be held, unless the interests of the public may be exceptionally excused or a public hearing would be prejudicial to the proceedings. The portions of the trial which are to be held in private shall be limited to those which concern morals or the reputation of individuals, or where the disclosure of the proceedings would be contrary to the public interest or to the maintenance of order in the court.
- (b) Legal assistance shall be made available to everyone who cannot afford to pay for it, and

(c) The services of a
accused if he cannot u
language used in court

B. Text submitted by the Repre
Soviet Socialist Republics

1. All persons shall be e
tribunals. Judges shall be
only to the law. Legal pro
shall be based on democrati
of cases in all courts shal
exceptions prescribed by la
public morals and national
persons shall be assured th
2. When any person who do
language is prosecuted, he
knowledge of all the materi
interpreter and shall also
the court in his native lan

Article 8 (formerly Article 7)

(Geneva text)

1. Any person is presumed to be innocent until proved guilty. No one shall be convicted or punished for crime or other offence except after fair public trial at which he has been given all guarantees necessary for his defence. No person shall be held guilty of any offence on account of any act or omission which

/stg not

Arti

1. No one shall be guilty of a
act or omission which did not co
the time when it was committed,
any greater punishment than that
by the law in force at the time
2. Nothing in this Article sha

did not constitute such an offence at the time when it was committed, nor shall he be liable to any greater punishment than that prescribed for such offence by the law in force at the time when the offence was committed.

2. Nothing in this Article shall prejudice the trial and punishment of any person for the commission of any act which, at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

3. No one shall be subjected to torture, or to cruel or inhuman punishment or indignity.

punishment of any person for the
at the time it was committed, wa
general principles of law recogn

Article

No one shall be subjected to
inhuman punishment or to cruel o

The following text, suggested to replace Articles 6, 7, and 8 above, was rejected by the Drafting Committee.

1. No one may be arbitrarily deprived of his liberty. Arrest, detention or imprisonment may be allowed only according to pre-existing law and in accordance with due process.

2. Everyone who has been deprived of his liberty has the right to be promptly informed of the reasons for his detention. Everyone placed under arrest, detention or imprisonment shall have the right to immediate judicial determination of the legality of any detention to which he may be subject and to trial within a reasonable time or to release.

/3. No one

3. No one shall be imprisoned merely on the grounds of inability to meet a contractual obligation.
4. Everyone has the right to compensation in respect of any unlawful arrest or deprivation of liberty.
5. The rights and obligations of each person and the criminal accusations against him must be determined or judged by independent and impartial tribunals, before which tribunals all persons are equal.
6. Everyone accused of an offence must be judged within a reasonable time by courts established beforehand and in accordance with pre-existing laws in a public trial. The foregoing provision shall not prejudice the trial and punishment of any person for the commission of any act which, at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

During the trial, everyone is entitled to:

- (a) the right to a fair hearing;
- (b) the right, in all criminal cases, to be presumed innocent until proved guilty; and
- (c) the right of defence. When any person who does not know the national language is prosecuted, he shall be assured full knowledge of all the material in the case through an interpreter and shall also have the right to address the court in his native language.)

/(Separate Article)

(Separate Article)

(No one shall be subjected to torture, or to cruel or inhuman punishment or indignity.)

The representative of the Soviet Union proposed the addition of the following to the second sentence of the first paragraph of Article 8, after the word "trial" (unofficial translation):

"subject to exceptions prescribed by law in order to guarantee to the accused person the right of defence."

Article 9

Everyone is entitled to protection under the law from unreasonable interference with reputation, family, home or correspondence.

Article 10

1. Everyone is entitled to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own.

No correspondi

Article

No decision was made as to which preferred:

(Geneva text)

1. Subject to any general law and principles of the United Nations and reasons of security or in the general interest, everyone shall have the right to liberty of movement and free entry and exit across the borders of each State.
2. Any person who is not subject to military or national service shall be free to

his own.

Alternative text

1. No one shall be denied free within the borders of a Contract
2. Anyone shall be free to leave his own.

For a list of possible limitations see E/CN.4/95, pages 27-28.

The representative of the United Republics suggested that the words "own country" be added to the second sentence of Article 11.

No corresponding Article.*

Article 11

1. Everyone has the right to seek and may be granted, in other countries, asylum from persecution.
2. Prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations do not constitute persecution.

The representative of the Soviet Union proposed that the following text be substituted for the above text of Article 11 (unofficial translation):

"The right of asylum shall be granted to everyone persecuted because of his activity in defence of democratic /interests

* See Article 12 of the Draft Convention

interests, because of his activity in the field of science, or because of his participation in the struggle for national liberty."

Article 12

Everyone has everywhere the right to recognition as a person before the law.

Article 13

1. Men and women shall have equal rights as to marriage in accordance with the law. Marriage may not be contracted without the full consent of both intending spouses and before the age of puberty.

2. Marriage and the family shall be protected by the State and Society.

Article 14

Everyone has the right to own such property as meets the essential needs of decent living, that helps to maintain the dignity of the individual and of the home, and shall not be arbitrarily deprived of it.

Article 15

Everyone has the right to a nationality.

The representative of the Soviet Union proposed the addition of the following text after the first sentence of Article 15 (unofficial translation):

/"The

Article

No one shall be deprived of

No corresponding Article.

No corresponding Article.

No corresponding Article.

"The cases and the procedure of depriving a person of his nationality must be determined by national legislation."

Article 16

1. Individual freedom of thought and conscience, to hold and change beliefs, is an absolute and sacred right.
2. Every person has the right, either alone or in community with other persons of like mind and in public or private, to manifest his beliefs in teaching, practice, worship and observance.

The representative of the Soviet Union proposed to replace Article 16 by the following text (unofficial translation):

"Every person shall have the right to freedom of thought and freedom to practice religious observances in accordance with the laws of the country and the dictates of public morality".

Article

1. No one shall be denied free conscience and religion, including religious or other belief, and the right to
2. No one shall be denied free association, to manifest his beliefs in worship and observance, and no one shall do any act which is contrary to observance.
3. No one shall be denied free association, to give and receive teaching, and to endeavour to persuade others of the truth of his beliefs.
4. The above rights and freedoms shall be subject to such limitations as are prescribed by law necessary to protect public order and the fundamental rights and freedoms of others.

The representative of the Soviet Union proposed to replace Article 16 by the following (unofficial translation):

"Every person shall have the right to freedom of thought and freedom to practice

Articles 17 and 18

I. Text submitted by the United Nations Conference on Freedom of Information

Everyone shall have the right to freedom of thought and expression; this right shall include freedom to hold opinions without interference and to seek, receive and impart information and ideas by any means and regardless of frontiers.

II. Text submitted by the Union of Soviet Socialist Republics

1. In accordance with the principles of democracy and in the interests of strengthening international co-operation and world peace, every person shall be guaranteed by law the right to the free expression of his opinions, and, in particular, to freedom of speech and of the press, freedom of assembly and freedom of artistic representation. The use of freedom of speech and of the press for the purposes of propagating Fascism and aggression or of inciting to war between nations shall not be tolerated.

2. In order to ensure the right of the free expression of opinion for large sections of the peoples and for their organizations, State assistance and co-operation shall be given in providing the material resources (premises, printing presses

observances in accordance with the dictates of public morality

Article

(The Drafting Committee did not adopt the texts it preferred).

I. Text submitted by the Representative

1. Speech is free. Every person shall be free to publish his ideas in any way he chooses.

2. Every person shall be free to receive information of all kinds, including news, ideas, by the medium of books, newspapers or in any other manner.

3. The freedoms referred to in this article shall be subject only to the restrictions provided by law for the protection of national security, good morals, respect for the rights of other persons.

B. Text submitted by the Representative

1. In accordance with the principles of democracy and in the interests of strengthening international co-operation and world peace, every person shall be guaranteed by law the right to the free expression of his opinions, and, in particular, to freedom of speech and of the press, freedom of assembly and freedom of artistic representation. The use of freedom of speech and of the press for the purposes of propagating Fascism and aggression or of inciting to war between nations shall not be tolerated.

presses, paper, and the like) necessary for the publication of democratic organs of the press.

aggression or of inciting war between nations is not to be tolerated.

2. In order to ensure the right of every person to hold and express his opinion for large sections of the population, State assistance is provided in providing the material resources, such as paper, and the like) necessary for the functioning of democratic organs of the press.

C. Text submitted by the United Nations
of Information

1. Every person shall have the right to freedom of expression without restriction; these rights shall include the right to receive and impart information and ideas, either orally, by written or printed word, or by legally operated visual or audio means.

2. The right to freedom of expression shall not be subject to any restrictions or liabilities or restrictions clearly defined by law and necessary in a democratic society in regard to:

(a) matters which must remain confidential in the interest of national safety;

(b) expressions which incite to violence or to the overthrow of the system of Government;

- (c) expressions which directly incite persons to commit criminal acts;
- (d) expressions which are obscene;
- (e) expressions injurious to the fair conduct of legal proceedings;
- (f) infringements of literary or artistic rights;
- (g) expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefiting the public;
- (h) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states.

A State may establish on reasonable terms a right to reply or a similar corrective remedy.

3. Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

4. Nothing in this Article shall be deemed to affect the right of any State to control the entry of persons into its territory or the period of their residence therein.

For a list of possible additional limitations see document E/CN.4/95, pages 31-33.

Article 19

Every one has the right to freedom of peaceful assembly and to participate in local, national, international and trade union associations for the promotion, defence and protection of purposes and interests not inconsistent with this Declaration.

The representative of the Soviet Union proposed that the following be substituted for the text of Article 19 (unofficial translation):

"In the interest of democracy the freedom of assembly, of public demonstration, of procession and of organization, of voluntary associations and unions and other organizations having a nazi, fascist or anti-democratic character, as well as their activity in whatever form shall be forbidden under penalty of the law."

All persons shall have the right to freedom of assembly for any lawful purpose including the holding of meetings on which, under Article 17, an individual may speak and publish his ideas. No restriction shall be placed on the exercise of this right other than those necessary to assure:

- (a) national security;
- (b) the protection of peace;
- (c) the prevention of the free movement of others;
- (d) the protection of health.

For additional limitations

The right of association is exercised in whatever form is determined by the laws of the State and is directed to the promotion and protection of the legitimate interests of the individual. Associations shall enjoy the same rights as the individual. Articles 16 and 17.

/Article 20

Article 20

(Note: The Drafting Committee decided not to consider the following Geneva text until articles on implementation had been drafted.)

Everyone has the right, either individually, or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations.

Articles 21 and 22

(Geneva Text)

1. Every one without discrimination on grounds of race, sex, languages, religious belief or social origin and not under any legal disability has the right to take an effective part in the Government of his country. The State shall conform to the will of the people as manifested by elections which shall be periodic, free, fair and by secret ballot.
2. Every one shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen or a national.
3. Access to public employment shall not be a matter of privilege or favour.

Alternative text suggested by the United States

Every one is entitled to:

- (a) the right to take an effective part in the government of the State of which he is a national, including the right to participate

/in free and

in free and fair elections held periodically by secret ballot, and including opportunity to hold office and to engage in public employment; and

(b) the right to a government which conforms to the will of the people, with full freedom for minority opinion to persist and, if such is the people's will, to become the effective majority.

Note: The Drafting Committee, not having had time to consider the following Articles - 23 to 33 inclusive - in detail, decided to transmit them to the Commission on Human Rights in the form as drafted by the Commission in Geneva, together with such alternative texts as members of the Drafting Committee expressly proposed for this purpose.

Article 23

(Geneva text)

1. Every one has the right to work.
2. The State has a duty to take such measures as may be within its power to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.
3. The State is bound to take all necessary steps to prevent unemployment.

Alternative text suggested by France

Every one has the right to work.

States are bound to take such measures as may be within their power to prevent unemployment and to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.

Every worker has the right to receive pay which shall be commensurate with his ability and skill and which shall secure for himself and his family a full,

/decent

decent and dignified life. He also has the right to fair and satisfactory working conditions. He shall be free to join trade unions for the protection of his interests.

Women shall work with the same advantages as men and receive equal pay for equal work.

Alternative text suggested by the United Kingdom

Every one has the right to work or maintenance.

Alternative text suggested by the United States for Articles 23 and 24

Every one is entitled to the right to work under fair and just conditions, to choose a vocation freely, and to join trade unions of his own choice for the protection of his interests in securing a fair standard of living for himself and his family.

Article 24

(Geneva text)

1. Every one has the right to receive pay commensurate with his ability and skill, to work under just and favourable conditions and to join trade unions for the protection of his interests in securing a decent standard of living for himself and his family.

2. Women shall work with the same advantages as men and receive equal pay for equal work.

(Note: see alternative texts suggested for Article 23 above)

Article 25

(Geneva text)

Every one without distinction as to economic and social conditions has the right to the preservation of his health through the highest standard of

/food,

food, clothing, housing and medical care which the resources of the State or community can provide. The responsibility of the State and community for the health and safety of its people can be fulfilled only by provision of adequate health and social measures.

Alternative text suggested by France

Every one has a right to social security.

The State has a duty to maintain or ensure the maintenance of comprehensive measures for the security of the individual against various social risks. In particular, the individual shall be guaranteed against the consequences of unemployment, disability, old age, and the loss of livelihood in circumstances beyond his control.

Mothers and children shall be granted special care and assistance.

Every one without distinction as to economic or social conditions had the right to protection of his health by all the appropriate means relating to food, clothing, housing and medical care to as great an extent as the resources of the State or community permit.

It is the duty of the State and the community to take all adequate health and social measures to meet the responsibilities incumbent upon them.

Alternative text suggested by the United States for Articles 25 and 26

Every one has the right to a standard of living necessary for health and general well-being, including social security and the opportunity to obtain adequate food, clothing, housing and medical care.

Article 26

(Geneva text)

1. Every one has the right to social security. The State has a duty to
/maintain

maintain or ensure the maintenance of comprehensive measures for the security of the individual against the consequences of unemployment, disability, old age and all other loss of livelihood for reasons beyond his control.

2. Motherhood shall be granted special care and assistance. Children are similarly entitled to special care and assistance.

(Note: See alternative texts suggested for Article 25 above)

Article 27

(Geneva text)

Every one has the right to education. Fundamental education shall be free and compulsory. There shall be equal access for higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, financial means or political affiliation.

Alternative text submitted by France

Every one has a right to education. Fundamental education shall be free and compulsory. Every one shall have equal access to higher education so far as it can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, financial means or political affiliation.

Alternative text submitted by the United States

Every one is entitled to the right to free fundamental education and to equal access on the basis of merit to higher education.

/Article 28

Article 28

(Geneva text)

Education will be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

Alternative text submitted by France

Education will be directed to the full physical, intellectual and moral development of the human personality, to the strengthening of respect for human rights and fundamental freedoms. It shall combat the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

Article 29

(Geneva text)

1. Every one has the right to rest and leisure.
2. Rest and leisure should be ensured to every one by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay.

Alternative text submitted by France

Every one has a right to rest and leisure.

Rest and leisure should be ensured to every one by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay.

/Every one

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits that result from scientific discoveries.

Article 30

(Geneva text)

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits that result from scientific discoveries.

Alternative text submitted by France

Authors of creative works and inventors shall retain, apart from financial rights, a moral right over their work or discovery, which shall remain extant after the financial rights have expired.

Article 31

Text proposed by the Drafting Committee (first session):

In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right, as far as compatible with public order, to establish and maintain schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State.

Text proposed by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities

In States inhabited by well-defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population, and which want

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to be accorded differential treatment, persons belonging to such groups shall have the right, as far as is compatible with public order and security, to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose.

Alternative text submitted by France

In States inhabited by well-defined ethnic, linguistic or religious groups which are distinguished from the rest of the population, and which want to be accorded differential treatment, persons belonging to such groups shall have the right, as far as is compatible with public order and security, and in conformity with the degree of legislative unity in the State, to establish and maintain their schools and cultural or religious institutions and to use their own language and script.

Alternative text submitted by the United Kingdom

Minorities shall be entitled to preserve their culture, religion and language.

Alternative text submitted by the United States

(In lieu of Articles 29 and 30, and also of Article 31)

Every one is entitled to obtain rest and leisure, to participate in the customs and the cultural life of the community and of groups in the community, to enjoy the arts, and to share in the benefits that result from scientific discoveries.

(Additional Article submitted by France)

It is the duty of every State to establish an efficient judicial and administrative system to prevent, punish and remedy any violation of the principles stated in the present Declaration.

/The United Nations,

The United Nations, recognizing the necessity for establishing an international court of appeal, recommends the adoption of all the international conventions aimed at the full implementation of the provisions of the Charter and of the present Declaration and, with the assistance of Member States, will take all the necessary measures to safeguard these rights and freedoms throughout the world.

Article 32

(Geneva text)

All laws in any State shall be in conformity with the purposes and principles of the United Nations as embodied in the Charter, insofar as they deal with human rights.

Alternative text submitted by France

In all States no laws on human rights shall be considered equitable unless they are in conformity with the purposes and principles laid down in the Charter.

Article 33

(Geneva text)

Nothing in this Declaration shall be considered to recognize the right of any State or person to engage in any activity aimed to the destruction of any of the rights and freedoms prescribed herein.

Alternative text submitted by France

Nothing in this Declaration shall imply the recognition of the right of any State or person to engage in any activity aimed at the destruction of any of the rights and freedoms prescribed herein.

The States
recognize the
hereof as being
freedoms found
recognized by

Nothing in
give any person
activity aimed
rights and free

PART II

PROVISIONS OF THE DRAFT COVENANT WHICH HAVE NO
COUNTERPART IN THE DRAFT DECLARATION

PREAMBLE*

The States parties hereto, bearing in mind the general principles proclaimed in the United Nations Charter and in the Declaration of Human Rights, agree to give effect in this Covenant to certain of the principles specified in the Declaration, as follows:

Article 2

Every State party hereto undertakes to ensure:

- (a) through adequate laws and procedures to all individuals within its jurisdiction, whether citizens, nationals, persons of foreign nationality or stateless persons, the rights and freedoms set forth in Part II of this Covenant, and further undertakes that such rights and freedoms where not now provided under existing laws and procedures be given effect in its domestic law through the adoption of appropriate laws and procedures;
- (b) that any person whose rights or freedoms as herein defined are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (c) that such remedy shall be enforceable by a judiciary whose independence is secured; and
- (d) that the police and executive authorities shall act in support of the enjoyment of these rights and freedoms.

Article 3

(Note: The Drafting Committee decided not to consider the following Geneva text until articles on implementation had been drafted):

On receipt of a request to this effect from the Secretary-General of the United Nations made under the authority of a resolution of the General Assembly, the Government of any party to this Covenant shall supply an explanation as to the manner in which the law of that State gives effect to any of the provisions of this Covenant.

* It was agreed by the Drafting Committee that the ideas contained in this text should be included in a Preamble when one is written. It was also agreed to draw attention to the following text submitted by the Representative of France: "The States parties hereto, being resolved to give effect to the general principles proclaimed in the United Nations Charter and specified in the International Declaration on Human Rights and Fundamental Freedoms adopted by the General Assembly of the United Nations on _____, have agreed to conclude a preliminary convention, defining the practical scope of certain of these principles."

Article 4

(No decision was made as to which of the following alternative texts was preferred.)

I. Text Originally Submitted by the Commission on Human Rights

1. In time of war or other public emergency, a State may take measures derogating from its obligations under Article 2 above to the extent strictly limited by the exigencies of the situation.

2. (left over until implementation articles have been drafted).

II. Text Submitted by the Representative of the United States

The obligations imposed by Article 2 shall not affect the right of States parties to this Covenant to take or permit action reasonably necessary for the preservation of peace, order or security or the promotion of the general welfare. Such action may be taken only by or pursuant to law based on principles of justice.

(Note: The delegation of the United States pointed out:

(1) that the limitations set forth in the Covenant without the additions suggested by other Governments are not all-inclusive;

(2) that certain Governments which have suggested further limitations have stated that their lists are not all-inclusive; and

(3) that the matter of restricting the rights and freedoms of the Covenant arises from many sources of law and that the Commission on Human Rights must find the solution for dealing with the problem caused by the omission of further probable limitations not yet enumerated.)*

Article 6

No one shall be subjected to any form of physical mutilation or medical or scientific experimentation against his will.

For a list of possible additional limitations see document E/CN.4/95, pages 18-19.

Article 10

No one shall be imprisoned merely on the grounds of inability to fulfil a contractual obligation.

* The limitations suggested by the Representative of the United States were submitted in each case as illustrative of the problems arising in the absence of a general limitation clause, which the United States of America prefers.

Article 12

No alien legally admitted to the territory of a State shall be expelled therefrom except in accordance with procedure prescribed by law.

Article 23

1. This Covenant shall be open for accession to every State Member of the United Nations or party to the Statute of the International Court of Justice and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations, and as soon as _____ of the States Members of the United Nations have deposited such instruments the Covenant shall come into force between them. As regards any State which accedes thereafter, the Covenant shall come into force on the date of the deposit of its instrument of accession.
3. The Secretary-General of the United Nations shall inform all members of the United Nations and the other States referred to in paragraph 1 above of the deposit of each instrument of accession.

Article 24

In the case of a Federal State, the following provisions shall apply:

(a) With respect to any Articles of this Covenant which the Federal Government regards as wholly or in part appropriate for federal action, the obligations of the Federal Governments shall, to this extent, be the same as those of parties which are not Federal States;

(b) In respect of Articles which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, Provinces, or Cantons, the Federal Government shall bring such provisions, with favourable recommendation, to the notice of the appropriate authorities of the States, Provinces or Cantons at the earliest possible moment.

Article 25

(The Drafting Committee voted in favour of the first of the following texts).

A State party to this Covenant may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that this Covenant shall extend to any of the territories for the international relations of which it is responsible, and the Covenant shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The Contracting States undertake, with respect to those territory on behalf

/of which

of which they do not accede to this Covenant at the time of their accession, to seek the consent at the earliest possible moment of the Governments of such territories and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

Text proposed by the Representative of the Soviet Union

The conditions of the present Covenant shall extend or be applicable both to the metropolitan territory which is signatory to the present Covenant, as well as to all the other territories (non-self-governing, trust, and colonial territories) which are being administered or governed by the metropolitan power in question.

Article 26

(The Drafting Committee decided not to discuss the following Geneva text until the question of implementation had been considered).

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 27

(deletion suggested by the Drafting Committee).

(In construing the Articles of this Covenant the several Articles shall be regarded in their relation to each other).

Proposed Additional Article

(The Drafting Committee took no action on the following text, proposed as an additional article by the representative of the United States).

The rights and freedoms set forth in Part II of this Covenant are in addition to and not in derogation of such rights and freedoms as may be guaranteed to all under the laws of any Contracting State. In agreeing to this Covenant, the Contracting Parties recognize that there are other rights and freedoms which may be made the subject of future covenants or conventions.