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COMMISSION ON HUMAN RIGHTS

Seventh session

Item 3(a) of the Agenda

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS
AND MEASURES FOR IMPLEMENTATION

UNITED KINGDOM: Amendments to the first eighteen articles of the draft
International Covenant on Human Rights

Article 1

Delete paragraphs 2 and 3 and substitute

"2. Any State may, when signing this Covenant or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Covenant to the extent that any law then in force in its territory is not in conformity with this provision. Reservations of a general character are not permitted under this Article. Any reservation under this Article shall contain a brief statement of the law concerned.

3. Everyone whose rights and freedoms as set forth in this Covenant are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

Article 2

Delete paragraphs 1 and 2 of Article 2 and substitute

"1. In time of war or other public emergency threatening the life of the nation the States parties hereto may take measures derogating from their obligations under this Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law.

2. No derogation from Article 3, except in respect of deaths resulting from lawful acts of war, or from Articles 4, 5 (paragraphs 1 and 2), 7 and 11 shall be made under this provision."

Article 3

Delete paragraphs 1, 2, 3 and 4 and substitute:

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a Court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results in the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling insurrection.

Article 4

Delete this Article and substitute the words:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Article 6

Delete paragraphs 1, 2, 3, 4, 5 and 6 and substitute:

"1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases, and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone 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 speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 8

Delete whole Article

Article 9

Delete whole Article

Article 10

Delete paragraph 1 and 2 and substitute:

"1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him.

(b) to have adequate time and facilities for the preparation of his defence.

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court."

Article 11

In paragraph 1 omit from "If subsequent to the commission of the offence" to the end of the paragraph.

In paragraph 2 for the words "the commission of any act" insert "any act or omission" and for "the generally recognized principles of law" insert "the general principles of law recognized by civilized nations".

Article 12

Delete the whole Article

Article 13

In paragraph 2 delete "pursuant to law" and insert "prescribed by law".

Delete "reasonable and" before "necessary".

Delete from "to protect" to end of paragraph and insert "in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others".

Article 14

Delete paragraphs 1, 2 and 3 and substitute:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of Broadcasting, television or cinema enterprises.

"2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary."

Articles 15 and 16

Delete both Articles and substitute Article ...

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights, and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 17

Delete the whole Article.