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GENERAL

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COMMISSION ON HUMAN RIGHTS
Sixth session
Item 4

SUGGESTIONS OF THE REPRESENTATIVE OF FRANCE FOR MEASURES
OF IMPLEMENTATION EMBODIED IN THE COVENANT

Article 1

There shall be set up an Advisory Commission, hereinafter referred to as "the Commission" composed of seven members and responsible, in the cases and circumstances hereinafter provided for, for ensuring respect of human rights and fundamental freedoms. The Commission shall be composed of nationals of the signatory countries of high moral character, who possess the qualifications required in their respective countries for holding the highest judicial offices, or who are jurisconsults recognized as experts in matters relating to human rights.

Article 2

The members of the Commission shall be appointed by the International Court of Justice from a list of persons specially nominated for that purpose by the national groups constituted by the signatory States in the Permanent Court of Arbitration, or by the groups referred to in Article 4, paragraph 2 of the Statute of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality.

In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 3

At least three months before the date of appointment of the members of the Commission, the Secretary-General of the United Nations shall address a written request to the signatories of the present Covenant and to the members of the national groups referred to in the preceding Article, inviting them to submit,

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within two months, the names of persons qualified to discharge the duties of a member of the Commission.

Article 4

The Secretary-General of the United Nations shall prepare a panel in alphabetical order of the persons thus nominated, and submit it to the Court. Only persons on the panel shall be eligible.

Article 5

On receipt of the panel the Court shall proceed to appoint the members of the Commission. Those candidates who obtain an absolute majority of the votes of members of the Court, at least three-quarters of whom must take part in the election, shall be declared elected. Not more than one national of any one State may be elected.

Article 6

The Court shall appoint a Secretary-General of the Commission in accordance with the procedure laid down in the foregoing Articles. The Secretary-General shall be elected for three years and may be re-elected.

Article 7

The members of the Commission shall be elected for a five-year term. They may be re-elected. However, the terms of four of the members elected at the first election shall expire at the end of three years. The members whose terms are to expire at the end of the initial period of three years shall be chosen by lot to be drawn by the President of the Court immediately after the first election has been completed.

Article 8

The members of the Commission shall remain in office until they have been replaced, but shall continue, after being thus replaced, to hear any cases which they may have already begun.

Article 9

The resignation of a member shall be addressed to the President of the Commission for transmission to the Secretary-General of the United Nations. Such notification makes the place vacant.

Article 10

Vacancies shall be filled by the same procedure as that laid down for the first election.

/Article 11

Article 11

Members of the Commission appointed to replace members whose terms of office have not expired shall hold office for the remainder of their predecessors' terms.

Article 12

The members of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.

Article 13

The Commission shall deal with complaints of States Parties to the Covenant in connexion with any alleged violation of the provisions of the Covenant when an individual, organization or group within the territorial or personal jurisdiction of one or more States Parties to the Covenant has been injured under circumstances for which one or more States Parties to the Covenant should be held responsible.

The Commission may not give a decision until it has ascertained that all domestic methods of redress have been exhausted and that the case cannot be settled through the diplomatic channel. Such domestic methods of redress must not be unreasonably prolonged, and diplomatic negotiations must not exceed a period of six months.

The Commission shall have no power to deal with matters for which special procedure has been provided within the framework of the United Nations or the specialized agencies, when the States concerned are governed by such procedure.

Article 14

A State concerned in a case referred to the Commission may, if none of its nationals is a member of the Commission, designate as a member, to participate in the deliberations on the case under consideration, a person chosen from the list referred to in Article 2.

Article 15

In examining complaints, the Commission may call upon the States concerned to supply any explanations deemed necessary.

Article 16

The Commission, sitting in camera, shall endeavour to mediate between the States. If unsuccessful, it shall address to the accused State and, where necessary, to the complainant State recommendations which shall be read in open court.

/Article 17

Article 17

The States Parties to the present Covenant may not submit any dispute as to its interpretation to the International Court of Justice unless differences of views as to such interpretation still exist three months after the Commission has made its recommendation. The Court may only be appealed to by the Parties in virtue of a special agreement (compromis).

Article 18

The Commission shall elect its President and Vice-President by a majority vote. Such election shall not be valid unless five members are present.

Article 19

The Commission shall draw up its own rules of procedure. It shall be convened by its President or at the request of not less than five of its members.

Article 20

Decisions of the Commission shall be taken by a majority of the members present. Should the votes be equally divided, the President shall have a casting vote.

Article 21

The Secretary-General of the Commission shall attend all its meetings, prepare the examination of cases under the instructions of the Commission, and arrange for the preparation and conduct of proceedings. Subject to the approval of the Commission he shall appoint the necessary staff.
