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COMMISSION ON HUMAN RIGHTS

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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS
AND MEASURES FOR IMPLEMENTATION

Observations on Economic, Social and Cultural
rights submitted by the High Commissioner for
Refugees

The United Nations High Commissioner for Refugees has the honour to draw the attention of the Commission on Human Rights to a difference in the texts of the proposals on economic, social and cultural rights for incorporation into the Covenant on Human Rights, which are to be considered by the Working Group:

While the rights specified in other proposals are to be granted to all, the proposal by Denmark (document E/CN.4/542) suggests that the following rights shall be assured by each State party to the Convention, to its nationals:
right to work (article 18 b); right to rest and leisure (article 18 c);
right to social security (article 18 d); right to medical care in the event of sickness (article 18 e).

The restriction of these rights to nationals would exclude refugees within the competence of my Office from the enjoyment of these rights. I recognise that the unqualified enjoyment of certain rights, such as the right to work, by refugees may not be feasible. On the other hand certain other rights, such as the right to rest, to social security and to medical care in

the event of sickness, are in fact granted in most States to all persons, in particular to all workers, regardless of their nationality, and it is submitted that it would be desirable to assure these rights in the Covenant on Human Rights not only to nationals but to all.

Some of the rights concerned are, as regards refugees, to be regulated by the Convention relating to the Status of Refugees, which is to be considered by a Conference of Plenipotentiaries in the course of this year. The limited material and personal scope of the Convention does not, however, render unnecessary the embodiment of such rights for all, including refugees, in the Covenant of Human Rights. The enjoyment of these rights by refugees is of the greatest importance for them, and it is therefore suggested that they should not be restricted to nationals. Wherever human rights and fundamental freedoms are mentioned in the Charter of the United Nations (article 1, para. 3; article 13, para. 1 (b); article 55 (c); article 62, para. 2; article 76 (c)); mention is made of human rights and fundamental freedoms for all. The restriction of certain rights to nationals in the Covenant of Human Rights might lead to the interpretation that non-nationals, and in particular refugees, are to be excluded. It is hoped that in so far as these rights are, as a rule, already granted to all, regardless of nationality, they will not be restricted in the Covenant to nationals, and that as regards the rights which may not in all cases be unrestrictedly granted to non-nationals, such as the right to work, a formula will be chosen which, by defining the extent of the right, will assure its enjoyment by all, nationals and non-nationals, including refugees.