



**UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL**



Dist.
GENERAL

E/CN.4/672
8 January 1953

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Ninth session
Item 6 of the provisional agenda

REVIEW OF THE HUMAN RIGHTS PROGRAMME
Memorandum by the Secretary-General

TABLE OF CONTENTS

	<u>Page</u>
I. Human rights programme as a major priority programme of the United Nations	1
II. Commission's terms of reference	3
III. Items of highest priority	3
IV. Classification of human rights items	4
V. Items of an organizational or operational character	5
VI. Items of a substantive character	8
VII. Items of a documentary character	9

I. Human rights programme as a major priority programme of the United Nations

1. The Economic and Social Council, by resolution 451 A (XIV) of 28 July 1952, established six major priority programmes in the economic and social fields. One of the six programmes is a human rights programme, which is set forth as follows:

Formulation and wider observance of human rights

- (a) Fuller dissemination of the Universal Declaration of Human Rights and completion of the Covenants on Human Rights;

(b) Promotion of human rights and their observance, including elimination of forced labour, of restriction on freedom of association, of all discriminatory measures referred to in the Universal Declaration of Human Rights; and

(c) Promotion of freedom of information and of the press.

2. By the same resolution the Council requested inter alia the Commission on Human Rights to review and appraise its future programme and establish relative priorities in respect thereof, and to report to the Council on any action it might take.

3. The attention of the Commission is drawn to the observations of the Advisory Committee on Administrative and Budgetary Questions (Appendix to resolution 451 A (XIV)) on concentration of effort and resources. The Advisory Committee stated that it was not in a position to know whether the "criteria for priorities" (see paragraph 4), drawn up by the Council at its eleventh session, had been used fully and consistently by specialized agencies and commissions. It suggested that future reports by agencies and commissions should include particular references to the following criteria:

- "(i) Has full account been taken of work already carried out in this field by other organizations brought into relationship with the United Nations?
- "(ii) Have the possibilities of action or financing from sources other than the United Nations and specialized agencies been fully explored?
- "(iii) Is the organ or agency concerned best suited to undertake the proposed action?
- "(iv) Are the results likely to be significant in relation to the outlay of effort and financial resources?
- "(v) Will the proposed action further significantly the total effort of the United Nations and the specialized agencies for the promotion of economic and social objectives outlined in the Charter?
- "(vi) What is the impact on normal activities of the work which it is proposed to undertake on behalf of another organization?"

4. Reference is made to document E/CN.4/644, which was submitted to the Commission at its eighth session and in which the Secretary-General drew the attention of the Commission to the "criteria for priorities" established under Council resolution 324 (XI) and the "procedures for establishment of priorities" established under Council resolution 402 (XIII).

II. Commission's terms of reference

5. In considering the human rights programme the Commission may wish to bear in mind resolutions 5 (I) and 9 (II) of the Council, by which the Commission was instructed inter alia to submit proposals, recommendations and reports to the Council regarding:

- (a) The International Bill of Rights;
- (b) International declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
- (c) The protection of minorities;
- (d) The prevention of discrimination on grounds of race, sex, language or religion; and
- (e) Any other matter concerning human rights not covered by items (a), (b), (c) and (d).

6. By resolution 9 (II) the Council also authorized the Commission to call in ad hoc working groups of non-governmental experts, or individual experts, to assist it in its work; and invited governments to consider the desirability of establishing local human rights committees for the purpose of furthering the work of the Commission.

III. Items of highest priority

7. The provisional agenda of the ninth session of the Commission contains a considerable number of items. The draft Covenants on Human Rights have been considered as an item of the highest priority. Of the other items, relative priorities have not yet been established.

8. In resolution 440 (XIV) the Council has requested the Commission to complete its work on the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights at its ninth session in 1953.
9. In resolution 443 (XIV) the Council has invited the Commission at its ninth session to consider the reports of the fourth and fifth sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
10. It is suggested therefore that, after the Commission disposes of the draft Covenants and the reports of the Sub-Commission, it should review its future programme, establish relative priorities with respect thereto and, if time permits, consider such items as require early attention. In reviewing its future programme the Commission may take into consideration the Secretary-General's memorandum on the development of a twenty-year programme which contains inter-alia suggestions on the wider observance of and respect for human rights and fundamental freedoms (E/1900).

IV. Classification of human rights items

11. Items in the field of human rights may be conveniently classified into three categories:
1. Items of an organizational or operational character,
 2. Items of a substantive character, and
 3. Items of a documentary character.
12. Items of an organizational or operational character are those which are designed to promote the effective observance of human rights through the establishment of institutions and procedures. Items of a substantive character are those which are aimed at defining the nature and scope of rights, and determining the character and extent of State obligations in respect thereof. Items of a documentary character are such works on laws and usages concerning human rights as may be of permanent value and enduring interest to governments, inter-governmental agencies, non-governmental organizations as well as individuals.

V. Items of an organizational or operational character

13. There are four items on the agenda of the Commission that are of an organizational or operational character:

1. Local human rights committees
2. Annual reports on human rights
3. Communications concerning human rights
4. International court of human rights

14. Of the four items on the agenda of the Commission it appears that "local human rights committees" and "annual reports on human rights" deserve a high priority. While the processing of "communications concerning human rights" is a continuing operation, the question of revising the present communications procedure as laid down in Council resolution 75 (V) as amended is of considerable importance. The proposal to establish an "international court of human rights" may perhaps be deferred.

15. Local human rights committees. In resolution 9 (II) of 26 June 1946, the Economic and Social Council invited Member States "to consider the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights".

16. Nine countries have established local human rights committees or have utilized existing organizations for the purposes of Council resolution 9 (II). A number of countries have expressed an interest in establishing human rights committees. Three governments have stated that the functions of such committees require further clarification before they can take any action. The Secretary-General has submitted two reports on local human rights committees (E/CN.4/519 and Add.1).

17. It may be noted that fifty-five members of UNESCO have established national commissions under Article VII of the UNESCO Constitution and that a number of national committees and working groups on social questions have been established to co-operate with the Social Commission.

18. The Commission on Human Rights may wish to request the Secretary-General to consult governments, specialized agencies and non-governmental organizations on the possible organization and functions of national human rights committees and to submit to an early session of the Commission a report on the question of establishing national human rights committees.
19. Annual reports on human rights. The Economic and Social Council by resolution 303 E (XI) decided to return to the Commission on Human Rights for further study a draft proposal relating to the establishment of a scheme of annual reports on human rights (E/CN.4/517).
20. In substance the proposal is to institute a scheme of annual reports to be compiled by States Members of the United Nations "on the manner in which they have promoted respect for, and the progress of, human rights in the course of the preceding year".
21. It is envisaged that such a scheme of annual reports would be established by a General Assembly resolution and would be recommended to all Members of the United Nations.
22. The intention apparently is that, when the Covenants on Human Rights enter into force, the system of periodic reports provided therein may be integrated into the scheme of annual reports thus established.
23. The establishment of such a scheme of annual reports requires the most careful study and deliberation. The Commission may wish to devote itself to this question at an early session.
24. Besides the four items on the agenda the Commission may wish to consider other matters of an organizational or operational character. For example:
1. Education in human rights
 2. Regional seminars on human rights
 3. Scholarships and fellowships in human rights
 4. Advisory services in human rights
25. A programme of education in human rights should constitute a continuing operation of the Commission. In the "human rights programme", established by resolution 451 A (XIV) of the Economic and Social Council, "fuller dissemination

of the Universal Declaration of Human Rights" is the first task. The General Assembly by resolution 217 D (III) requested the Secretary-General to have the Universal Declaration of Human Rights widely disseminated and, by resolution 423 (V), invited all States to adopt 10 December of each year as Human Rights Day. The Commission may wish to request the Secretary-General to prepare a report on the present status of education in human rights, utilizing where pertinent the reports submitted to the Council on "the implementation of recommendations on economic and social matters" and on "the teaching of the purposes and principles, the structure and activities of the United Nations and the specialized agencies in schools and other educational institutions of Member States".

26. At some future date it may be desirable to organize a series of regional seminars on human rights (especially if national human rights committees are established), to initiate a programme of scholarships and fellowships in human rights and to offer advisory services or technical assistance in promoting human rights. (There have been seminars on human rights conducted by UNESCO and by non-governmental organizations, and there have been several applications for scholarships or fellowships in human rights under the United Nations programme of technical assistance. The General Assembly has recently, by a resolution of 16 December 1952 (A/RESOLUTION/36), requested the Secretary-General to elaborate a programme of action for the development of domestic information media in underdeveloped countries.)

27. It may also be desirable to consider at some future date the advisability of establishing a committee or committees which would survey the status of particular rights or categories of rights. For this purpose the Commission may designate its own members, or "call in" non-governmental experts (in accordance with Council resolution 9 (II)), as members of committees. (The Economic and Social Council established an Ad Hoc Committee on Slavery by resolution 238 (IX) and, in co-operation with the ILO, established an Ad Hoc Committee on Forced Labour by resolution 350 (XII)).

VI. Items of a substantive character

28. On the agenda of the Commission there are nine questions of a substantive character:

1. Draft declaration of the rights of the child
2. Old age rights
3. Right of asylum
4. Freedom to choose a spouse
5. General Assembly resolution on racial discrimination in non-self-governing territories
6. Definition and protection of political groups
7. Injuries suffered by groups from the total or partial destruction of their media of culture and their historical monuments.
8. Continuing validity of minorities treaties and declarations

29. In addition the Commission may wish to consider from time to time such rights or freedoms as may merit special study and consideration. World-wide surveys may be made by the Commission itself or by committees (as suggested in paragraph 26 above), for instance, of freedom of conscience and religion, right to marriage, right to own property, right to an effective remedy, etc. Such surveys may eventually lead to the conclusion of conventions or the adoption of recommendations.

30. The General Assembly on 6 December 1952 adopted a resolution (A/RESOLUTION/40) requesting the Council to ask the Commission to continue preparing recommendations concerning international respect for the right of peoples to self-determination. This would constitute another item on the agenda of the Commission in the future.

31. Of the questions on the agenda it appears that the "draft declaration of the rights of the child" and "old age rights" deserve a high priority as several years have elapsed since the Council requested the Commission to consider them.

32. By resolution 309 C (IX) of 13 July 1950 the Economic and Social Council requested the Commission to consider the draft declaration of the rights of the child (prepared by the Social Commission) and to submit its observations on the principle and the contents thereof.

33. In resolution 213 (III) of 4 December 1948 the General Assembly transmitted to the Economic and Social Council a draft declaration of old age rights for its consideration. The Council, by resolution 198 (VIII) of 2 March 1949, requested the Secretary-General inter-alia to prepare a summarized documentation on the subject of old age rights and to submit the documentation to the Commission on Human Rights and the Social Commission for consideration. The Secretary-General submitted such documentation to the Commission on Human Rights at its sixth session in 1950 (E/CN.4/362 and Add.1).

34. Of the other questions on the agenda and of any new questions that may be undertaken, the Commission may wish to establish a scale of priority and a schedule of work, so that the Secretariat may prepare, in consultation with governments, specialized agencies and non-governmental organizations whenever appropriate, substantive reports or studies in advance and the Commission may have sufficient time to study and consider them.

VII. Items of a documentary character

35. On the agenda of the Commission there is only one project of a documentary character, namely, the Yearbook on Human Rights. This is, of course, a continuing project.

36. The Universal Declaration of Human Rights adopted in 1948, and the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights when completed, will constitute three historic documents of the United Nations. It would be of permanent value and enduring interest to judges, legislators and administrators, and to organizations and individuals if a drafting history of each of the three documents, containing a systematic presentation of the principles and issues that were brought forth in the course of the debate of each article, could be written and published.