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COMMISSION ON HUMAN RIGHTS

Sixth session

ACTION ON RESOLUTIONS AND INSTRUCTIONS  
OF THE COMMISSION ON HUMAN RIGHTS

(Memorandum of the Secretary-General)

1. This memorandum presents a resume of the resolutions of the ninth and tenth sessions of the Economic and Social Council on the draft resolutions of the Commission on Human Rights at its fifth session, and an indication of the work of the Secretariat in pursuance of the instructions of the Commission or the Council.

I. Resolutions of the Economic and Social Council

2. The report of the fifth session of the Commission on Human Rights (document E/1371) was considered by the Economic and Social Council at its ninth and tenth sessions. The Commission, it will be recalled, proposed seven draft resolutions to the Council relating to the following topics:

- A. Draft International Covenant on Human Rights
- B. Prevention of discrimination and protection of minorities
- C. Right of petition
- D. Communications concerning human rights
- E. Yearbook on Human Rights
- F. Provisional questionnaire of the Trusteeship Council
- G. Place of the sixth session of the Commission on Human Rights

3. At its ninth session the Council considered draft resolutions A, B I, C, and G, which were matters of a procedural or administrative character. At its tenth session the Council considered draft resolutions B II, D, E, and F, which were substantive matters.

4. The Council at its ninth session adopted resolution 236 (IX) on the report of the Commission. This resolution was divided into A and B. In resolution 236 A (IX) the Council approved draft resolution B I concerning the decision of

the Commission to add one additional member to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In resolution 236 B (IX) the Council, considering that the Commission had not yet taken any decision on the problem of petitions, recommended that the General Assembly take no further action on the problem at its fourth session.

5. The Council took no action on draft resolution A, which was to request the Secretary-General to make a survey of activities of United Nations organs and of specialized agencies in matters within the scope of Articles 22-27 of the Universal Declaration of Human Rights, on the understanding that there was no objection to the making of such survey by the Secretary-General. The Council did not take any action on draft resolution C, which was to request the Secretary-General to study the question of the right of petition, but there was no clear understanding as to whether the Secretary-General might make such study. (The discussions of the Council on these draft resolutions may be found in E/SR.320)

6. As to draft resolution G, which proposed that the Commission was to hold its 1950 regular session in Geneva, the Council expressed its general approval in resolution 264 (IX). However, the General Assembly, in approving the United Nations budget for the financial year 1950, made budgetary provisions for the Commission to meet at the interim headquarters.

7. At its tenth session the Council adopted resolution 275 (X) on the report of the Commission. This resolution (E/1634) was divided into A, B, C, D, and E. In resolution 275 A (IX) the Council took note of the report of the fifth session of the Commission on Human Rights. In resolution 275 B (X) the Council approved draft resolution D of the Commission on the question of communications concerning human rights.

8. As to draft resolution E concerning the Yearbook on Human Rights, the Council in resolution 275 C (X) requested the Commission to examine the question of the form which the Yearbook might take in future years, and decided that basic laws on human rights in respect of non-self-governing and trust territories should be included in the Yearbook.

9. Upon the basis of draft resolution F of the Commission, the Council adopted resolution 275 D (X), recommending to the Trusteeship Council to take into consideration the Universal Declaration of Human Rights in the revision of its provisional questionnaire, particularly in the light of the additional questions contained in documents E/CN.4/174 and E/CN.4/329; and to consider urging the

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Administering Authorities to continue to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in the Universal Declaration.

10. Having examined draft resolution B II of the Commission, the Council, in resolution 275 E (X), requested the Trusteeship Council to consider the advisability of keeping the Economic and Social Council informed of such violations of the full enjoyment of human rights and fundamental freedoms as may come to the notice of the Trusteeship Council.

## II. Work of the Secretariat

11. Upon the instructions of the Commission (paragraphs 16-17 and 23-24 of document E/1371), the Secretary-General, in a note of 29 July 1949, requested the Governments of the Members of the United Nations to comment on the draft covenant and draft measures of implementation, on all proposals for additional articles on economic and social rights and on all proposals concerning measures of implementation; and to reply to a questionnaire on measures of implementation.

12. As of 15 March 1950, the Secretary-General had received comments on the draft covenant and draft measures of implementation from the Governments of ten Member States. These comments are reproduced in documents E/CN.4/353 and E/CN.4/353/Add.1 to 9. In addition the Secretariat has compiled the comments of the Governments in two documents: E/CN.4/365 which covers the comments on draft articles and additional articles of the Covenant on Human Rights, and E/CN.4/366 which covers the comments on proposals concerning measures of implementation and the replies to the questionnaire on measures of implementation.

13. The Secretariat has prepared a survey of the activities of United Nations organs and of specialized agencies in matters within the scope of Articles 22-27 of the Universal Declaration of Human Rights. This is being issued as document E/CN.4/364.

14. Bearing in mind the discussion of the Economic and Social Council (E/SR.320) on draft resolution C of the Commission, the Secretariat has made a study of the question of the right of petition but has not issued it as a document of the Commission. The Secretary-General will issue the study if the Commission requests him to do so.

15. In pursuance of resolution 313 (IV) of the General Assembly and resolution 278 (X) of the Economic and Social Council, the Secretariat has prepared

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document E/CN.4/360 concerning provisions on freedom of information in the draft Covenant on Human Rights.

16. The Secretariat has brought up-to-date the information regarding the question of trade union rights (freedom of association) in document E/CN.4/164/Add.1 and the information regarding the survey of forced labour in document E/CN.4/157/Add.1.

17. In document E/CN.4/361 the Secretariat has summarized all information relating to communications concerning human rights, freedom of information, discrimination and minorities, and infringement of trade union rights, as well as communications from non-governmental organizations. In addition, the Secretariat has prepared a confidential list of communications concerning human rights in document E/CN.4/CR.14.

18. In pursuance of resolution 275 C (X) of the Economic and Social Council, the Secretariat has prepared document E/CN.4/363 which describes briefly the main features of the Yearbook on Human Rights and lists a number of suggestions or proposals regarding the form which the Yearbook may take in future years.

19. In document E/CN.4/352 the Secretariat transmits to the Commission resolutions 154 D (VII) and 242 H (IX) of the Economic and Social Council dealing with the freedom to choose a spouse.

20. In pursuance of resolution 116 C (VI) of the Economic and Social Council, the Secretariat has prepared a report on the question of the continuing validity of the minorities treaties and declarations, which will be issued as document E/CN.4/367.

21. As regards the question of old age rights, the Secretariat has issued document E/CN.4/362 which transmits to the Commission resolution 213 (III) of the General Assembly and resolution 198 (VIII) of the Economic and Social Council, and document E/CN.4/362/Add.1 which contains a summarized documentation on measures for the benefit of aged persons and the effect of such measures on their standard of living.

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22. The attention of the Commission is called to document E/1653 which contains the Rules of Procedure of Functional Commissions as revised by the Economic and Social Council at its tenth session.