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GENERAL

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COMMISSION ON HUMAN RIGHTS

Dual Distribution

Seventh session

Item 16 of the Agenda

DRAFT REPORT OF THE SEVENTH SESSION OF THE
COMMISSION ON HUMAN RIGHTS - CHAPTER III (Continued)

NOTE: After paragraph 39 in E/CN.4/635/Add.1 add the following:

"40. The Commission discussed at its 249th meeting a note submitted by the representative of Denmark concerning the relationship of the Articles on implementation of economic, social and cultural rights, adopted by the Commission, and the substantive provisions of the draft Covenant (E/CN.4/637). The note related to the question whether the Articles on implementation should refer to the part of the Covenant containing the substantive rights relating to economic social and cultural rights or simply to "this Covenant". It was decided by 13 votes to 2, with 3 abstentions, to postpone the consideration of this matter, with the understanding that a footnote to the Articles concerned would state that the suggestion of the representative of Denmark should be considered later on.

Draft resolution concerning the reconsideration by the
Economic and Social Council of its resolution (XII)
and by the General Assembly of its resolution 421F(V)

41. The Commission considered a draft resolution submitted by the representative of India (E/CN.4/619/Rev.1 and E/CN.4/SR.248) at its 248th meeting. The draft resolution proposed that the Commission:

considering that the economic, social and cultural rights though equally fundamental and therefore important, formed a separate category of rights from that of the civil and political rights in that they were not justiciable rights and considering that the method of their implementation was, therefore, different, recommend to the Economic and Social Council to recommend to the General Assembly that the decision to include the economic, social and cultural rights in the same Covenant with the civil and political rights, be reconsidered. The draft resolution was rejected on a roll call vote by 12 votes to 5, with 1 abstention as follows:

in favour: Denmark, Greece, India, United Kingdom and United States of America.

Against: Chile, China, Egypt, France, Guatemala, Lebanon, Pakistan, Sweden, Ukrainian Soviet Socialist Republics, Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

Abstention: Australia.