

COMMISSION ON HUMAN RIGHTS

Fifth session

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

United States of America: Amended Proposals

NOTE: In view of the sentiment expressed by some of the delegations in the Commission on Human Rights on 18 May to extend the Covenant whenever possible to infringements of rights by individuals as well as by States, the United States in order to expedite the work of the Commission is tentatively altering some of its proposed amendments to the articles of the Covenant to omit for the purposes of present discussion only, the express limitation of these articles to State action; at the same time, however, reserving its position in this regard and the right to reopen this question in the Commission at a later time.]

Article 7

No one shall be subject to torture or to cruel or inhuman punishment or treatment.

Article 9

1. No one shall be subject to arbitrary arrest or detention.
2. Any one who is arrested shall be informed promptly of the reasons for his arrest and any charges against him. (Delete paragraph 2 of the Commission draft since a general guarantee of liberty has too many limitations for a generalization of this right.)
3. The accused in a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Pending trial, release on bail or other condition to appear for trial shall satisfy the requirements of release.
4. Any one who is deprived of his liberty by arrest or detention shall be entitled to 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 release ordered if the detention is not lawful. This remedy may not

/be suspended

be suspended unless when in cases of rebellion or invasion the public safety may require it.*

5. (Delete)

Article 10

No one shall be imprisoned solely on the ground of inability to pay a contractual debt.

Article 11

Subject to any general law adopted for specific reasons of security or in the general interest,* no one shall be denied freedom of movement or free choice of residence within the borders of the State or freedom to leave any country including his own.

Article 16

1. No one shall be denied freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

2. The above provision shall be subject only to such limitations as are pursuant to law and reasonably necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.*

Article 18

No one shall be denied freedom to assemble peaceably with others. No restrictions shall be placed on the exercise of this right other than those pursuant to law and reasonably necessary to assure:

(a) national security;

(b) public safety: (the phrase "public safety" is proposed as a substitute for paragraphs (b) and (c) of the Commission draft to provide a general limitation rather than a specific one);

(c) (delete - see note above concerning "public safety");

(d) the protection of health or morals.*

Article 19

1. No one shall be denied freedom of association with others.

2. The above provision shall be subject only to such limitations as are pursuant to law and reasonably necessary for the protection of the rights and freedoms of others or for national security or for the general welfare.*

* Omit underlined words if Article 4 is revised along lines of United States proposal.