



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/CN.4/363
17 March 1950

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sixth session

YEARBOOK ON HUMAN RIGHTS

Memorandum submitted by the Secretary-General

Table of Contents

	<u>Paragraphs</u>
I. Introduction	1 - 2
II. Main features of the Yearbook	3 - 5
III. Future form of the Yearbook	6 - 13
A. Basic laws on human rights in Non-Self-Governing and Trust Territories	6
B. Complete texts of new Constitutions	7 - 9
C. Court decisions	10
D. Annual surveys of development of particular rights in individual countries	11 - 12
E. Periodic compilations of laws of all countries on particular rights	13
IV. Conclusion	14 - 15

I. INTRODUCTION

1. On 17 February 1950 the Economic and Social Council adopted resolution 275 C (X) concerning the Yearbook on Human Rights, which reads:

"The Economic and Social Council,

"Having examined draft resolution E submitted by the Commission on Human Rights at its fifth session,

"Considering that the question of the form which the Yearbook might take in future years should be given further consideration, provided that nothing in this resolution should be interpreted to postpone the publications of Yearbooks at present under preparation,

"Requests the Commission on Human Rights to examine this question in the light of the discussions at the tenth session of the Economic and Social Council;

"Decides that in all publications of the Yearbook, texts of basic laws on human rights in respect of Non-Self-Governing and Trust Territories should be included in the same manner as may be done in respect of self-governing territories."

2. This memorandum attempts to describe briefly the main features in the first three volumes of the Yearbook on Human Rights and to list a number of suggestions concerning the future form of the Yearbook.

II. MAIN FEATURES OF THE YEARBOOK

3. By resolution 9 (II) the Economic and Social Council requested the Secretary-General to make arrangements for "the compilation and publication of a yearbook on law and usage relating to human rights, the first edition of which should include all declarations and bills of human rights now in force in various countries."

4. Accordingly, the first volume of the Yearbook on Human Rights - that is, the Yearbook for 1946 - contained all constitutional provisions concerning human rights which were in force as of 31 December 1946, a number of statements on laws and usages relating to human rights in countries which had no written constitutions; and provisions of ordinary laws concerning human rights which were promulgated in 1946 (in some cases in 1944 and 1945).

/5. The second

5. The second and third volumes of the Yearbook differ in form from the first volume. In accordance with the directives of the Commission on Human Rights (documents E/CN.4/63/Rev.1 and E/CN.4/SR.43), the second and third volumes of the Yearbook were each divided into three parts:

Part I contains provisions of constitutions and ordinary laws concerning human rights. It also contains some statements on human rights in countries which have no written constitutions.

Part II contains provisions of international treaties and agreements relating to human rights.

Part III contains an outline of the activities of the United Nations concerning human rights.

III. FUTURE FORM OF THE YEARBOOK

6. A. Basic laws on human rights in Non-Self-Governing and Trust Territories.

By resolution of 17 February 1950 the Economic and Social Council decided that "in all publications of the Yearbook texts of basic laws on human rights in respect of Non-Self-Governing and Trust Territories should be included in the same manner as may be done in respect of self-governing territories."

7. B. Complete texts of new Constitutions. The Commission on Human Rights at its second session considered the idea of reproducing complete texts of constitutions with provisions relating to human rights in bold type, instead of reproducing those provisions alone. This idea was not adopted, partly because the Commission did not wish unduly to extend the size of the Yearbook, and partly because it wanted to preserve the Yearbook's character as a work dealing exclusively with human rights.

8. The Commission may wish to reconsider this idea. It is suggested that complete texts of new constitutions - adopted in 1950 and hereafter - may be reproduced in the Yearbook. In the first place, the number of new constitutions adopted each year will not be as great as in the immediate post-war years. In the second place, the knowledge of the full text of a constitution is necessary for the proper understanding of its provisions concerning human rights.

/9. In this

9. In this connexion the attention of the Commission is called to a working paper (A/CN.4/16) on article 24 of the Statute of the International Law Commission, in which the author, Judge Manley O. Hudson, suggested that the International Law Commission "may wish to recommend that the Secretariat of the United Nations should publish, and keep up to date, a collection of the constitutions of all Members of the United Nations, or perhaps of all States."

10. C. Court decisions. At its third session the Commission on Human Rights expressed the view that "court decisions are fully as important as provisions of constitutions, ordinary laws and international treaties, and should also be included in the Yearbook." The Secretary-General submitted a memorandum (E/CN.4/169), which contained sample studies on court decisions. In draft resolution E submitted to the Economic and Social Council by the Commission at its fifth session, it was proposed:

"That, as soon as circumstances permit, a summary of the decisions or the decisions in extenso of the highest court in every country which are relevant to human rights be included in a special chapter of the Yearbook on Human Rights, if they are of international interest;

"That, as an exception, a summary or full verbatim report of decisions by other courts should be included in the Yearbook if it is of distinct value that other countries should know of such decisions."

In accordance with resolution 275 C (X) of the Council, the Commission may wish to give further consideration to the question of including court decisions in the Yearbook.

11. D. Annual surveys of development of particular rights in individual countries. This suggestion was made by the United Kingdom delegation in its note of 15 March 1949 to the Secretary-General. The note reads:

"His Majesty's Government have considered carefully the form which their annual contribution should take in order that it should be of the greatest value. They have given careful thought to the arguments which have been adduced in favour of an annual contribution covering all aspects of human rights and of developments in the whole field of human rights within a year. They have, however, concluded that such a method would not have the result of giving the comprehensive picture
/of the developments

of the developments in the field of human rights which is desired. They feel that each annual contribution, if compiled on these lines, would only be fully comprehended if read with those which preceded it so that the Yearbook would be difficult and laborious to use and there would be a danger that anyone reading one Yearbook without reference to its predecessors would derive a distorted view of the extent to which human rights were observed and enforced.

"They have therefore come to the conclusion that the most useful form which their annual contribution can take is that it should be a self-contained and complete paper reviewing the application of one principle of the Bill of Human Rights each year. In accordance with this belief His Majesty's Government are therefore submitting the present paper setting out the way in which the right to medical care is observed and safe-guarded in the United Kingdom. It is their intention year by year to submit a succession of such papers so that in the course of time the Yearbooks will contain a complete statement in the most readable form of the application of human rights in the United Kingdom."

12. The paper on the right to medical care contributed by the United Kingdom has been included in the Yearbook for 1948. The proposal of the United Kingdom is not incompatible with the directives of the Commission concerning the form and contents of the Yearbook (E/CN.4/63/Rev.1). The Yearbook may very well contain both legislative texts relating to human rights and systematic and comprehensive surveys on the application of human rights.

13. E. Periodic compilations of laws of all countries concerning particular rights. Part I of the Yearbook for 1948 contains an appendix which is a compilation of the electoral laws of all countries. It is thought that the Commission may wish to consider the desirability of compiling and publishing a series of such collections of the laws of all countries concerning particular rights, as for instance, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression, the right to social security, or the right to education.

IV. CONCLUSION

14. The Secretary-General is of the opinion that the new suggestions or proposals as to the future form of the Yearbook are not incompatible with the directives of the Commission at its second session (E/CN.4/63/Rev.1). The three principal parts of the Yearbook should still be maintained, and these parts will cover (1) "information on the general evolution of legislation relating to the various human rights in different countries," (2) provisions of international treaties and agreements "directly affecting human rights", and (3) activities of the United Nations in promoting the respect for and observance of human rights and fundamental freedoms.

15. Any or all of the new suggestions and proposals could be included within the framework of the Yearbook. Basic laws on human rights in Non-Self-Governing and Trust Territories may be included in Part I of the Yearbook. If it were decided that complete texts of new constitutions should be reproduced, they would naturally be incorporated in Part I. If court decisions are included in the Yearbook, the framework of the Yearbook may be modified to the extent of creating a new part. Annual surveys of developments of particular rights in individual countries - the suggestion of the United Kingdom - may well be incorporated in Part I under respective countries. Periodic compilations of laws of all countries concerning particular rights may be published as annexes to Part I.
