



UNITED NATIONS

COMMISSION on HUMAN RIGHTS

REPORT of the SIXTH SESSION

(27 MARCH - 19 MAY 1950)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS

FIFTH YEAR: ELEVENTH SESSION

SUPPLEMENT No. 5

LAKE SUCCESS, NEW YORK

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NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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FIFTH YEAR, ELEVENTH SESSION
SUPPLEMENT No. 5
LAKE SUCCESS, NEW YORK

COMMISSION ON HUMAN RIGHTS

Report to the Economic and Social Council on the work of the sixth session of
the Commission, held at Lake Success, New York, 27 March-19 May 1950 (E/1681)

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25 May 1950

CHAPTER I

Organization of the Session

1. The sixth session of the Commission on Human Rights opened on Monday, 27 March 1950, at the interim headquarters of the United Nations, Lake Success, New York. The Commission held sixty-six plenary meetings and terminated its work on 19 May 1950.

2. The following representatives of Member States on the Commission attended:

Mr. H. F. E. Whitlam (Australia), member
Mr. J. Nisot (Belgium), alternate
Mr. Hernán Santa Cruz (Chile), member
Mr. P. C. Chang (China), member
Mr. M. Sørensen (Denmark), member
Mr. Abdel Meguid Ramadan (Egypt), member¹
Mr. René Cassin (France), member
Mr. Alexis Kyrrou (Greece), member
Mrs. Hansa Mehta (India), member
Mr. Charles Malik (Lebanon), member
Mr. Mauro Mendez (Philippines), alternate
Mr. S. K. Tsarapkin (Union of Soviet Socialist Republics) member²
Miss J. M. Bowie (United Kingdom), member
Mrs. Franklin D. Roosevelt (United States of America), member
Mr. E. Rodriguez Fabregat and Mr. E. N. Oribe (Uruguay), alternates
Mr. Branko Jevremovic (Yugoslavia), member.

¹ The nomination of Mr. Abdel Meguid Ramadan as the representative of Egypt was received after the adjournment of the tenth session of the Economic and Social Council, and will be before the eleventh session of the Council for confirmation. Mr. Ramadan, in accordance with rule 12 of the rules of procedure of functional commissions of the Economic and Social Council, participated in the work of the Commission with the same rights as the other members of the Commission.

² The Union of Soviet Socialist Republics was re-elected as a member of the Commission at the ninth session of the Economic and Social Council for a period of three years from 1 January 1950. No nomination of the member for the Union of Soviet Socialist Republics has been received. Mr. Tsarapkin was designated by the Government of the Union of Soviet Socialist Republics to represent the Union of Soviet Socialist Republics at the sixth session of the Commission.

3. At the 136th meeting, the representative of the Union of Soviet Socialist Republics, speaking on a point of order, submitted the following draft resolution: "The Commission on Human Rights resolves to exclude the representative of the Kuomintang Group from membership of the Commission" (E/CN.4/369). The Chairman ruled the draft resolution out of order. The Chairman pointed out that in establishing the Commission on Human Rights the Economic and Social Council in its resolution 2/9 expressly provided that after the eighteen governments elected to the Commission had nominated their representatives to serve on the Commission, these representatives should be confirmed by the Council itself. The representative of China had been confirmed by the Council following his nomination by the Government of China to serve on the Commission. Accordingly, any question concerning the representative of China on the Commission should be brought up before the Economic and Social Council and should not be raised in the Commission. The ruling of the Chairman was upheld by 13 votes to 2. Thereupon the representative of the Union of Soviet Socialist Republics withdrew from the meeting, declaring that under the circumstances he could not take part in the work of the sixth session of the Commission, nor recognize its decisions, nor consider his Government bound by such decisions.

4. Mr. C. Garcia Bauer, the member for Guatemala, and Mr. V. P. Kovalenko, the member for the Ukrainian Soviet Socialist Republic, did not attend the session and no alternates were designated in their place. Mr. J. Nisot (Belgium) was designated as alternate for Mr. F. Dehousse, the member for Belgium, and attended from the 158th meeting of the session. Mr. Mauro Mendez (Philippines) was designated as alternate for the whole session in place of Mr. Carlos P. Romulo, the member for the Philippines. Mr. E. Rodriguez Fabregat (Uruguay) and Mr. E. N. Oribe (Uruguay) were designated as alternates for various parts of the session in place of Mr. José A. Mora, the member for Uruguay.

5. The following were designated as alternates for various parts of the session of the Commission: Mrs. Ana Figueroa (Chile), Mr. Carlos Valenzuela (Chile), Mr. P. Y. Tsao (China), Mrs. N. W. Wright (Denmark), Mr. P. Ordonneau (France), Mr. B. Theodoropoulos (Greece), Mr. K. Azkoul (Lebanon), Mr. S. Hoare (United Kingdom), Mr. J. Simsarian (United States of America).

6. The following substituted for the members or alternates, without vote, in various parts of the session: Mr. L. Steyaert (Belgium), Mr. H. Cha (China), Mr. M. Leroy-Beaulieu (France), Mr. A. Garcia (Philippines).

7. The Commission at its 136th meeting re-elected:
Mrs. Franklin D. Roosevelt (United States of America), *Chairman*
Mr. P. C. Chang (China), *First Vice-Chairman*
Mr. René Cassin (France), *Second Vice-Chairman*
Mr. Charles Malik (Lebanon), *Rapporteur*.

8. At its fifth session, the Commission decided to invite a representative of the Commission on the Status of Women to be present and to participate, without vote, in the deliberations of the Commission when sections of the draft of the international covenant on human rights concerning the particular rights of women were being considered (E/1371, paragraph 11). Mrs. Amalia C. de Castillo Ledon, Vice-Chairman and representative of Mexico, and Mrs. Olive Remington Goldman, representative of the United States of America, on the Commission on the Status of Women, were present and participated in various meetings of the Commission. At the 153rd meeting, Mrs. Ledon made a statement before the Commission, which was distributed as document E/CN.4/418 at the request of the Commission. Mrs. Goldman participated in the discussion during the first reading on article 20 of the draft international covenant on human rights.

9. The following representatives of specialized agencies were present and participated at various meetings of the session:

International Labour Organisation

Mr. A. A. Evans, Mr. Jacques Lemoine

International Refugee Organization

Mr. Paul Weis

United Nations Educational, Scientific and Cultural Organization

Mr. Solomon Arnaldo

World Health Organization

Dr. P. M. Kaul, Dr. Mabel S. Ingalls, Miss S. Orenstein.

10. The following authorized representatives from non-governmental organizations in consultative status were present as observers:

CATEGORY A

International Confederation of Free Trade Unions

Miss Toni Sender

World Federation of United Nations Associations

Mrs. E. P. Berg, Mrs. I. G. Sprague, Mrs. H. Thomas.

CATEGORY B

Agudas Israel World Organization

Mr. S. Goldsmith, Mr. Isaac Lewin

Catholic International Union for Social Service

Mrs. Grace V. Aieta, Mrs. A. D. Vergara

Commission of the Churches on International Affairs

Mr. E. Philip Eastman, Mr. O. F. Nolde,
Mrs. E. J. Nolde

Consultative Council of Jewish Organizations

Mr. Moses Moskowitz

Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social Council of the United Nations

Mr. Bernard Bernstein, Mr. S. Halperin

Friends' World Committee for Consultation

Mr. W. R. Huntington, Mr. Elmore Jackson

Inter-American Council of Commerce and Production

Mr. Earl F. Cruikshank

International Alliance of Women — Equal Rights, Equal Responsibilities

Mrs. M. Baker van den Berg, Dr. Hanna Rydh

International Co-operative Women's Guild

Mrs. M. R. Bender

International Council of Women

Mrs. L. Barrey, Mrs. E. H. Carter, Mrs. H. G. Freeman, Mrs. W. B. Parsons

International Federation of Business and Professional Women

Mrs. E. W. Hymer, Miss R. Tomlinson

International Federation of Friends of Young Women

Miss M. H. Schwarzenbach

International Federation of University Women

Miss Janet Robb

International League for the Rights of Man

Mr. Roger N. Baldwin, Mr. Max Beer, Mr. A. K. Herling, Mr. J. D. Pearmain

International Society of Criminology

Mr. Lawrence Freedman

International Union of Catholic Womens' Leagues

Miss J. Gartlan, Miss Catherine Schaefer,
Miss R. Schaefer, Miss Alba I. Zizzania

International Union for Child Welfare

Miss Mary A. Dingman

Liaison Committee of Women's International Organizations

Mrs. E. H. Carter, Mrs. H. G. Freeman

Pax Romana — International Movement of Catholic Students

Mr. G. P. Schmidt

Women's International League for Peace and Freedom

Miss G. Baer

World Jewish Congress

Mr. K. R. Grossman, Mr. R. S. Marcus,
Mr. Maurice L. Perlzweig

World's Young Women's Christian Association (World's Y.W.C.A.)

Mrs. A. Arnold, Mrs. C. B. Fox, Mrs. M. R. Mudge

Written statements, in accordance with paragraphs 28 and 29 of resolution 288 B (X) of the Economic and Social Council, were submitted by the following non-governmental organizations in category B consultative status:

- (a) *Service civil international* (Conscientious objection to armed service, E/CN.4/NGO/1)
- (b) International Law Association (Human rights and fundamental freedoms (draft European convention), E/CN.4/NGO/2)
- (c) Co-ordinating Board of Jewish Organizations (Protection of human rights pending adoption of the Covenant, E/CN.4/NGO/3)
- (d) International League for the Rights of Man (Proposals concerning the draft covenant on human rights and its implementation, E/CN.4/NGO/4)
- (e) All India Women's Conference (The right to petition in respect of violations of human rights embodied in the draft international covenant on human rights, E/CN.4/NGO/5)
- (f) Consultative Council of Jewish Organizations (Proposal for a United Nations Attorney-General for Human Rights, E/CN.4/NGO/6)
- (g) World Jewish Congress (Proposals concerning the draft covenant on human rights and its implementation, E/CN.4/NGO/7; The right of petition, E/CN.4/NGO/13; Observations on article 4 of the draft Covenant, E/CN.4/NGO/14)
- (h) International Federation of Business and Professional Women (Position on the draft international covenant on human rights, E/CN.4/NGO/8)
- (i) World Movement of Mothers (Proposals for inclusion in the draft international covenant of human rights, E/CN.4/NGO/9)
- (j) Commission of the Churches on International Affairs (Proposals concerning article 16 of the draft covenant on human rights, E/CN.4/NGO/10)
- (k) Friends World Committee for Consultation (Conscientious objection to military service: Articles 8 and 16 of the draft covenant on human rights, E/CN.4/NGO/11)
- (l) Agudas Israel World Organization (Proposal for a provision on religious education of children and particularly war orphans in the international covenant on human rights, E/CN.4/NGO/12).

At the 142nd meeting, the Commission requested, in accordance with paragraphs 28 and 29 of resolution 288 B (X) of the Economic and Social Council, that a statement submitted by the *Service civil international* be circulated in full (E/CN.4/NGO/1/Add.1). At the request of the Commission, a statement made by Mr. Max Beer of the International League for the Rights of Man at the 183rd meeting was circulated in full (E/CN.4/480).

In accordance with rule 75 of the rules of procedure of functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings of the session to the following non-governmental organizations: *in category A consultative status*: International Confederation of Free Trade Unions (Miss Toni Sender); *in category B consultative status*: Agudas Israel World Organization (Mr. Isaac Lewin), Catholic International Union for Social Service (Mrs. Grace V. Aieta),

Co-ordinating Board of Jewish Organizations (Mr. Bernard Bernstein), Consultative Council of Jewish Organizations (Mr. Moses Moskowitz), International Federation of Business and Professional Women (Miss R. Tomlinson), International League for the Rights of Man (Mr. Max Beer), International Union of Catholic Women's Leagues (Miss C. Schaefer) and World Jewish Congress (Mr. Maurice L. Perlzweig).

11. Mr. Henri Laugier, Assistant Secretary-General for the Department of Social Affairs, Mr. John P. Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Assistant Director of the Division of Human Rights, represented the Secretary-General. Mr. Oscar Schachter, Deputy Director of the General Legal Division, participated as legal expert in the work of the Commission. Mr. Lin Mousheng, Mr. Kamleshwar Das and Miss Margaret Kitchen acted as Secretaries of the Commission.

12. The expression of the views of the members of the Commission is contained in the summary records of the plenary meetings (E/CN.4/SR.136 to E/CN.4/SR.201). During the course of the session the Commission established the following *ad hoc* committees: *Ad Hoc* Committee on Prevention of Discrimination and Protection of Minorities, *Ad Hoc* Committee on the Yearbook, *Ad Hoc* Committee on Communications and the *Ad Hoc* Committee on Style (see chapters IV, VI, VII, VIII and IX). The discussions in the Committees will be found in the summary records of the meetings of the committees (E/CN.4/AC.11/SR.1 and 2, E/CN.4/AC.12/SR.1 and 2, and E/CN.4/AC.13/SR.1), except of the *Ad Hoc* Committee on Style, of which no summary record was kept. In addition, various drafting groups were established from time to time to consider particular articles of the draft covenant and draft measures of implementation.

13. Resolutions A to M, adopted by the Commission during its session, appear under the subject-matters to which they relate. Draft resolutions adopted by the Commission for submission to the Economic and Social Council are set out in annex IV of this report.

14. At the 160th meeting of the Commission, on 19 April 1950, the Chairman welcomed the President of Chile, Mr. Gabriel González Videla, who addressed the Commission. At the 162nd meeting, the Chairman also welcomed Mrs. Rosa M. de González Videla.

CHAPTER II

Agenda

15. The Commission unanimously adopted the provisional agenda (E/CN.4/356/Rev.1) as its agenda for the sixth session. The Commission decided to proceed immediately with the consideration of item 4 of its agenda and to consider the other items during the session in the order in which the Chairman, in consultation with the Secretary-General, might determine. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda.

3. Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to replace Mr. William McNamara.
4. Draft international covenant on human rights and measures of implementation:
 - (a) Draft international covenant on human rights (annexes I and II of the report of the fifth session of the Commission on Human Rights, E/1371);
 - (b) Comments of Governments on the draft international covenant on human rights, including the proposed additional articles;
 - (c) Recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the draft international covenant on human rights and measures of implementation (resolutions D and E, paragraphs 18 and 22 of document E/CN.4/351; resolution E, paragraph 47, and chapter XIII and IX of document E/CN.4/358);
 - (d) Proposals on implementation (annex III of the report of the fifth session of the Commission on Human Rights, E/1371);
 - (e) Replies of Governments to the questionnaire on measures of implementation and comments of Governments on proposals concerning measures of implementation;
 - (f) Documents referred to the Commission by the General Assembly and by the Economic and Social Council in connexion with the drafting of the international covenant on human rights and measures of implementation;
 - i. The Freedom of Association and Protection of the Right to Organize Convention, 1948, and the resolution on international machinery for safeguarding freedom of association adopted by the thirty-first International Labour Conference (resolution 193 (VIII) of the Economic and Social Council);
 - ii. Infringements of trade union rights (resolution 194 (VIII) of the Economic and Social Council);
 - iii. Survey of forced labour and measures for its abolition (resolution 195 (VIII) of the Economic and Social Council);
 - iv. Draft convention on freedom of information (resolution 313 (IV) of the General Assembly and resolution 278 (X) of the Economic and Social Council).
5. Right of petition (resolution 217 B (III) of the General Assembly, resolution 191 (VIII) of the Economic and Social Council, and paragraph 25 of the report of the fifth session of the Commission on Human Rights (E/1371)).
6. Communications.
 - (a) Resolution 240 C (IX) of the Economic and Social Council transmitting the resolution of the Sub-Commission on Freedom of Information and of the Press regarding the establishment of procedure for dealing with communications;
 - (b) Draft resolution VI of the second and third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/358, page 40);
 - (c) Report of the Secretary-General on the present situation with regard to communications concerning human rights.
 7. List of communications.
 8. Report of the second and third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/351 and E/CN.4/358).
 9. Yearbook on Human Rights (resolution 275 C (X) of the Economic and Social Council).
 10. Resolutions 154 D (VII) and 242 H (IX)³ of the Economic and Social Council dealing with the freedom to choose a spouse, etc.
 11. Report of the Secretary-General on the question of the continuing validity of the minorities treaties and declarations (resolution 116 C (VI) of the Economic and Social Council and paragraph 28 of document E/1371).
 12. Local human rights committees (paragraph 49 of document E/600, paragraph 22 of document E/800, and paragraph 30 of document E/1371).
 13. Right of asylum (paragraph 48 of document E/600 and paragraph 33 of document E/1371).
 14. Old age rights (resolution 213 (III) of the General Assembly, resolution 198 (VIII) of the Economic and Social Council, and paragraph 34 of document E/1371).
 15. Adoption of the report to the Economic and Social Council.

CHAPTER III

Election of a Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to replace Mr. William McNamara.

16. Item 3 of the agenda of the Commission, relating to the election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to replace Mr. William McNamara, of Australia, was considered at the 143rd and 150th meetings of the Commission. Mr. McNamara had informed the Secretary-General that, having accepted a post with the Secretariat of the United Nations, he resigned as a member of the Sub-Commission (E/CN.4/355).

17. At the 143rd meeting, it was decided that nominations might be made by members of the Commission, if they so desired, before the 150th meeting, at which time a decision would be taken as to whether the vacancy should be filled, or whether the membership of the Sub-Commission should be reduced from thirteen to twelve.

18. No nominations having been proposed, the Commission at its 150th meeting decided to recommend to

³ In the printed edition of the resolutions of the ninth session of the Economic and Social Council (*Official Records: Fourth Year, Ninth Session, Supplement No. 1*), this resolution does not bear the symbol of 242 H (IX), but is listed on page 90 among "other decisions taken by the Council at its ninth session".

the Economic and Social Council that the number of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be reduced from thirteen to twelve.⁴

CHAPTER IV

Draft First International Covenant on Human Rights and Measures of Implementation

19. In its consideration of item 4 of its agenda, draft international covenant on human rights and measures of implementation, the Commission had before it the following documents:

- (a) Draft international covenant on human rights (Report of the fifth session of the Commission on Human Rights, E/1371, annexes I and II);
- (b) Recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the draft international covenant on human rights and measures of implementation (E/CN.4/351, resolution D and E, paragraphs 18 to 23, resolution E, paragraph 47; E/CN.4/358, chapters VII, VIII and IX);
- (c) Proposals on implementation (Report of the fifth session of the Commission on Human Rights, E/1371, annex III);
- (d) Documents referred to the Commission by the General Assembly and by the Economic and Social Council in connexion with the drafting of the international covenant on human rights and measures of implementation:
 - i. The Freedom of Association and Protection of the Right to Organize Convention, 1948, and the resolution on international machinery for safeguarding freedom of association adopted by the thirty-first International Labour Conference (resolution 193 (VIII) of the Economic and Social Council; E/CN.4/164 and Add.1);
 - ii. Infringements of trade union rights (resolution 194 (VIII) of the Economic and Social Council; E/CN.4/156);
 - iii. Survey of forced labour and measures for its abolition (resolution 195 (VIII) of the Economic and Social Council; E/CN.4/157 and Add.1);
 - iv. Draft convention on freedom of information (resolution 313 (IV) of the General Assembly and resolution 278 (X) of the Economic and Social Council; E/CN.4/360 and Corr.1 and 2);
- (e) Communication from the Director-General of the World Health Organization (E/CN.4/359);
- (f) Survey of the activities of bodies of the United Nations other than the Commission on Human Rights, and of the specialized agencies, in matters within the scope of articles 22-27 of the Universal Declaration on Human Rights (E/CN.4/364 and Corr.1, 2 and 3);
- (g) Communication from the Director-General of the International Labour Office (E/CN.4/403).

20. In accordance with the request of the Commission at its fifth session, the Secretary-General invited Member States to comment on the draft international covenant on human rights, including all proposals for additional articles, to comment on proposals concerning implementation, and to reply to a questionnaire on measures of implementation. The Commission had before it replies from the following Governments: Australia, Denmark, France, India, Israel, Netherlands, Norway, Philippines, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia (E/CN.4/353 and Add. 1 to 11, E/CN.4/353/Add.1/Corr.1, E/CN.4/353/Add.3/Corr.1, E/CN.4/353/Add.6/Corr.1, E/CN.4/353/Add.9/Corr.1, E/CN.4/353/Add.10/Corr.1 and 2, E/CN.4/365 and Corr.1 and Corr.2 and E/CN.4/366 and Corr.1). The Government of Sweden replied that it had not found it possible to formulate any precise opinions for the present, but that it reserved its right to express its views on the whole question at a later stage.

REVISION OF PARTS I, II AND III OF THE DRAFT COVENANT AT THE FIFTH SESSION OF THE COMMISSION

21. After a general debate on part I of the text of the draft covenant adopted at its fifth session (E/1371, annex I), the Commission proceeded to examine part II of this text, article by article.

22. It decided, at its 140th meeting, by 10 votes to none, with 3 abstentions, that it would have two readings of all the articles in the draft covenant.

23. It examined parts I and III, article by article, after completing the first reading of part II and the articles on measures of implementation.

24. The Commission, in first reading, decided to incorporate article 1 in the Preamble and to delete articles 3, 7 and 21 (E/CN.4/SR.175, 183, 193 and 195).

25. At its 197th meeting the Commission decided, by 8 votes to 5, with 1 abstention, to transmit articles 24 and 25, together with comments and amendments thereto, to the Economic and Social Council for its consideration without any discussion of these articles in the Commission (see annex I, articles 43 and 44). Certain representatives expressed the opinion that in considering these articles the Economic and Social Council should, in accordance with Article 69 of the Charter of the United Nations, invite Member States concerned, which were not represented on the Council, to participate in its deliberations.

26. The Commission at the same meeting requested the Secretary-General, by 10 votes to none, with 5 abstentions, to submit to the Economic and Social Council, at its eleventh session, a report on articles 24 and 25 (articles 43 and 44 in the text contained in annex I) dealing with the legal aspects of the previous actions which may have been taken by the United Nations and its specialized agencies in this connexion.

27. Proposals for a new article on reservations by States in respect of the provisions of the draft covenant, to be included in part III, were submitted by the representatives of Belgium (E/CN.4/486), the United Kingdom

⁴ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution I.

(E/CN.4/375) and Denmark (E/CN.4/365, part II, section J) (who withdrew his proposal in favour of that of the United Kingdom), and were rejected by the Commission, by 9 votes to 3, with 3 abstentions, and 9 votes to 4, with 2 abstentions, respectively (E/CN.4/SR.197).

FREEDOM OF INFORMATION

28. Following the adoption, in first reading, of article 17 of the draft covenant relating to freedom of opinion and expression, the Commission considered, at its 170th and 171st meetings, a draft resolution submitted by the representatives of Egypt, France, India and Lebanon concerning freedom of information (E/CN.4/439 and Corr.1). Amendments submitted by the representatives of Belgium and the United States of America (E/CN.4/442), stating that it had not been the intention of the Commission to prejudice in any way the decision the General Assembly must take concerning the drafting of a special convention on freedom of information, were rejected by 7 votes to 5, with 2 abstentions, and by 7 votes to 3, with 3 abstentions, respectively. The Commission adopted the draft resolution as submitted by 9 votes to 2, with 2 abstentions. It read as follows:

A⁵

"The Commission on Human Rights,

"Having taken into account the resolution of the General Assembly 313 (IV) of 20 October 1949 and the resolution of the Economic and Social Council 278 (X) of 13 February 1950, transmitting this Assembly resolution to the Commission, and

"Having consequently adopted an article on freedom of information in the draft covenant on human rights,

"Recommends to the Economic and Social Council that it recommend to the General Assembly to proceed at its fifth session with the elaboration of a special convention on freedom of information as a means of ensuring adequately this freedom throughout the world."

ADDITIONAL ARTICLES PROPOSED FOR INCLUSION IN THE DRAFT COVENANT

29. At its 181st meeting, the Commission decided to take up, after the first reading of part II of the draft covenant, the question of including in part II certain proposed additional articles (see annex III of this report).

30. The Commission devoted its attention principally to discussing the question of including additional articles on economic and social rights. Certain representatives thought that such rights should be incorporated in the covenant which the Commission was drafting. They stated that economic and social rights were a prerequisite for the enjoyment of the other rights already included in part II of the draft covenant, and that the Commission should not give the impression that it had overlooked them. The majority, however, were of the opinion that fuller examination of articles dealing with economic and social rights was needed than would be possible in the

⁵ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution II.

time that remained at the sixth session. Such examination should include full consultation with the specialized agencies, in particular with the ILO and UNESCO, whose representatives expressed the willingness of their agencies to co-operate with the Commission (E/CN.4/SR.184-187).

31. At its 186th meeting the Commission adopted by a roll call vote the following resolution submitted by the representatives of Denmark, Egypt, France and Lebanon, by 13 votes to 2:

B⁶

"The Commission on Human Rights,

"Considering that the draft covenant on human rights relating to some of the fundamental rights of the individual and to certain essential civil freedoms is the first of the series of covenants and measures to be adopted in order to cover the whole of the Universal Declaration,

"Decides to proceed at its first session in 1951 with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights; and to this end

"Decides further to consider then the additional proposed articles (included in annex III of the Commission's report on its sixth session) which have not been examined at its sixth session, and the importance of which it fully recognizes, together with any other articles which Governments might further propose;

"Requests the Economic and Social Council to confirm this decision."

32. In adopting this resolution the Commission agreed that, at its seventh session, it would consider economic and social rights first.

33. At its 187th meeting, the Commission also unanimously adopted the following resolution submitted by the representatives of Denmark, Egypt, France and Lebanon:

C⁷

"The Commission on Human Rights,

"Being resolved to begin at once the preparation of the execution of its programme of work for the year 1951, with a view to assuring to everyone the enjoyment of economic, social and cultural rights as set forth in articles 22 to 27 of the Universal Declaration of Human Rights,

"Taking note of the survey prepared by the Secretary-General regarding the activities of other bodies of the United Nations and of the specialized agencies in matters within the scope of the said articles,

"Considering the significance of measures already taken or planned to be taken by such bodies and by the specialized agencies, as well as the desirability of promoting and supplementing their activities,

"Takes note with gratitude of the readiness of ILO and UNESCO to assist in preparing the draft texts to be considered at its next session; and

⁶ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution III.

⁷ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution IV.

"*Recommends* to the Economic and Social Council that it instruct the Secretary-General to take the necessary steps to secure similar co-operation from other United Nations organs and the specialized agencies, and requests him to submit to the Commission, before its first session in 1954, the documents thus assembled, together with any others which he may deem useful."

MEASURES OF IMPLEMENTATION

34. The Commission considered measures of implementation at its 168th, 169th, 176th to 178th, 187th to 192nd, 197th, 198th and 201st meetings. It had before it, in addition to the documents listed in paragraphs 19 and 20, the following statements and proposals:

- (a) Draft proposal for implementation of the international covenant on human rights by the representatives of the United Kingdom and the United States of America (E/CN.4/444);
- (b) Statement of the representative of India on the question of implementation of the international covenant on human rights (E/CN.4/452);
- (c) Suggestions of the representative of France for measures of implementation to be embodied in the draft covenant (E/CN.4/457);
- (d) Statement of the representative of Uruguay on the implementation of the international covenant on human rights (E/CN.4/469).

35. After a general debate, the Commission decided unanimously, at its 178th meeting, that some machinery of implementation should be included in the draft covenant which it was considering. It was understood that this decision would not in any way prejudice the possibility of the submission by members of the Commission, for inclusion in a separate protocol to the covenant, of such further measures of implementation as might not be included in the first draft covenant, such as the possibility of petitions filed by individuals and non-governmental organizations.

36. The Commission also approved by 7 votes to 6, with 1 abstention, the principle of the establishment of a permanent body in the measures of implementation to be included in the first draft covenant. It rejected by 7 votes to 5, with 1 abstention, a proposal for the establishment of *ad hoc* bodies on the lines suggested by the representative of the United Kingdom and the United States of America (E/CN.4/444).

37. The Commission further unanimously approved the principle that the measures of implementation to be included in the first draft covenant should include provisions for the consideration of State to State complaints. Consideration of complaints from non-governmental organizations, selected in any manner which might be decided upon, was rejected by 7 votes to 4, with 3 abstentions, and the inclusion of provisions for petitions from individuals was also rejected by 8 votes to 3, with 3 abstentions.

38. The Commission, by 9 votes to 2, with 3 abstentions, requested the representatives of France, India, the United Kingdom and the United States of America to work out a draft proposal on measures of implementation

to be inserted in the first draft covenant based on the proposals of the representative of France and the representatives of the United Kingdom and the United States of America.

39. The representatives of France, India, the United Kingdom and the United States of America presented as a working paper for the Commission a joint proposal (E/CN.4/474) which included certain alternative texts. It provided for the establishment of a permanent Human Rights Committee of seven members, to be elected: (a) by the States parties to the covenant; or (b) by the International Court of Justice.

40. The Commission examined this proposal, article by article, at its 187th to 192nd meetings. It had before it a financial estimate relating to the proposal prepared by the Secretary-General in accordance with rule 28 of the rules of procedure of functional commissions of the Economic and Social Council (E/CN.4/474/Add.1/Rev.1).

41. At its 188th meeting, the Commission decided, by 8 votes to 5, with 1 abstention, that the permanent Human Rights Committee envisaged in the joint proposal should be elected by the States parties to the covenant (E/CN.4/474, article 5). The Committee would, in cases of alleged violations brought to its attention by a State party to the covenant, after available domestic remedies have been invoked and exhausted, ascertain the facts and make available its good offices to the States concerned, with a view to a friendly solution of the matter on the basis of respect for human rights as defined in the covenant.

42. At its 190th meeting, the Commission rejected, by 8 votes to 6, an article which provided that the Human Rights Committee should not have power to deal with matters for which special procedure had been provided within the framework of the United Nations or the specialized agencies, when the States concerned were governed by such procedure (E/CN.4/474, article 21).

43. The Commission, at its 191st meeting, decided by 7 votes to 1, with 5 abstentions, not to adopt an additional article proposed by the representative of India which provided that the Human Rights Committee should include in its functions the general supervision of the observance of the provisions of the covenant (E/CN.4/474, article 22 A). To this end it should collect information, including legislation and judicial decisions, regarding the observance within States parties to the covenant, of human rights as defined in the covenant, and initiate an inquiry if it thought it necessary.

44. The Commission at the same meeting rejected by 8 votes to 6, with 1 abstention, an article dealing with reference of a matter of which the Human Rights Committee might be seized to the International Court of Justice. The article provided that a matter before the Committee might not be referred to the Court, by a State party to the covenant or otherwise, while it was still under consideration by the Committee, or at any time before the expiration of three months after the publication of the report of the Committee. Even after the expiration of the above period the Court might be seized of a point of law concerning the interpretation of the covenant only by virtue of a special agreement

between one of the States concerned and any other State (E/CN.4/474, article 25).

45. At its 192nd meeting, the Commission decided, by 6 votes to 5, with 4 abstentions, not to include an additional article proposed by the representative of the United Kingdom enabling the Committee, through the appropriate organ duly authorized by the General Assembly, to request an advisory opinion of the International Court of Justice on legal questions (E/CN.4/487). At the same meeting the Commission adopted, by 6 votes to 2, with 6 abstentions, the following draft resolution submitted by the United Kingdom:

D

"The Commission on Human Rights

"Considers that it is desirable that the Human Rights Committee should be able to obtain from the International Court of Justice advisory opinions on questions of law arising in the course of its work; and

"Requests the Secretary-General of the United Nations to report to the Economic and Social Council upon the means by which this can be secured in conformity with the Charter of the United Nations."

46. The Commission rejected at its 193rd meeting⁸ by 8 votes to 5, with 2 abstentions, a draft resolution submitted by the representative of Australia and amended by the representative of France. This proposed that the Commission take note of the proposal for an international court of human rights contained in the annexes of the reports of the second, third and fifth sessions of the Commission (E/600, E/800 and E/1371), and recommend to the Economic and Social Council that it submit the proposals, official and unofficial, regarding the implementation of human rights by international jurisdictions (International Court of Justice, international court of human rights, regional courts of human rights, etc.) to the International Law Commission (E/CN.4/489 and E/CN.4/492). The Commission, however, agreed that the question of an international court of human rights would be taken up at its seventh session (E/CN.4/SR.201).

47. The Commission considered a draft resolution submitted by the representative of France (E/CN.4/501) at its 197th and 198th meetings. Amendments to the draft resolution were proposed by various representatives and, in the light of the discussion, the representative of France agreed to submit a revised draft resolution. At the 201st meeting, the Commission adopted by 10 votes to 2, with 3 abstentions, the revised draft resolution (E/CN.4/501/Rev.1) with certain amendments proposed by the representatives of Belgium and Chile. The text of the resolution is as follows:

E⁸

"The Commission on Human Rights

"Submits the draft resolution appearing in the annex hereto to the Economic and Social Council for con-

sideration by the Council with a view to its adoption by the General Assembly:

"Annex

"The General Assembly,

"Considering that the States Members of the United Nations have pledged themselves, under Article 56 of the Charter, to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, and, in particular, to encourage and promote "universal respect for, and observance of, human rights",

"Considering that the United Nations has subsequently proclaimed the Universal Declaration of Human Rights,

"Requests the Economic and Social Council to instruct the Commission on Human Rights to draw up, subject to its approval, a scheme providing for annual reports to be compiled by States in conjunction with the publication of the Yearbook on Human Rights;

"Recommends States Members to agree to act in the spirit of the said scheme by forwarding annually to the Secretary-General of the United Nations, in particular with a view to the preparation of the Yearbook, a report on the manner in which they have promoted respect for, and the progress of, human rights in the course of the preceding year."

ADOPTION OF THE DRAFT FIRST COVENANT AND DRAFT MEASURES OF IMPLEMENTATION

48. At its 161st meeting, the Commission established a Style Committee, composed of the representatives of Belgium, France, the United Kingdom and the United States of America, to revise the style of the articles of the draft covenant, including measures of implementation, adopted in first reading. In this connexion the Commission had before it a memorandum by the Secretary-General on part II of the draft covenant as adopted in first reading (E/CN.4/L.10 and Corr. 1 and 2).

49. At its 199th meeting, the Commission began its second reading of the draft covenant. It had before it the report of the Style Committee on articles 5 to 15 as adopted in first reading (E/CN.4/L.16). The Commission accepted the recommendations of the Committee, including the suggestion that the articles on measures of implementation should become part III of the draft covenant, and that consequently part III as adopted in first reading would become part IV.

50. The Commission agreed that, as there was very little time left before the end of its session, it would adopt amendments, in second reading, only if there were no objections to them from any member. It also agreed that amendments to which any objections were raised, as well as any comments which representatives on the Commission might wish to make on the articles of the draft covenant, should be submitted in writing by 24 May 1950 for inclusion in the report (see annex II).

⁸ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution V.

51. At its 199th meeting, the Commission unanimously adopted the following resolution:

F

"The Commission on Human Rights

"Submits to the Economic and Social Council for its consideration at its eleventh session the draft First Covenant on Human Rights with the draft measures of implementation (see annex I of this report), together with the summary records of the 198th and 199th meetings of the Commission."

CHAPTER V

The Right of Petition

52. The Commission had before it resolution 217 B (III) of the General Assembly concerning the right of petition, which had been transmitted to it by the Economic and Social Council in resolution 191 (VIII) for the action contemplated therein. At the request of the Commission at its 147th meeting, the Secretary-General presented a report on the right of petition (E/CN.4/419).

53. The Commission discussed the right of petition when it was considering measures of implementation, and took the action outlined in chapter IV, paragraphs 35 and 37.

CHAPTER VI

Communications

54. The Commission, at its 143rd meeting, established an *Ad Hoc* Committee on Communications to consider items 6 and 7 of its agenda. Item 6 of the agenda related to: resolution 240 C (IX) of the Economic and Social Council transmitting the resolution of the Sub-Commission on Freedom of Information and of the Press regarding the establishment of procedure for dealing with communications (E/CN.4/361), draft resolution on the handling of petitions of the second and third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/358, annex, draft resolution VI), and report by the Secretary-General on the present situation with regard to communications concerning human rights (E/CN.4/165 and Corr.1). Item 7 of the agenda related to lists of communications prepared by the Secretary-General in accordance with resolution 75 (V) as amended by resolution 275 B (X), (E/CN.4/CR.14 and Add.1 and E/CN.4/CR.16 and Add.1).

55. The Committee, composed of the representatives of Chile, France, India, Lebanon, United Kingdom (Chairman and Rapporteur), United States of America, Uruguay and Yugoslavia, met on 1 May 1950 (E/CN.4/AC.13/SR.1) and submitted a report to the Commission (E/CN.4/460/Rev.1) which was unanimously adopted at the 179th meeting.

56. The Commission took note of resolution 240 C (IX) of the Economic and Social Council relating to the establishment of a procedure for dealing with communications concerning freedom of information by the Sub-Commission on Freedom of Information and of the Press, and of the draft resolution relating to the handling of petitions of the Sub-Commission on Prevention of

Discrimination and Protection of Minorities, and was of the opinion that, until the Commission had decided upon measures of implementation of the international covenant on human rights, it would be premature to sanction any procedure for dealing with complaints or petitions by a Sub-Commission other than that at present in force for dealing with communications relating to human rights. For the same reason, the Commission decided to defer further study of the report of the Secretary-General.

57. The Commission also adopted the following resolution submitted by the Committee:

G

"The Commission on Human Rights

"Takes note of the lists of communications concerning human rights prepared for its sixth session by the Secretary-General in accordance with resolution 75 (V) as amended by resolution 275 B (X)."

CHAPTER VII

Reports of the Second and Third Sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

58. The Commission had before it the reports of the second and third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/351 and Corr.1 and 2, E/CN.4/358 and Add.1 and E/CN.4/427). The second session of this Sub-Commission was held from 13 to 27 June 1949 and the third session from 9 to 27 January 1950, both at Lake Success.

59. The Commission noted these reports and took into account the various recommendations of the Sub-Commission, including the suggestions relating to the draft international covenant on human rights and measures of implementation.

60. At its 143rd meeting, the Commission established an *Ad Hoc* Committee on Prevention of Discrimination and Protection of Minorities, composed of the representatives of Denmark (Chairman and Rapporteur), Egypt, Greece, India, the Philippines, and the United States of America. It requested this Committee to consider, *inter alia*, the two reports of the Sub-Commission.

61. The Committee held two meetings (E/CN.4/AC.11/SR.1 and 2). In its report to the Commission (E/CN.4/450) it recommended, *inter alia*, certain draft resolutions, arising out of the reports of the Sub-Commission on the following subjects:

- (a) *Information from Governments relating to the prevention of discrimination and protection of minorities:* In this draft resolution the Committee combined and amended the two requests made by the Sub-Commission (draft resolutions I and IV, E/CN.4/358, annex), that the Secretary-General should invite Governments to furnish him with information relating to legal measures concerning the prevention of discrimination and information on the status (the protection) of minorities, respectively.

- (b) *Co-operation of non-governmental organizations in consultative relationship*: This draft resolution was a revision of a proposal on this subject (draft resolution VII, E/CN.4/358, annex) forwarded by the Sub-Commission at its second session.
- (c) *Educational measures for the prevention of discrimination*: This draft resolution was also a revision of a proposal on this subject (draft resolution II, E/CN.4/358, annex) forwarded by the Sub-Commission.
- (d) *Definition of minorities and interim measures to be taken for the protection of minorities*: The Committee had before it a draft resolution proposed by the representative of the United States of America (E/CN.4/AC.11/L.1), which it adopted with certain modifications. In its draft resolution, the Committee recommended that the Commission should not forward these two proposals of the Sub-Commission (draft resolutions III, IV and V, E/CN.4/358, annex) to the Economic and Social Council, but should request the Sub-Commission to give further study to the problem of the protection of minorities with a view to the development of further proposals. The Committee also suggested certain amendments which, in its view, would improve the draft resolution of the Sub-Commission on interim measures to be taken for the protection of minorities.⁹

⁹ The two draft resolutions read as follows:

I

DEFINITION OF MINORITIES FOR PURPOSES OF PROTECTION
BY THE UNITED NATIONS

(adopted by the Sub-Commission at its third session)

The Commission on Human Rights,

1. *Recognizing* that there are among the nationals of many States distinctive population groups, usually known as minorities, possessing ethnic, religious, or linguistic traditions or characteristics different from those of the rest of the population, and that among these are groups that need to be protected by special measures, national or international, so that they can preserve and develop the traditions or characteristics in question,

2. *Recognizing*, however, that not all such groups pose this problem of protection, which is not required:

- (a) When the group in question, though numerically inferior to the rest of the population, is the dominant group therein; and
- (b) When the group in question seeks complete identity of treatment with the rest of the population, in which case its problems are covered by those articles of the Charter of the United Nations, the Universal Declaration of Human Rights and the draft international covenant on human rights that are directed towards the prevention of discrimination,

3. *Recognizing*, at the same time, that any definition of minorities that is made with a view to their protection by the United Nations must take into account complex situations such as:

- (a) The undesirability of imposing unwanted distinctions upon individuals belonging to a group who, while possessing the distinctive characteristics described above, do not wish to be treated differently from the rest of the population;
- (b) The undesirability of interfering with the spontaneous developments which take place when impacts such as that of a new environment, or that of modern means of

62. The Committee did not consider the proposal of the Sub-Commission on the handling of petitions (draft resolution VI, E/CN.4/358, annex), which had been referred by the Commission to the *Ad Hoc* Committee on Communications (see chapter VI of this report).

63. The Committee recommended that no action should be taken on the proposals of the Sub-Commission on national co-ordinating committees (draft resolution VIII, E/CN.4/358, annex), or on the right of the Sub-Commission to forward proposals to the Economic and Social Council (draft resolution IX, E/CN.4/358, annex).

64. The Commission at its 180th meeting adopted the draft resolution of the Committee, on information from governments relating to prevention of discrimination and protection of minorities, with certain amendments, by 14 votes to none, with one abstention, in the following form (E/CN.4/SR.179 and 180):

H¹⁰

"The Commission on Human Rights,
"Considering the need for thorough and precise information relating to the prevention of discrimination and the protection of minorities,

"Requests the Economic and Social Council to request the Secretary-General:

"(a) To invite Governments, Members, and non-members of the United Nations:

"i. To furnish him, as soon as practicable but in any case not later than 1 January 1951,

communication, produce a state of rapid racial, social, cultural or linguistic evolution;

(c) The risk of taking measures that might lend themselves to misuse amongst a minority whose members' spontaneous desire for a tranquil life as contented citizens of a State might be disturbed by parties interested in fomenting amongst them a disloyalty to that State;

(d) The undesirability of affording protection to practices which are inconsistent with human rights as proclaimed in the Universal Declaration of Human Rights; and

(e) The difficulties raised by claims to the status of a minority by groups so small that special treatment would, for instance, place a disproportionate burden upon the resources of the State,

4. *Resolves* that from the standpoint of such measures of protection of minorities as the United Nations may wish to take, and in the light of the exceptions and complexities set out above:

(a) The term minority includes only those non-dominant groups in a population which possess and wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population;

(b) Such minorities should properly include a number of persons sufficient by themselves to develop such characteristics; and

(c) The members of such minorities must be loyal to the State of which they are nationals.

II

INTERIM MEASURES TO BE TAKEN FOR THE PROTECTION
OF MINORITIES.

(Adopted by the Sub-Commission at its third session, and amended by the *Ad Hoc* Committee on Prevention of Discrimination)

(Continued on page 11.)

¹⁰ A draft resolution for the Economic and Social Council on this subject appears in annex IV as draft resolution VI.

examples (with appropriate citations, where possible) of legislation, judicial decisions, and other types of action which have been found to be especially useful in that country in preventing discrimination in one or more of the fields covered by the Universal Declaration of Human Rights;

" ii. To furnish him as soon as practicable full information regarding the protection of any minority within their jurisdiction by legislative measures and in the light of the provisions of the Universal Declaration of Human Rights; and

" iii. To furnish him, in particular, such information as could serve as a basis for the establishment of a definition of minorities;

" (b) To distribute the information received from Governments in response to this invitation to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities prior to its fourth session."

65. Although the Committee had suggested that the Commission should request the Secretary-General directly to obtain the information from governments, the Commission decided by 7 votes to 3 with 4 abstentions (E/CN.4/SR.179) to forward this resolution to the Economic and Social Council for approval. In connexion with the discussion on this subject, the representative of Lebanon submitted a draft resolution which requested

mination and Protection of Minorities. The Committee's proposed revisions are underlined; the original wording submitted by the Sub-Commission appears in brackets)

The Commission on Human Rights

Recommends that the Economic and Social Council adopt and transmit to the General Assembly the following draft resolution, on interim measures to be taken for the protection of minorities:

" *The Economic and Social Council,*

" *Considering* that the problem of the fate of minorities was referred to the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities by the General Assembly in part C of resolution 217 (III),

" *Considering* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities has adopted a definition of minorities for purposes of protection by the United Nations, in resolution C of its third session; and that the Sub-Commission is now engaged in a further study of the problem of minorities in order that the United Nations may be able to take effective measures for such protection,

" *Considering* that the rights traditionally desired by minorities were extensively set forth in the minorities treaties and declarations which came into force after the First World War,

" *Considering* that many of the rights traditionally claimed by minorities are proclaimed in the Universal Declaration of Human Rights, and that, pending the coming into force of an international covenant on human rights, it is not feasible fully to determine what further measures will become necessary for the protection of minorities,

" *Considering*, however, that neither the Universal Declaration of Human Rights nor the draft international covenant on human rights fully covers the right of using the minority language before the courts, or of teaching the minority language as one of the courses of study in State-supported schools,

" *Recommends* that, as an interim means of (displaying its concern for) protecting minorities, the General Assembly adopt, and so place the full weight of its authority behind, the follow-

the Economic and Social Council to define to what extent and in respect of which communications the Commission on Human Rights and its Sub-Commissions had the right to instruct the Secretary-General to communicate directly with governments without prior reference to the Economic and Social Council (E/CN.4/465). The Commission requested the Legal Department of the Secretariat to present to it a report on this subject and it decided to postpone the consideration of the draft resolution until it had received this report. The report was circulated as document E/CN.4/490.

66. The Commission unanimously adopted the draft resolution of the Committee relating to educational measures for the prevention of discrimination, with slight changes (E/CN.4/SR.180, E/CN.4/463/Rev. 1), as follows:

I 11

" *The Commission on Human Rights*

" *Recommends* that the Economic and Social Council adopt the following draft resolution:

" *The Economic and Social Council,*

" *Believing* that much may be accomplished in the prevention of discrimination through education, and that lasting and positive results in preventing discrimination are attainable in the school,

" *Affirms* its conviction that the principal goals of education in this field should be:

" 1. To abolish all forms of discrimination; and

ing draft resolution on facilities to be provided for minorities, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its second session:

" *The General Assembly,*

" *Considering* that the discriminatory treatment of minorities has been and could be a major cause of international tension leading to war,

" *Considering* at the same time that rights accorded minorities entail a corresponding obligation on their part towards the larger society in which they live and must not, therefore, be used to threaten or undermine the unity and security of States,

" *Considering* that provision has been made in the Universal Declaration of Human Rights and in the draft international covenant on human rights for the recognition of such traditional minority rights as freedom of religion, speech, assembly and association,

" *Recommends* that, in the interest of enabling recognized minority groups to maintain their cultural heritage when they desire to do so, Member Governments should provide as a minimum, adequate facilities, in districts, regions and territories where they represent a considerable proportion of the population, for:

" 1. The use (in judicial procedure) before the courts of languages of such groups, in those cases where the member of the minority group does not speak or understand the language ordinarily used in the courts;

" 2. The teaching in State-supported schools of languages of such groups, provided that such groups request it and that the request in reality expresses the spontaneous desire of such groups;

" *Affirms* that such groups shall possess these or other rights so long as they are not used for the purpose of threatening or undermining the unity or security of States."

11 This draft resolution for the Economic and Social Council also appears in annex IV as draft resolution VII.

" 2. To eradicate such prejudices as may lead to the commission of unlawful acts of discrimination; and to this end

" *Draws* the attention of all Member States to the urgent necessity of taking steps to eliminate all forms of discrimination in the schools;

" *Emphasizes* the part which private educational establishments and non-governmental organizations have to play in combating prejudice and discrimination;

" *Invites* UNESCO to give due emphasis to those practical activities in the field of education which are likely to lead to the eradication of prejudice and the elimination of discrimination, and, in this connexion, to bear in mind the opportunities for progress to this end afforded by adult educational activities;

" *Notes with pleasure* the following resolutions in the 1950 programme of UNESCO, which it considers capable of producing practical results:

" (a) *Resolution 2.3.* The improvement of textbooks and teaching materials (which work could be directed to preventing the creation of prejudice which leads to discrimination);

" (b) *Resolution 2.2.* The conduct of educational seminars (since the attitude of the teacher is among the most significant factors in preventing the formulation of prejudice);

" (c) *Resolution 2.4.* The publication and distribution of selected materials from each seminar (which can be of use, both to teachers and in connexion with adult educational activities, to the general public); and

" *Urgently awaits* UNESCO's forthcoming statement on race from the viewpoint of present scientific knowledge; and

" 1. *Recommends* that UNESCO proceed as soon as practicable with the preparation, publication and dissemination of simple and readable books or pamphlets, based on scientific facts, explaining the fallacies of mistaken race theories and religious and other prejudices; and

" 2. *Invites* Member States to distribute such books or pamphlets widely among all their peoples, and to disseminate these ideas through their public education programmes."

67. With respect to the recommendation of the Committee concerning proposals of the Sub-Commission relating to the definition of minorities and interim measures to be taken for the protection of minorities, the Commission adopted by 10 votes to 3, with 2 abstentions, an amendment proposed by the representative of Belgium to the fifth paragraph (E/CN.4/467), and by 6 votes to 5, with 4 abstentions, the United Kingdom amendment to delete the last paragraph of the draft resolution (E/CN.4/464). The Commission then adopted by 12 votes to none, with 3 abstentions, the following resolution (E/CN.4/SR.180):

J

" *The Commission on Human Rights,*

" *Having considered* the draft resolutions recommended by the Sub-Commission on Prevention of

Discrimination and Protection of Minorities relating to a definition of minorities and interim measures to be taken for the protection of minorities,

" *Recognizing* that the Sub-Commission decided at its third session that the protection of minorities by international agreement should be considered further at its next session, and

" *Recognizing* that the Sub-Commission will have additional information at its next session from Member Governments regarding minorities which it proposes to consider before completing its recommendations relating to their protection by international agreement,

" *Decides* that it is premature to forward to the Economic and Social Council the resolution relating to a definition of minorities and the resolution on interim measures to be taken for the protection of minorities;

" *Decides* accordingly not to forward these two draft resolutions to the Economic and Social Council in order to enable the Sub-Commission to use them if necessary for the development of its further proposals on minorities, drawing the attention of the Sub-Commission to the discussion of these draft resolutions in the Commission on Human Rights."

68. The Commission decided by 8 votes to 4, with 4 abstentions, not to adopt the draft resolution submitted by the Committee concerning the proposal of the Sub-Commission on co-operation of non-governmental organizations. Certain representatives on the Commission observed that non-governmental organizations having consultative relationship with the Economic and Social Council were already entitled by resolution 288 B (X) of the Council to submit written statements to the Sub-Commission (E/CN.4/SR.180).

69. The Commission accepted the recommendations of the Committee on the remaining proposals of the Sub-Commission.

CHAPTER VIII

Yearbook on Human Rights

70. Item 9 of the agenda of the Commission, relating to resolution 275 C (X) of the Economic and Social Council concerning the Yearbook on Human Rights (E/CN.4/363), was referred at the 143rd meeting of the Commission to an *Ad Hoc* Committee composed of the representatives of Australia (Chairman and Rapporteur), Belgium, Chile, China, France and the United Kingdom.

71. The Committee held two meetings (E/CN.4/AC.12/SR.1 and 2) and submitted a report (E/CN.4/459) containing a draft resolution and certain observations made in Committee.

72. The Commission, at its 179th meeting, unanimously recommended to the Economic and Social Council the adoption of the following draft resolution submitted by the Committee:

K¹²

" *The Economic and Social Council,*

" *Having requested,* in its resolution of 21 June 1946 (resolution 2/9, section 4 (a)), the Secretary-General to make arrangements for the compilation and publication of a Yearbook on Law and Usage relating to Human Rights,

" *Having considered* the reports of the fifth and sixth sessions of the Commission on Human Rights relating to the question of the Yearbook,

" *Having considered* the Yearbooks on Human Rights for 1946, 1947 and 1948 compiled and published by the Secretary-General,

" *Requests* the Secretary-General to continue annually the compilation and publication of the Yearbook on Human Rights which, beginning as soon as possible but not later than with the Yearbook for 1951, shall be compiled on the following general lines:

" 1. Each volume of the Yearbook shall contain a compilation concerning the application, and so far as necessary, the evolution, in as many countries as possible of one of the rights or of a group of closely related rights set forth in the Universal Declaration of Human Rights. This compilation shall be prepared from information supplied by governments and may include digests of this information prepared by the Secretary-General and shall be documented by reference to legislative enactments and other authoritative sources;

" 2. For this purpose, the Secretary-General shall draw up a plan indicating, for a number of years ahead, which right or group of rights should be treated in each year;

" 3. The Yearbook shall continue to record international and national developments concerning human rights which have taken place during the year, and for this purpose shall contain:

" (a) A report on the work of the United Nations in the field of human rights;

" (b) Relevant texts or summaries of international instruments in this field, including decisions of international courts and arbitral tribunals;

" (c) Text or summaries of, or sufficient references to, constitutional and statutory provisions which constitute important developments in the field of human rights during the year;

" (d) Summaries of, or sufficient references to, decisions of national courts where these decisions constitute important developments in the field of human rights;

" 4. The Yearbook shall also include texts or summaries of, or sufficient references to, basic laws on human rights in respect of Non-Self-Governing and Trust Territories;

" 5. The Yearbook shall include adequate references to the sources of any texts or summaries which appear in it. It shall be produced in a form which is easy to handle and of moderate price, and

the reproduction of constitutional or statutory texts shall be confined within the limits imposed by these requirements."

73. During the discussion in the Committee the following points were made: (a) without losing its present form and its character as an annual work of reference, the Yearbook could be of greater use to Governments and experts and could also reach a wider public if it devoted less space to the reproduction of original texts and treated in each volume a particular right or group of closely related rights on the basis of material to be supplied by Governments or by correspondents appointed by them. The Yearbook should contain references to, summaries of and, in cases of special importance, quotations from new constitutions, national legislation, court decisions and international instruments concerning human rights. It should, however, avoid the reproduction of material which is otherwise available to experts. (b) The hope was expressed that each annual survey would be of assistance to Governments in considering the question of particular conventions in that field of human rights covered by each volume. (c) The Commission should maintain its previous recommendation that the Yearbook be printed in the official languages of the United Nations.

CHAPTER IX

Report of the Secretary-General on the question of the continuing validity of the minorities treaties and declarations

74. The Commission referred item 11 of its agenda, Report of the Secretary-General on the question of the continuing validity of minorities treaties and declarations, to the *Ad Hoc* Committee on Prevention of Discrimination and Protection of Minorities, established at its 143rd meeting (see chapter VII, paragraph 60).

75. The Committee received the Secretary-General's "Study of the Legal Validity of the Undertakings Concerning Minorities" (E/CN.4/367) at its first meeting. The general consensus of opinion in the Committee was that the document required careful consideration by Governments, and that it might therefore be advisable for the Commission on Human Rights to postpone consideration of it until its seventh session. It was pointed out also that any information which Governments might be invited by the Economic and Social Council to furnish to the Secretary-General (see annex IV, draft resolution VI) might have some bearing on this problem. The Committee agreed, however, that the Study should, in the meantime, be transmitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its information. Note was taken of a request by the representative of Greece that the Secretariat should go through document E/CN.4/367 once more in order to make it an even more careful study.

76. The Commission, at its 179th meeting, accepted the recommendations of the Committee and adopted

¹² This draft resolution for the Economic and Social Council also appears in annex IV as draft resolution VIII.

the following resolution:

L

"The Commission on Human Rights,

"Noting the Study of the Legal Validity of the Undertakings concerning Minorities (E/CN.4/367), prepared by the Secretary-General in accordance with resolution 116 C (VI) of the Economic and Social Council,

"Transmits this Study to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its information; and

"Postpones consideration of this Study until its seventh session."

CHAPTER X

Bibliography on human rights

77. At the 180th meeting of the Commission, the representatives of Chile and Uruguay presented a draft resolution (E/CN.4/466) relating to the preparation of a bibliography of scientific works on human rights published since 31 December 1940.

78. During the discussion, it was pointed out that the Secretariat had already been studying all available literature and preparing a bibliography for its own work, and the acceptance of the resolution would have no financial implications if the bibliography were circulated in the same form as documents of the Commission and not, for the present, printed in book form. The proposers of the draft resolution also accepted the suggestion that the date should be 31 December 1939 instead of 31 December 1940.

79. The draft resolution was adopted unanimously in the following form:

M

"The Commission on Human Rights,

"Considering that it is highly important to promote by all possible means the knowledge and scientific study of the problems connected with the protection of human rights, both international and domestic,

"Considering that in order to achieve these ends, as complete as possible a bibliography of the scientific

works on this subject published in recent years should be made available,

"Requests the Secretary-General:

"1. To prepare and circulate a general bibliography of scientific works related to the problem of the protection of human rights;

"2. To limit this bibliography for the time being to works published after 31 December 1939."

CHAPTER XI

Deferred work of the Commission

80. At its 199th meeting, the Commission noted the following items on its agenda and postponed consideration of them until its seventh session:

Item 10. Resolutions 154 D (VII) and 242 H (IX) of the Economic and Social Council dealing with the freedom to choose a spouse etc.

Item 12. Local human rights committees (paragraph 49 of document E/600, paragraph 22 of document E/800, and paragraph 30 of document E/1371).

Item 13. Right of asylum (paragraph 48 of document E/600 and paragraph 33 of document E/1371).

Item 14. Old age rights (resolution 243 (III) of the General Assembly, resolution 198 (VIII) of the Economic and Social Council, paragraph 34 of document E/1371, and documents E/CN.4/362 and E/CN.4/362/Add.1).

81. The Commission also decided to include among the items mentioned above the question of the international court of human rights (see chapter IV, paragraph 46).

CHAPTER XII

Adoption of the Report of the Commission to the Economic and Social Council

82. At its 201st meeting, the Commission unanimously adopted the report of its sixth session to the Economic and Social Council.

ANNEXES

ANNEX I

Draft First International Covenant on Human Rights¹³

PREAMBLE¹⁴

The States Parties hereto,

Considering the obligation under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Bearing in mind the Universal Declaration of Human Rights, *Recognizing* that the rights and freedoms recognized in this Covenant flow from the inherent dignity of the human person,

By this Covenant agree upon the following articles with respect to these rights and freedoms.

PART I

ARTICLE 1¹⁵

1. Each State Party hereto undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in this Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures as may be necessary to give effect to the rights recognized in this Covenant.

3. Each State Party hereto undertakes to ensure:

- (a) That any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) That any person claiming such a remedy shall have his right thereto determined by competent authorities, political, administrative or judicial;
- (c) That the competent authorities shall enforce such remedies when granted.

¹³ The Commission drafted both the English and French texts of the Preamble and all the articles and considered them equally authentic.

¹⁴ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/370, E/CN.4/376, E/CN.4/377, E/CN.4/379, E/CN.4/491, E/CN.4/L.11 and E/CN.4/SR.137, 138, 193, 199.

¹⁵ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/374, E/CN.4/380, E/CN.4/495, E/CN.4/L.14, and E/CN.4/SR.138, 193, 194, 195, 199.

ARTICLE 2¹⁶

1. In the case of a state of emergency officially proclaimed by the authorities or in the case of public disaster, a State may take measures derogating, to the extent strictly limited by the exigencies of the situation, from its obligations under article 1, paragraph 1 and Part II of this Covenant.

2. No derogation from articles 3, 4, 5 (paragraphs 1 and 2), 7, 11, 12 and 13 may be made under this provision. No derogation which is otherwise incompatible with international law may be made by a State under this provision.

3. Any State Party hereto availing itself of the right of derogation shall inform immediately the other States Parties to the Covenant, through the intermediary of the Secretary-General, of the provisions from which it has derogated and the date on which it has terminated such derogation.

PART II

ARTICLE 3¹⁷

1. Everyone's right to life shall be protected by law.

2. To take life shall be a crime, save in the execution of a sentence of a court, or in self-defence, or in the case of enforcement measures authorized by the Charter.

3. In countries where capital punishment exists, sentence of death may be imposed only as a penalty for the most serious crimes, pursuant to the sentence of a competent court and in accordance with law not contrary to the Universal Declaration of Human Rights.

4. Anyone sentenced to death shall have the right to seek amnesty, or pardon, or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

ARTICLE 4¹⁸

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected against his will to medical or scientific experimentation involving risk, where such is not required by his state of physical or mental health.

¹⁶ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/497, E/CN.4/498, E/CN.4/L.14 and E/CN.4/SR.138, 195, 196, 199.

¹⁷ Documents E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/371, E/CN.4/378, E/CN.4/383, E/CN.4/384, E/CN.4/385, E/CN.4/386, E/CN.4/387, E/CN.4/393, E/CN.4/398, E/CN.4/413, E/CN.4/417, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.139, 140, 144, 149, 150, 152, 153, 199.

¹⁸ Documents E/CN.4/353/Add.1 and Corr.2, E/CN.4/365, E/CN.4/381, E/CN.4/471, E/CN.4/472, E/CN.4/473, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.141, 182, 183, 199.

ARTICLE 5¹⁹

1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour.
- (b) The preceding sub-paragraph shall not be held to preclude, in countries where imprisonment with "hard labour" may be imposed as a punishment for a crime, the performance of "hard labour" in pursuance of a sentence to such punishment by a competent court.
- (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, other than work performed in pursuance of a sentence of "hard labour" required to be done in the course of detention in consequence of a lawful order of a court;
 - (ii) Any service of a military character or, in the case of conscientious objectors, in countries where they are recognized, service exacted in virtue of laws requiring compulsory national service;
 - (iii) Any service exacted in cases or emergency or calamity threatening the life of well-being of the community;
 - (iv) Any work or service which forms part of normal civic obligations.

ARTICLE 6²⁰

1. No one shall be subjected to arbitrary arrest or detention.
2. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
3. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
4. Anyone arrested or detained on 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, detention shall not be the general rule, but release may be subject to guarantees to appear for trial.
5. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided without delay by a court and his release ordered if the detention is not lawful.
6. Anyone who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation.

¹⁹ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/388, E/CN.4/390, E/CN.4/391, E/CN.4/404, E/CN.4/408, E/CN.4/L.2/Rev.1, E/CN.4/L.16, and E/CN.4/SR.142, 143, 145, 148, 149, 154, 199.

²⁰ Documents E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/394, E/CN.4/397, E/CN.4/399, E/CN.4/400, E/CN.4/401, E/CN.4/402, E/CN.4/405/Rev.1, E/CN.4/406, E/CN.4/409, E/CN.4/410, E/CN.4/411, E/CN.4/421, E/CN.4/L.2/Rev.1, E/CN.4/L.16 and E/CN.4/SR.144, 145, 146, 147, 148, 154, 199.

ARTICLE 7²¹

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

ARTICLE 8²²

1. Subject to any general law, consistent with the rights recognized in this Covenant:
 - (a) Everyone legally within the territory of a State shall, within that territory, have the right to (i) liberty of movement and (ii) freedom to choose his residence;
 - (b) Everyone shall be free to leave any country including his own.
2. (a) No one shall be subjected to arbitrary exile;
- (b) Subject to the preceding sub-paragraph, anyone shall be free to enter the country of which he is a national.

ARTICLE 9²³

No alien legally admitted to the territory of a State shall be expelled therefrom except on established legal grounds and according to procedure and safeguards which shall in all cases be provided by law.

ARTICLE 10²⁴

1. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing, by an independent and impartial tribunal established by law. The Press and public may be excluded from all or part of a trial for reasons of morals, public order or national security, or where the interest of juveniles so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interest of justice; but the judgment shall be pronounced publicly except where the interest of juveniles otherwise requires.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly of the nature and cause of the accusation against him;
 - (b) To defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case where he does not have sufficient means to pay for it;

²¹ Documents E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/407, E/CN.4/L.1, E/CN.4/L.16, and E/CN.4/SR.150, 199.

²² Documents E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/392, E/CN.4/392/Corr.1, E/CN.4/412, E/CN.4/L.1, E/CN.4/L.16 and E/CN.4/SR.150, 151, 199.

²³ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/392, E/CN.4/392/Corr.1, E/CN.4/420, E/CN.4/423, E/CN.4/L.3, E/CN.4/L.16 and E/CN.4/SR.153, 154, 155 (Part II), 199.

²⁴ Documents E/CN.4/353/Add.10 and 11, E/CN.4/358, E/CN.4/365, E/CN.4/414, E/CN.4/422/Rev.1, E/CN.4/426, E/CN.4/428, E/CN.4/430, E/CN.4/431, E/CN.4/441, E/CN.4/445, E/CN.4/448, E/CN.4/449, E/CN.4/L.4/Rev.1, E/CN.4/L.16 and E/CN.4/SR.153, 155 (Part II), 156, 157, 158, 159, 166, 167, 199.

- (c) To examine, or have examined, the witnesses against him and to obtain compulsory attendance of witnesses in his behalf who are within the jurisdiction and subject to the process of the tribunal;
- (d) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (e) No one shall be compelled to testify against himself, or to confess guilt;
- (f) In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

3. In any case where by a final decision a person has been convicted of a criminal offence and where subsequently a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated. This compensation shall be awarded to the heirs of a person executed by virtue of an erroneous sentence.

ARTICLE 11 ²⁵

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for the commission of any act which, at the time when it was committed, was criminal according to the generally recognized principles of law.

ARTICLE 12 ²⁶

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

ARTICLE 13 ²⁷

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to change his religion or belief, and freedom, 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. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

ARTICLE 14 ²⁸

1. Everyone shall have the right to hold opinions without interference.

²⁵ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/425, E/CN.4/L.3, E/CN.4/L.16, and E/CN.4/SR.159, 199.

²⁶ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.3, E/CN.4/L.16 and E/CN.4/SR.159, 199.

²⁷ Documents E/CN.4/353/Add.10, E/CN.4/358, E/CN.4/365, E/CN.4/382, E/CN.4/429, E/CN.4/L.5 and E/CN.4/SR.160, 161, 200.

²⁸ Documents E/CN.4/353/Add.10 and 11, E/CN.4/360 and Corr.2, E/CN.4/365, E/CN.4/415 and Corr.1, E/CN.4/424, E/CN.4/432, E/CN.4/433/Rev.2, E/CN.4/434, E/CN.4/438/Rev.1, E/CN.4/440, E/CN.4/446, E/CN.4/L.5 and E/CN.4/SR.160, 161, 162, 163, 164, 165, 166, 167, 200.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others.

ARTICLE 15 ²⁹

The right of peaceful assembly shall be recognized. No restrictions shall be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary to ensure national security, public order, the protection of health or morals or the protection of the rights and freedoms of others.

ARTICLE 16 ³⁰

1. The right of association shall be recognized.

2. No restrictions shall be placed on the exercise of this right other than those prescribed by law and which are necessary to ensure national security, public order, the protection of health or morals or the protection of the rights and freedoms of others.

3. Nothing in this article shall authorize States Parties to the Freedom of Association and Protection of the Right to Organize Convention, 1948, to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

ARTICLE 17 ³¹

All are equal before the law: all shall be accorded equal protection of the law without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE 18 ³²

1. Nothing in this Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in this Covenant.

2. Nothing in this Covenant may be interpreted as limiting or derogating from any of the rights and freedoms which may be guaranteed under the laws of any Contracting State or any conventions to which it is a party.

²⁹ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.6 and E/CN.4/SR.169, 200.

³⁰ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/164 and Add.1, E/CN.4/453, E/CN.4/L.6 and E/CN.4/SR.171, 172, 200.

³¹ Documents E/CN.4/353/Add.10 and 11, E/CN.4/358, E/CN.4/365, E/CN.4/418, E/CN.4/447, E/CN.4/451, E/CN.4/455/Rev.1, E/CN.4/456, E/CN.4/458, E/CN.4/L.7 and E/CN.4/SR.171, 172, 173, 174, 175, 200.

³² Documents E/CN.4/353/Add.10 and 11, E/CN.4/365, E/CN.4/416, E/CN.4/454, E/CN.4/461, E/CN.4/468, E/CN.4/L.8 and E/CN.4/SR.175, 181, 200.

PART III

ARTICLE 19 ³³

1. With a view to the implementation of the provisions of the International Covenant on Human Rights, there shall be set up a Human Rights Committee, hereinafter referred to as "the Committee", composed of seven members with the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the Covenant who shall be persons of high standing and of recognized experience in the field of human rights.

ARTICLE 20 ³⁴

1. The members of the Committee shall be elected from a list of persons possessing the qualifications prescribed in Article 19 and specially nominated for that purpose by the States Parties to the Covenant.

2. Each State shall nominate at least two and not more than four persons. These persons may be nationals of the nominating State or of any other State Party to the Covenant.

3. Nominations shall remain valid until new nominations are made for the purpose of the next election under Article 25. A person shall be eligible to be renominated.

ARTICLE 21 ³⁵

At least three months before the date of each election to the Committee, the Secretary-General of the United Nations shall address a written request to the States Parties to the Covenant inviting them, if they have not already submitted their nominations, to submit them within two months.

ARTICLE 22 ³⁶

The Secretary-General of the United Nations shall prepare a panel of the persons thus nominated, and submit it to the States Parties to the Covenant.

ARTICLE 23 ³⁷

The Committee shall be elected from the panel provided for in Article 22 by the States Parties to the Covenant, who shall send representatives to a meeting convened by the Secretary-General for the purpose of such elections. No more than one national of any State may be a member of the Committee at any time. In the election of the Committee consideration shall be given to equitable geographical distribution of membership.

ARTICLE 24 ³⁸

The Secretary-General of the United Nations shall make the arrangements for, and fix the time of, elections. The members

of the Committee shall be elected by a majority vote of the representatives of the States Parties to this Covenant present and voting. A quorum for such election shall consist of two-thirds of the States Parties to the Covenant.

ARTICLE 25 ³⁹

The members of the Committee shall be elected for a term of five years and be eligible for re-election. However, the terms of four of the members elected at the first election shall expire at the end of two years. Immediately after the first election the names of the members whose terms expire at the end of the initial period of two years shall be chosen by lot by the Secretary-General of the United Nations.

ARTICLE 26 ⁴⁰

1. Vacancies shall be filled by election and articles 21, 22, 23 and 24 shall apply.

2. A member of the Committee elected to fill a vacancy shall, if his predecessor's term of office has not expired, hold office for the remainder of that term.

ARTICLE 27 ⁴¹

A member of the Committee shall remain in office until his successor has been elected; but if the Committee has, prior to the election of his successor, begun to consider a case, he shall continue to act in that case, and his successor shall not act in that case.

ARTICLE 28 ⁴²

The resignation of a member of the Committee shall be addressed to the Chairman of the Committee through the Secretary of the Committee who shall immediately notify the Secretary-General of the United Nations.

ARTICLE 29 ⁴³

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

ARTICLE 30 ⁴⁴

The Secretary and the Assistant Secretary of the Committee shall be appointed by the Secretary-General of the United Nations, with the approval of the Committee.

ARTICLE 31 ⁴⁵

The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

³³ Documents E/CN.4/474, E/CN.4/L.9 and E/CN.4/SR.187, 200.

³⁴ Documents E/CN.4/474, E/CN.4/L.9 and E/CN.4/SR.188, 200.

³⁵ Documents E/CN.4/474, E/CN.4/L.9 and E/CN.4/SR.188, 200.

³⁶ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

³⁷ Documents E/CN.4/474, E/CN.4/L.9 and E/CN.4/SR.188, 200.

³⁸ Documents E/CN.4/474, E/CN.4/488, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

³⁹ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

⁴⁰ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

⁴¹ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

⁴² Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

⁴³ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.189, 200.

⁴⁴ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁴⁵ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

ARTICLE 32 ⁴⁶

1. The Committee shall, at its initial meeting, elect its Chairman and Vice-Chairman for the period of one year and consider the rules of procedure to be established in accordance with Article 33.

2. Thereafter the holding of these offices shall rotate among the members of the Committee in accordance with arrangements prescribed by the rules of procedure.

ARTICLE 33 ⁴⁷

The Committee shall establish its own rules of procedure, but these rules shall provide that:

- (a) Five members shall constitute a quorum;
- (b) The work of the Committee shall proceed by a majority vote of the members present; in the event of an equality of votes the Chairman shall have a casting vote;
- (c) The States referred to in Article 38 shall have the right to be represented at the hearings of the Committee and to make submissions to it orally and in writing;
- (d) The Committee shall hold hearings and other meetings in closed session.

ARTICLE 34 ⁴⁸

1. A State Party to the Covenant concerned in a case referred to the Committee may, if none of its nationals is a member of the Committee, designate as a member, to participate with the right to vote in the deliberations on the case under consideration, a person chosen from the list referred to in Article 20.

2. Should there be several States in the same interest, they shall, for the purpose of the preceding sentence, be reckoned as one only. Any doubt upon this point shall be settled by the Committee.

ARTICLE 35 ⁴⁹

1. After its initial meeting the Committee shall meet at such times as it deems necessary, and shall be convened by its Chairman or at the request of not less than four of its members and in any event when a matter is referred to it under Article 38.

2. The Committee shall meet at the permanent Headquarters of the United Nations or at Geneva.

ARTICLE 36 ⁵⁰

The Secretary of the Committee shall attend its meetings and, under the instructions of the Committee, shall make all necessary arrangements for the preparation and conduct of the work of the Committee.

ARTICLE 37 ⁵¹

The Secretary-General of the United Nations shall provide the necessary services and facilities for the Committee and its members.

⁴⁶ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁴⁷ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁴⁸ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁴⁹ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁵⁰ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁵¹ Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

ARTICLE 38 ⁵²

1. If a State Party to the Covenant considers that another State Party is not giving effect to a provision of the Covenant, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the communicating State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both Parties within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Secretary of the Committee and to the other State.

ARTICLE 39 ⁵³

Normally, the Committee shall deal with a matter referred to it only if available domestic remedies have been invoked and exhausted in the case. This shall not be the rule where the application of the remedies is unreasonably prolonged.

ARTICLE 40 ⁵⁴

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

ARTICLE 41 ⁵⁵

1. Subject to the provisions of Article 39, the Committee shall ascertain the facts and make available its good offices to the States concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in this Covenant.

2. The Committee shall, in every case and in no event later than eighteen months after the date of receipt of the notice under Article 38, draw up a report which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication.

3. If a solution within the terms of paragraph 1 of this article is reached the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall state in its report its conclusions on the facts.

PART IV

ARTICLE 42 ⁵⁶

1. This Covenant shall be open for signature and ratification or accession on behalf of any State Member of the United Nations or of any non-member State to which an invitation has been extended by the General Assembly.

⁵² Documents E/CN.4/474, E/CN.4/L.9/Add.1 and E/CN.4/SR.190, 200.

⁵³ Documents E/CN.4/474 and Corr.1, E/CN.4/L.9/Add.1 and E/CN.4/SR.191, 200.

⁵⁴ Documents E/CN.4/474, E/CN.4/L.9/Add.2 and E/CN.4/SR.191, 200.

⁵⁵ Documents E/CN.4/474, E/CN.4/L.9/Add.2 and E/CN.4/SR.191, 200.

⁵⁶ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/500, E/CN.4/502, E/CN.4/L.13 and E/CN.4/SR.196, 200.

2. Ratification of or accession to this Covenant shall be effected by the deposit of an instrument of ratification or accession with the Secretary-General of the United Nations, and as soon as twenty States have deposited such instruments, the Covenant shall come into force among them. As regards any State which ratifies or accedes thereafter the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.

3. The Secretary-General of the United Nations shall inform all Members of the United Nations, and other States which have signed or acceded, of the deposit of each instrument of ratification or accession.

ARTICLE 43 (formerly article 24) ⁵⁷

[The Commission decided not to discuss this article but to transmit to the Economic and Social Council for its consideration the texts of the article proposed at previous sessions together with comments and amendments thereto.]

REPORT OF THE FIFTH SESSION OF THE COMMISSION
AS IT CONCERNED THE ABOVE ARTICLE

[*Note.* The Commission decided by 12 votes to none, with 3 abstentions, to submit the following texts to Governments together with the record of the discussions at its fifth session.]

I. *Text contained in the report of the third session of the Commission (E/800)*

"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 Government 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."

II. *Texts before the Commission at its fifth session*

1. *Text proposed by the representative of the United States of America to replace paragraph (a):*

"(a) With respect to any articles of this Covenant which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for federal action, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States."

2. *Text proposed by the representative of India:*

"(a) In respect of any articles of the Covenant, the implementation of which is, under the constitution of the federation, wholly or in part within federal jurisdiction, the obligations of the Federal Government shall, to that extent, be the same as those of Parties which are not Federal States.

"(b) In respect of any articles of this Covenant, the implementation of which is under the constitution of the federation, wholly or in part within the jurisdiction of the constituent units (whether described as states, provinces, cantons, autonomous regions, or by any other name), the Federal Government shall bring such provisions with favourable recommendations to the notice of the appropriate authorities of the units."

3. *Text proposed by the representative of the United Kingdom for the second sub-paragraph:*

"(b) Each Federal State Party to this Covenant shall at the request of another State Party report what effect has been given to the provisions of this Covenant by the Governments of the constituent States, provinces or cantons following the recommendation referred to in the preceding paragraph."

COMMENTS OF GOVERNMENTS ON THE REPORT
OF THE FIFTH SESSION OF THE COMMISSION

1. *Australia*

Subject to further observations that may be offered at the sixth session of the Human Rights Commission, the text contained in document E/800 is preferred with the amendment proposed by the United States delegation. The text as amended, adheres closely to that contained in the International Labour Organisation's Constitution — a formula which resulted from long and expert consultations and has already secured a wide measure of agreement.

2. *France*

The French Government would be willing to agree to the text contained in the draft communicated to the Secretary-General of the United Nations by the United States Government on 20 December 1949. This text is an improvement on that submitted by the United States Government at the third session of the Commission on Human Rights, since it is more objectively drafted and offers the additional advantage of being closer to the text submitted by the representative of India.

3. *Netherlands*

The Netherlands Government prefer the text proposed by the representative of India supplemented by the text proposed by the representative of the United Kingdom.

4. *Philippines*

The text proposed by the representative of India seems to be the most satisfactory.

5. *United Kingdom* ⁵⁸

His Majesty's Government will support the inclusion in the Covenant of Articles intended to make suitable provision for the particular constitutional circumstances of Federal States or of metropolitan States with dependent overseas territories.

In this connexion, His Majesty's Government has noted with interest the decision of the Social Commission at its fourth session (E/CN.5/SR.76, pages 3-7 and E/1959, page 22) that it was not competent to decide questions of international law such as are raised by these two articles and to "refer consideration of the article to a higher body". His Majesty's Government consider that the Social Commission has established a useful

⁵⁷ See chapter IV, paragraphs 25 and 26.

⁵⁸ The comments of the United Kingdom apply to articles 24 and 25 as previously numbered.

precedent by this decision and suggest that the Human Rights Commission should follow the same procedure and refer these two articles to the Economic and Social Council, which should in its turn refer them to the Sixth Committee of the General Assembly.

There is one further comment which His Majesty's Government in the United Kingdom feels obliged to make in this connexion. The constitutional circumstances which oblige them to press for the inclusion in many international agreements of a Colonial Application Article have been explained by United Kingdom representatives on many occasions in many different bodies of the United Nations. His Majesty's Government feels bound to point out that these constitutional considerations apply with all their force to the Covenant on Human Rights. If therefore the Covenant, as finally drawn up, has no such article, His Majesty's Government will have no option but to oppose it.

6. *United States*

This article should read as follows:

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

"(a) With respect to any articles of this Covenant which are determined in accordance with the constitutional processes of that State to be appropriate in whole or in part for federal action, the obligations of the federal government shall to this extent be the same as those of Parties which are not Federal States;

"(b) With respect to articles which are determined in accordance with the constitutional processes of that State to be appropriate in whole or in part for action by the constituent states, provinces, or cantons, the federal government shall bring such articles, with favourable recommendation, to the notice of the appropriate authorities of the states, provinces or cantons at the earliest possible moment."

AMENDMENTS PROPOSED AT THE SIXTH SESSION OF THE COMMISSION

1. *United Kingdom: amendment to the proposal contained in the comment of the Government of the United States*

In paragraph (b) insert "(1)" after the word "shall", and add at the end a new sub-paragraph as follows:

"2. informs the Secretary-General of the United Nations when the laws of any constituent state, province or canton give effect fully to the provisions of the Covenant which lie within its jurisdictional sphere."

2. *Yugoslavia: amendment to the text contained in the report of the third session of the Commission*

Add a new sub-paragraph (c) as follows:

"(c) No Federal State shall ratify the present Covenant unless it has previously ensured the application thereof throughout its territory."

ARTICLE 44 (formerly article 25)⁵⁹

[The Commission decided not to discuss this article but to transmit to the Economic and Social Council for its consideration

the texts of the article proposed at previous sessions together with comments and amendments thereto.]

REPORT OF THE FIFTH SESSION OF THE COMMISSION AS IT CONCERNED THE ABOVE ARTICLE

[*Note.* The Commission decided by 7 votes to 4, with 2 abstentions, to submit the following texts to Governments, together with the record of the discussion at its fifth session.]

I. *Texts contained in the report of the third session of the Commission (E/800)*

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 territories on behalf 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 Union of Soviet Socialist Republics:

"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."

II. *Texts before the Commission at its fifth session*

1. *Text proposed by the representative of the United States of America:*

"Any State may, at the time of signature or the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Covenant shall extend to all or any of the territories for the international relations of which it is responsible. This Covenant shall extend to the territory or territories named in the notification from the date of receipt by the Secretary-General of the United Nations of this notification."

"Each State Party to this Covenant undertakes to take as soon as possible the necessary steps in order to extend the application of this Covenant to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories."

2. *Text proposed by the representative of the Union of Soviet Socialist Republics:*

If the Commission adopts in full the wording of article 25 proposed by the Drafting Committee (E/800) or a similar wording, redraft the first line to read:

"A State Party to this Covenant shall . . ."

⁵⁹ See Chapter IV, paragraphs 25 and 26.

If the Commission adopts the text for article 25 proposed by the representative of the Soviet Union (E/800), the above amendment will disappear.

3. *Text proposed by the representative of the Philippines:*

"The provisions of the present Covenant shall extend or be applicable to a signatory metropolitan State as well as to all the territories, be they non-self-governing, trust, or colonial territories, which are being administered or governed by such metropolitan State."

COMMENTS OF GOVERNMENTS ON THE REPORT
OF THE FIFTH SESSION OF THE COMMISSION

1. *Australia*

The following draft is preferred to the existing alternative drafts:

"At the time of deposit of its instrument of ratification or accession, each State which is responsible for the external relations of other territories shall declare to which of such territories this Covenant extends and the reasons why the Covenant has not been extended to the remainder. As from the date of receipt by the Secretary-General of the declaration, the Covenant shall extend to each territory to which a State declares it to extend. Each such State shall take as soon as possible the necessary steps to have the application of this Covenant extended to all such territories, subject where necessary for constitutional reasons to the consent of the Governments of such territories."

2. *France*⁶⁰

The French Government proposes to accept the text submitted by the United States Government at the fifth session:

"Any State may, at the time of signature or the deposit of its instrument of ratification or accession or any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Covenant shall extend to all or any of the territories for the international relations of which it is responsible. This Covenant shall extend to the territory or territories named in the notification from the date of receipt by the Secretary-General of the United Nations of this notification.

"Each State Party to this Covenant undertakes to take as soon as possible the necessary steps in order to extend the application of this Covenant to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories."

3. *Netherlands*

The Netherlands Government prefers the text proposed by the representative of the United States.

4. *Philippines*

The text proposed by the representative of the Philippines should be adopted. It reads as follows:

"The provisions of the present Covenant shall extend or be applicable to a signatory metropolitan State as well as all the territories, be they non-self-governing, trust, or colonial territories, which are being administered or governed by such metropolitan State.

⁶⁰ Articles 24 and 25 should be considered together since a number of States or Unions of States have a complex structure and in that way resemble Federal States.

5. *United Kingdom*

(See under article 43 which includes comments on both articles 24 and 25.)

6. *United States*

This article should read as follows:

"Any State may, at the time of deposit of its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Covenant shall extend to all or any of the territories for the international relations of which it is responsible. This Covenant shall extend to the territory or territories named in the notification from the date of receipt by the Secretary-General of the United Nations of this notification.

"Each State Party to this Covenant undertakes, with respect to those territories to which the Covenant is not extended at the time of ratification or accession, to take as soon as possible the necessary steps in order to extend the application of this Covenant to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories."

AMENDMENT PROPOSED AT THE SIXTH SESSION
OF THE COMMISSION

United Kingdom

"1. Any State may at the time of signature, ratification or accession to the present Covenant or at any time thereafter declare by notification given to the Secretary-General of the United Nations that the present Covenant shall extend to any of the territories for whose international relations it is responsible and the Covenant shall from the date of the receipt of the notification extend to the territories named therein.

"2. A State which has made a declaration under paragraph (a) above extending the present Covenant to any territory for whose international relations it is responsible may at any time thereafter declare by notification given to the Secretary-General of the United Nations that the Covenant shall cease to extend to any territory named in the notification and the Covenant shall from the date of the notification cease to extend to such territory."

ARTICLE 45⁶¹

1. Any State Party to the Covenant may propose an amendment and file it with the Secretary-General. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States favour such a conference the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States present and voting at the conference shall be submitted to the General Assembly for approval.

2. Such amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Covenant in accordance with their respective constitutional processes.

⁶¹ Documents E/CN.4/353/Add.10, E/CN.4/365, E/CN.4/L.15, E/CN.4/SR.197, 200.

3. When such amendments come into force they shall be binding on those Parties which have accepted them, other Parties being still bound by the provisions of the Covenant and any earlier amendment which they have accepted.

ANNEX II

Comments on the Draft First International Covenant on Human Rights

AUSTRALIA

The Australian delegation considers that the draft articles should be amended in the following respects:

Article 2

Paragraph 1: At the beginning insert "In the case of war" so that the opening words will read, "In the case of war, in the case of a state of emergency . . .".

Paragraph 2: Delete "Articles 3" and insert "Article 3, except in respect of deaths resulting from lawful acts of war, or from Articles . . .".

Article 3

Paragraph 2: The qualification of "self-defence" is inadequate and a provision expressing the sense of paragraph 2 of the article suggested by the United Kingdom in E/CN.4/365 at page 23 is necessary.⁶²

Article 6

Reconsideration of paragraphs 1 and 2 in relation to one another is advisable.

Article 8

Limitations are necessary to the extent indicated in E/CN.4/353/Add.10.⁶³

⁶² The United Kingdom in the document referred to above suggested the following draft for this article:

"1. No one shall be deprived of his life intentionally.

"2. There shall be no exception to this rule save where death results, in those States where capital punishment is lawful, from the execution of such a penalty in accordance with the sentence of a court.

"3. Deprivation of life shall not be regarded as intentional when it results from the use of force which is no more than absolutely necessary

"(i) in defence of any person from unlawful violence;

"(ii) in order to effect a lawful arrest or to prevent an escape from lawful custody; or

"(iii) in action lawfully taken for the purpose of quelling a riot or insurrection, or for prohibiting entry to a clearly defined place to which access is forbidden on grounds of national security."

⁶³ The following is the comment in document E/CN.4/353/Add.10:

"This is unacceptable in its present form. The Australian Government considers that certain restrictions on freedom of movement are desirable; e.g., restrictions involved in legislation to prevent exploitation of, or traffic in, women and minors. Restrictions on the movement of aborigines and the inhabitants of trust and colonial territories are also desirable in their own interests. New Australians who have been welcomed from other parts of the world and given a new home in Australia voluntarily accept restrictions on their liberty of movement for a short time

Article 10

Paragraph 3: Delete "This compensation shall be awarded to the heirs of a person executed by virtue of an erroneous sentence".

Articles 13, 14, 15, 16

The limitations in these articles should be in corresponding terms.

Article 17

Delete "without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status," these words being unnecessary and inadvisable in view of the inclusion of a similar expression in article 1.

Implementation

Australia wishes to reserve its position completely on the draft measures of implementation.

FRANCE

In support of its oral observations, the French delegation wishes to express its regret at what it considers the inadequacy of certain parts of the draft international covenant on human rights. Notwithstanding the decision taken at the first reading it was not possible, owing to lack of time, to deal with questions of substance at the second reading, which, incidentally, was incomplete.

The French delegation regrets in particular:

1. In article 1 (former article 2), the addition of the words "within its territory" to the words "subject to its jurisdiction", which were sufficient in themselves. There is a danger that this addition may be interpreted as allowing a State to evade its duties towards its nationals abroad.

2. In article 3 (former article 5), the introduction of a first clause, introducing an idea of doubtful legal validity in front of the second, which is in itself entirely sufficient.

in agreeing to work in specified industries where there is a shortage of manpower.

"For these and other reasons it is suggested that a preferable draft for Article 11 might be as follows, although it is realized that additional qualifications may be necessary:

"1. Subject to any general law adopted for specific reasons of national security, public safety or order, welfare or health or for the protection or well-being of women or indigenous peoples, or for immigration purposes—

"(a) Everyone has the right to liberty of movement and is free to choose his residence within the border of each State;

"(b) Everyone shall be free to leave any country, including his own;

"(c) Everyone is free to return to his own country.

"It is noted that at the fifth session of the Human Rights Commission many representatives felt difficulties in relation to this Article and that the majority of the Commission abstained from approving the text as circulated. It is appreciated that it will be difficult to find a formula which will take into account the many restrictions of movement imposed by a great number of States in the interests of the people under their jurisdiction. This raised the question whether freedom of movement is a right as basic or as fundamental as for example, the right to live (Article 5) or the right to personal liberty (Article 9). If no wide agreement is possible on a formula providing for freedom of movement it might be preferable in the interests of speedy and widespread acceptance of a convention on fundamental rights to defer to a later convention the draft Article 11."

3. In articles 14, 15 and 16 (former articles 17, 18 and 19), the omission of the words "in a democratic society" after the words "public order", the idea conveyed by the former expression being alone capable of restricting the excessively wide connotation of the latter in a manner in accordance with the spirit of the Declaration — in which, incidentally, it is used in article 29.

4. For article 17 (former article 20), the adoption of an ambiguous wording, apparently extending to all rights and all cases the obligation of non-discrimination of the law, which at first applied only to the "rights set forth in this Covenant".

5. The deletion of the former draft article 21, which prohibited any advocacy of national, racial or religious hostility that constitutes an incitement to violence.

6. In the former article 23 (article 42), the fixing at 20, a figure which in the French delegation's opinion is definitely insufficient, of the number of ratifications required for the entry into force of the Covenant.

The French delegation also feels bound to draw attention to the serious defect in the draft covenant as it now stands, articles 24 and 25 embodying the federal and colonial clauses having been submitted to the Economic and Social Council without preliminary study. The French delegation is of the opinion that, when a question of human rights is involved, it is for the Commission to consider these clauses in the first instance.

Lastly, in the matter of implementation, the French delegation repeats its general reservations with regard to the composition, election and functions of the body denominated "Human Rights Committee", and with regard to the deletion of articles 21 and 25 of the joint proposal of the representatives of France, India, United Kingdom and United States of America (E/CN.4/474), which restricted that body's competence in cases for which a special procedure was provided within the framework of the United Nations or the specialized agencies, and made reference to the International Court of Justice conditional on the conclusion of a special compromise.

INDIA

The following are the comments by the representative of India:

Article 4

The second sentence beginning with words "In particular . . . etc." has been adopted against the advice of the representative of the WHO. The WHO was consulted with regard to the inclusion of an article to this effect. Its reply was that a separate article was not necessary as the article 6 of the original draft covered the subject. The representative of the WHO advised against the text adopted by the Commission as it might lead to complications and come in the way of genuine medical progress. The advice deserves careful attention.

Article 15

Instead of "the right of peaceful assembly shall be recognized" it would be consistent with the form of other articles if the words "Everyone shall have the right to assemble peaceably" are used.

Article 16

Here also the form is not consistent. "Everyone shall have a right of association" would be more consistent.

Article 17

Though I voted for the accepted text, I still prefer the text I had submitted by way of amendment, as it brings out the central idea of this article which is "non-discrimination". There should be a period after the word "law" in the third line. The following sentence, or preferably a second paragraph, would read as follows:

"No one shall be discriminated against on grounds only of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Article 42

The Commission has adopted twenty as the number for ratification of the Covenant. Once the General Assembly accepts the Covenant as the first step towards the implementation of human rights, it should become obligatory for all the States Members to ratify it within a reasonable time. Unless this is done, the obligation to promote and protect human rights under the Charter of the United Nations will not be fulfilled.

The measures of implementation are not adequate. A permanent machinery is set up but its function is limited to receiving complaints from States only. This will entail very little work. It is to be elected by States which are parties to the Covenant. Again, only those States which are parties to the Covenant will be entitled to complain. Such a body will not command the confidence of the people who are the culprits where violation of human rights is concerned. In the circumstances little, by way of protection of human rights, can be expected from such a machinery.

Under the Charter it is the obligation of the United Nations to promote and protect human rights. The machinery to be set up for such purpose should be elected by the General Assembly or by an impartial body like the International Court of Justice. The provisions of setting up such a machinery should not form part of the Covenant, but should form a separate instrument. It should receive complaints from States as well as associations, groups of individuals or individuals. The minimum function it should have, if judicial powers are not given to begin with, should be to supervise the observance of human rights by keeping in touch with the matters relevant to the promotion and protection of human rights in the States. It should act as a Conciliation Committee when a dispute arises over the violation of human rights. This is the least that one can do in the present circumstances. Anything less than this, however, will not satisfy those who have put their faith in the *bona fide* of the United Nations to fulfil their obligations under the Charter, to protect human rights.

LEBANON

Article 8 of the draft first international covenant is to be construed as meaning that no general law shall be inconsistent with the article and in particular its paragraphs 1 (a) and 1 (b).

UNITED KINGDOM

The following are the comments by the representative of the United Kingdom:

Article 1

1. The inclusion in paragraph 1 of this article of the provision relating to non-discrimination raises doubt whether the derogation for which provision is made in article 2 must be subject

to the provision in this paragraph of article 1 forbidding discrimination. See comment on article 2 below.

2. The United Kingdom considers that an effective remedy must be a legal remedy, and that a claim that a human right has been violated must be determined by a court of law or by a tribunal whose decision has the force of law. Paragraph 3 (b) would permit of this question being determined by political or administrative authorities which have no judicial character. While it is right that political or administrative authorities should take action if a violation of a human right has occurred, and should, for example, make *ex gratia* payments by way of compensation in proper cases, such action is no substitute for a right on the part of the individual to have his claim that one of his rights as defined in the Covenant has been violated determined by an independent judicial tribunal; and the United Kingdom cannot accept sub-paragraph (b) of paragraph 3.

Article 2

1. In the United Kingdom view, the circumstances in which derogation is permitted by this article are too narrowly defined, and the wording of the text of paragraph 1 of this article as set out in E/CN.4/365 is to be preferred.

2. The provision in paragraph 2 that there shall be no derogation from article 3 does not provide for the exception, proposed in the United Kingdom comments on this article, in respect of deaths resulting from lawful acts of war. The provision in paragraph 2 of article 3 which makes exception for the case of enforcement measures authorized by the Charter is not sufficient provision for this purpose, since Article 51 of the Charter recognizes the right of collective self-defence against armed attack independently of enforcement measures.

In the United Kingdom view, the exception proposed in the United Kingdom comments on this article should be retained, and the reference to enforcement measures authorized by the Charter deleted from article 3.

3. In view of the doubt referred to in the comment on article 1 above, it seems necessary to provide in article 2 for derogation in emergency conditions not only from part II of the Covenant, but also from paragraph 1 of article 1. Similarly provision seems necessary for derogation from paragraph 3 of article 1.

Article 3

1. Discussions in the Commission have shown that the word "self-defence" in paragraph 2 is not a sufficient translation of the content of the French term "légitime défense" although in Article 51 of the Charter "légitime défense" is translated "self-defence". "Self-defence" is certainly insufficient to cover all the exceptions which ought to be made to the proposition that it shall be a crime to take life. The English equivalent, "legitimate defence", has no meaning in Anglo-Saxon law. The United Kingdom cannot accept paragraph 2 of this article, and still considers that it is necessary to set out, as was proposed in the United Kingdom comments on this article in E/CN.4/365, the categories of case in which the taking of life shall not be a crime.

2. As regards the words "or in the case of enforcement measures authorized by the Charter", see the comment above on article 2.

Article 6

The term "arbitrary arrest or detention" is too vague and uncertain in its content for use in defining the important right

which is the subject of this article. The discussion in the Commission has shown that there is no agreement on the question whether this paragraph merely says in another form what is said in paragraph 2 or whether it adds to the conception in paragraph 2 the further conception that the law itself must be a just law. The United Kingdom could not in any event agree that the latter conception is one which can properly be included in this article.

Article 8

The introductory words in paragraph 1, to which the rest of the paragraph is subject, are completely circular, since the right with which this paragraph is concerned is itself one of the rights recognized in the Covenant. The effect is thus to make the provisions of sub-paragraphs (a) and (b) absolute in their character and subject to no limitation of any kind.

The United Kingdom suggests that the introductory words should be: "Subject to any law which is not contrary to the principles expressed in the Universal Declaration of Human Rights." Alternatively, the introductory words proposed for this article in the Australian comments (E/CN.4/353/Add.10, page 8) would be acceptable.

Article 10

Paragraph 3 of this article confines the requirement that compensation shall be given to persons who have been the victims of a miscarriage of justice to a limited class of case. The making of payments *ex gratia* by way of compensation ought to, and does in the United Kingdom, extend to many other classes of case in which a miscarriage of justice has occurred, and the United Kingdom does not consider that the question what cases are proper for such payments is one on which provision should be made in the Covenant.

Article 14

1. Attention is drawn to the different sense of the English and French texts of paragraph 1. The French text imposes a legal requirement which the United Kingdom cannot accept, since it would mean that any form of molestation of a person because of his opinions, e.g., picketing or public demonstration, would have to be prohibited by domestic law.

2. The United Kingdom considers that in view of the recorded expression of opinion by the Commission as to the wide meaning to be given to the term "public order" used in paragraph 3 of this article, the article, with the limitations allowed by paragraph 3, affords no guarantee of the freedoms which are its subject.

Article 17

The addition to the original text of the words which follow "equal protection of the law" is, in the United Kingdom view, not only unnecessary but casts doubt upon the meaning of the propositions that all are equal before the law and that all shall be accorded equal protection of the law. The discussions in the Commission have shown that it is possible to regard the present article as prohibiting the existence or the passing of laws which discriminate on grounds such as race, colour, etc. The necessary provision for this purpose is already made by the first paragraph or article 1. The United Kingdom considers that the concept of discrimination on grounds such as race, colour, etc. has no place in this article, and that all the words after "equal protection of the law" should be deleted.

Articles on implementation

The United Kingdom considers that it is necessary, in order to avoid the possibility of the same matter being considered at the same time both by the Human Rights Committee and by the International Court of Justice, to include an article in the terms of the draft article 25 in document E/CN.4/474 (including the words "by a State Party to the Covenant" which appear in square brackets on that text).

The United Kingdom also considers that it is necessary to make provision in the general sense of the draft article 21 in document E/CN.4/474.

UNITED STATES OF AMERICA

The representative of the United States stresses the importance of including a Federal State article in the covenant on human rights along the lines of the proposal submitted by the United States at the sixth session of the Commission in order to make it possible for Federal States to adhere to the Covenant.

The representative of the United States is not submitting any further comments at this time with respect to the draft covenant revised at the sixth session of the Commission but reserves the right of the United States to review this draft further and to submit such amendments as it may consider appropriate in connexion with the further consideration of the draft covenant in the United Nations.

URUGUAY

The representative of Uruguay reserves the right of Uruguay to present later any comments on the final text of the first draft covenant.

ANNEX III

Proposals for additional articles

AUSTRALIA

Articles on economic, social and cultural rights

1. Everyone shall have the right to work, and correlatively shall be under the duty to fulfil his obligations with respect to work for which he is voluntarily engaged. Each State shall take such measures as may be practical to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.

2. In order to ensure fair and reasonable wages and working conditions in occupations where wages and conditions are not determined by collective bargaining, or other arrangements are not available against exceptionally low wages, the States shall establish and maintain machinery for fixing minimum wages and conditions.

3. Everyone shall have the right to social security which shall be guaranteed by the provision of social benefits, either in cash or in kind, assuring to every person at least the means of subsistence and, when necessary, adequate treatment in any common contingency occasioning the involuntary loss of income or its insufficiency to meet family necessities. The State may prescribe that all or any of such benefits may be provided under a general contributory system.

4. Everyone has the right to education. Free education shall be available for all, at least in elementary and fundamental stages.

FRANCE

Article on persons deprived of liberty and on penitentiary system

All persons deprived of their liberty shall be treated with humanity. Accused persons shall not be subjected to the same treatment as convicted persons.

The penitentiary system shall comprise treatment directed to the fullest possible extent towards the reformation and social rehabilitation of prisoners.

PHILIPPINES

Articles on protection of privacy, home, correspondence, honour and reputation, right to property and the right to just compensation for private property

1. No one shall be subjected to arbitrary and unlawful interference with his privacy, home or correspondence, not to attacks on his honour and reputation.

This text is derived from article 12 of the Declaration of Human Rights, with the insertion of the word "unlawful" before the word "interference".

2. No one shall be deprived of his property without due process of law.

This guaranty is found in many constitutions. No covenant of human rights is complete without such a safeguard against confiscation.

3. No private property shall be taken unless just compensation has first been paid.

This is also an important guaranty against confiscation of property.

UNION OF SOVIET SOCIALIST REPUBLICS

1. *Article on participation in the government of the State*

Every citizen, irrespective of race, colour, nationality, social position, property status, social origin, language, religion or sex, shall be guaranteed by the State an opportunity to take part in the government of the State, to elect and be elected to all organs of authority on the basis of universal, equal and direct suffrage with secret ballot, and to occupy any State or public office. Property, educational or other qualifications restricting the participation of citizens in voting at elections to representative organs shall be abolished.

Amendment proposed by the representative of Yugoslavia

Replace the first part of the first sentence by the following text:

"Every citizen, irrespective of race, nationality, the social class to which he belongs, property, descent, language, religion or sex, has the right to be guaranteed by the State an opportunity . . . (to elect . . .)."

2. *Article on national self-determination and minorities*

Every people and every nation shall have the right to national self-determination. States which have responsibilities for the administration of Non-Self-Governing Territories shall promote the fulfilment of this right, guided by the aims and principles of the United Nations in relation to the peoples of such territories.

The State shall ensure to national minorities the right to use their native tongue and to possess their national schools, libraries, museums and other cultural and educational institutions.

3. *Articles on economic, social and cultural rights*

(a) It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to

create conditions which will exclude the threat of death from hunger and from exhaustion.

(b) Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.

(c) The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable limitation of working hours and for periodic holidays with pay.

(d) Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.

(e) The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.

(f) Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provision of free elementary education, a system of scholarships and the requisite system of schools.

(g) The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.

(h) (i) The implementation of trade union rights, which are inviolable and essential for improving the life and economic welfare of workers, shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views,

(ii) All regulations of whatever kind directed against trade union organizations by hired workers and employees shall be prohibited.

(iii) Trade union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade unions and their members. Public authorities or officials shall be required to abstain from founding, financing or interfering in the direction of trade union organizations.

(iv) The right to strike shall be guaranteed.

(v) Legislative measures shall be adopted to enable trade union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.

(vi) Trade union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade union organizations.

(vii) No one may prevent an international trade union organization from fulfilling its functions and communicating with the organizations affiliated to it.

Amendment proposed by the representative of Yugoslavia

Replace the first seven articles by the following texts:

(a) Every person has the right, irrespective of the nature of his work, to be protected against exploitation by others and

it is the duty of the State to grant him the right to combat such exploitation, individually or collectively.

(b) Every person has the right to work which it is the duty of the State to guarantee to each person according to his aptitude and capacity. In the event of unemployment, it is the duty of the State to guarantee to every person sufficient livelihood to satisfy his material and cultural requirements.

(c) In labour relations, it is the right of every person to be guaranteed by the State decent conditions of work, in particular hygienic and technical protective measures and satisfactory conditions of life in accordance with his cultural and other requirements.

(d) Every person has the right to equal pay for equal work and to the other rights arising from labour relations.

(e) In labour relations, it is the duty of the State to guarantee to mothers special facilities for the protection of their interests and the interests of their children by establishing maternity clinics, nurseries, etc. It is also the duty of the State to guarantee to mothers the right to paid leave before and after confinement.

(f) In labour relations, minors shall enjoy the special protection of the State, which shall prohibit their employment under arduous or unhealthy conditions or under conditions which interfere with their normal development. Minors under the age of sixteen years may not normally enter employment.

(g) In labour relations, every person has the right to be assured regular working hours which shall normally be eight hours a day. If the working conditions are especially arduous or unhealthy, the working day shall be reduced and the wage shall be the same as the wage that would have been paid for a normal working day.

It is the right of every worker to be ensured by the State of a rest period during his work, if the work is carried on continuously or in shifts, of a day of rest on Sunday as well as of annual paid holidays.

(h) Every worker is entitled to a guarantee from the State of insurance against sickness, exhaustion and old age, and in the case of risk to his health and life, to special coverage against accident, sickness, exhaustion and old age and to the care of his family in the event of his death.

(i) The cost of such insurance shall not be payable by the insured person.

(j) Every person has the right to be guaranteed by the State an opportunity to study in all cultural and academic institutions and to free education at all stages. Elementary education at least shall be compulsory for all.

YUGOSLAVIA

1. *Article on right of asylum*

Any person persecuted for his activities in support of democratic principles, national liberation, the rights of the working people or scientific or cultural freedom or in support of the accomplishment of the principles of the Charter of the United Nations or the rights embodied in the present Covenant, shall have the right of asylum in any country.

2. *Article on protection of minority languages*

Every member of a minority has the right to make use of his national language and the State may not prevent him from studying and developing his culture in his own language.

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Proposals on non-discrimination and minority rights

1. " *The Sub-Commission on Prevention of Discrimination and Protection of Minorities,*

" *Considering* that the Commission on Human Rights is preparing a draft international covenant on human rights,

" *Recommends* that the Commission include in the draft covenant a provision pledging the contracting States not to use governmental licensing arrangements, or to permit restrictions, prohibiting the entry into any business, profession, vocation or employment of a citizen by reason of his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. " *The Sub-Commission on Prevention of Discrimination and Protection of Minorities,*

" *Having considered* the problem of the fate of minorities referred to it by the General Assembly in its resolution 217 C (III),

" *Having adopted,* in resolution C of its third session, a definition of minorities for purposes of protection by the United Nations,

" *Is of the opinion* that the most effective means of securing such protection would be the inclusion in the international covenant on human rights of the following article:

" 'Persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.' "

ANNEX IV

**Draft resolutions for the Economic
and Social Council**

I ⁶⁴

The Economic and Social Council

Approves the decision of the Commission on Human Rights to reduce the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from thirteen to twelve.

II ⁶⁵

The Economic and Social Council

Having transmitted by its resolution 278 (X) the General Assembly resolution 313 (IV) to the Commission on Human Rights for the action contemplated therein,

Notes that the draft First International Covenant on Human Rights submitted to the Council by the Commission on Human Rights at its sixth session contains an article on freedom of information; and

Recommends to the General Assembly to proceed at its fifth session with the elaboration of a special convention on freedom of information as a means of ensuring adequately this freedom throughout the world.

III ⁶⁶

The Economic and Social Council

Notes that the Commission on Human Rights considers that the draft international covenant on human rights relating to some of the fundamental rights of the individual and to certain essential civil freedoms is the first of the series of covenants and measures to be adopted in order to cover the whole of the Universal Declaration of Human Rights;

Notes further the decision of the Commission to proceed at its seventh session with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights, and to consider additional proposed articles included in annex III of its report of the sixth session, together with any other articles which might be further proposed by Governments; and

Approves the decision of the Commission.

IV ⁶⁷

The Economic and Social Council,

Having considered the decision of the Commission on Human Rights at its sixth session to begin at once with the execution of its programme of work for 1951, with a view to assuring to everyone the enjoyment of economic, social and cultural rights, as set forth in articles 22 to 27 of the Universal Declaration of Human Rights,

Having noted the readiness of the International Labour Office and of UNESCO to assist in preparing draft texts to be considered at the seventh session of the Commission,

Instructs the Secretary-General to take the necessary steps to secure similar co-operation from the other organs of the United Nations and the specialized agencies; and

Requests him to submit to the Commission, before its seventh session in 1951, the documents thus assembled, together with any others which he may deem useful.

V ⁶⁸

The Economic and Social Council

Submits to the General Assembly for its consideration the draft resolution transmitted to the Council by the Commission on Human Rights and annexed hereto.

" Annex

" The General Assembly,

" *Considering* that the States Members of the United Nations have pledged themselves under Article 56 of the Charter, to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, and, in particular, to encourage and promote " universal respect for, and observance of, human rights ",

" *Considering* that the United Nations has subsequently proclaimed the Universal Declaration of Human Rights,

" *Requests* the Economic and Social Council to instruct the Commission on Human Rights to draw up, subject to its approval, a scheme providing for annual reports to be compiled by States in conjunction with the publication of the Yearbook on Human Rights;

" *Recommends* States Members to agree to act in the spirit of the said scheme by forwarding annually to the Secretary-General of the United Nations, in particular with a view to

⁶⁴ See chapter III.

⁶⁵ See chapter IV, resolution A and paragraph 28.

⁶⁶ See chapter IV, resolution B and paragraphs 29-32.

⁶⁷ See chapter IV, resolution C and paragraphs 29-33.

⁶⁸ See chapter IV, resolution E and paragraph 47.

the preparation of the Yearbook, a report on the manner in which they have promoted respect for, and the progress of, human rights in the course of the preceding year."

VI ⁶⁹

The Economic and Social Council,

Considering the need for thorough and precise information relating to the prevention of discrimination and the protection of minorities,

Requests the Secretary-General:

1. To invite Governments, Members and non-members of the United Nations,

- (a) To furnish him, as soon as practicable but in any case not later than 1 January 1951, examples (with appropriate citations, where possible) of legislation, judicial decisions, and other types of action which have been found to be especially useful in that country in preventing discrimination in one or more of the fields covered by the Universal Declaration of Human Rights;
- (b) To furnish him, as soon as practicable, full information regarding the protection of any minority within their jurisdiction by legislative measures and in the light of the Universal Declaration of Human Rights; and
- (c) To furnish him, in particular, such information as could serve as a basis for the establishment of a definition of minorities;

2. To distribute the information received from Governments in response to this invitation to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities prior to its fourth session.

VII ⁷⁰

The Economic and Social Council,

Believing that much may be accomplished in the prevention of discrimination through education, and that lasting and positive results in preventing discrimination are attainable in the school,

Affirms its conviction that the principal goals of education in this field should be:

1. To abolish all forms of discrimination; and
2. To eradicate such prejudices as may lead to the commission of unlawful acts of discrimination;

Draws the attention of all Member States to the urgent necessity of taking steps to eliminate all forms of discrimination in the schools;

Emphasizes the part which private educational establishments and non-governmental organizations have to play in combating prejudice and discrimination;

Invites the United Nations Educational, Scientific and Cultural Organization to give due emphasis to those practical activities in the field of education which are likely to lead to the eradication of prejudice and the elimination of discrimination, and, in this connexion, to bear in mind the opportunities for progress to this end afforded by adult educational activities;

Notes with pleasure the following resolutions in the 1950 programme of UNESCO, which it considers capable of producing practical results:

1. Resolution 2.3. The improvement of textbooks and teaching materials (which work could be directed to preventing the creation of prejudice which leads to discrimination);

2. Resolution 2.2. The conduct of educational seminars (since the attitude of the teacher is among the most significant factors in preventing the formulation of prejudice);

3. Resolution 2.4. The publication and distribution of selected materials from each seminar (which can be of use, both to teachers and in connexion with adult educational activities, to the general public); and

Urgently awaits UNESCO's forthcoming statement on race from the viewpoint of present scientific knowledge; and

1. *Recommends* that UNESCO proceed as soon as practicable with the preparation, publication and dissemination of simple and readable books or pamphlets, based on scientific facts, explaining the fallacies of mistaken race theories and religious and other prejudices; and
2. *Invites* Member States to distribute such books or pamphlets widely among all their peoples, and to disseminate these ideas through their public education programmes.

VIII ⁷¹

The Economic and Social Council,

Having requested, in its resolution of 21 June 1946 (resolution 2/9, section 4a), the Secretary-General to make arrangements for the compilation and publication of a Yearbook on Law and Usage relating to Human Rights,

Having considered the reports of the fifth and sixth sessions of the Commission on Human Rights relating to the question of the Yearbook,

Having considered the Yearbooks on Human Rights for 1946, 1947 and 1948 compiled and published by the Secretary-General,

Requests the Secretary-General to continue annually the compilation and publication of the Yearbook on Human Rights which, beginning as soon as possible but not later than with the Yearbook for 1951, shall be compiled on the following general lines:

1. Each volume of the Yearbook shall contain a compilation concerning the application, and so far as necessary, the evolution, in as many countries as possible, of one of the rights or of a group of closely related rights set forth in the Universal Declaration of Human Rights. This compilation shall be prepared from information supplied by Governments and may include digests of this information prepared by the Secretary-General and shall be documented by reference to legislative enactments and other authoritative sources;

2. For this purpose, the Secretary-General shall draw up a plan indicating, for a number of years ahead, which right or group of rights should be treated in each year;

3. The Yearbook shall continue to record international and national developments concerning human rights which have taken place during the year, and for this purpose shall contain:

- (a) A report on the work of the United Nations in the field of human rights;
- (b) Relevant texts or summaries of international instruments in this field, including decisions of international courts and arbitral tribunals;

⁶⁹ See chapter VII, resolution H and paragraphs 61 and 64.

⁷⁰ See chapter VII, resolution I and paragraphs 61 and 66.

⁷¹ See chapter VIII and resolution K.

- (c) Texts or summaries of, or sufficient references to, constitutional and statutory provisions which constitute important developments in the field of human rights during the year;
 - (d) Summaries of, or sufficient references to, decisions of national courts where these decisions constitute important developments in the field of human rights;
4. The Yearbook shall also include texts or summaries of, or sufficient references to, basic laws on human rights in respect of Non-Self-Governing and Trust Territories;

5. The Yearbook shall include adequate references to the sources of any texts or summaries which appear in it. It shall be produced in a form which is easy to handle and of moderate price, and the reproduction of constitutional or statutory texts shall be confined within the limits imposed by these requirements.

IX

The Economic and Social Council

Takes note of the report of the sixth session of the Commission on Human Rights.

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