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COMMISSION ON HUMAN RIGHTS
Tenth session

DEVELOPMENT OF THE WORK OF THE UNITED NATIONS
FOR WIDER OBSERVANCE OF, AND RESPECT FOR,
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGHOUT
THE WORLD AND ANNUAL REPORTS ON HUMAN RIGHTS

Comments of Member States received by the Secretary-General
under Economic and Social Council resolution 501 C (XVI)

Belgium

(Note dated 29 January 1954 from the Belgian representative
to the United Nations to the Secretary-General)

The Belgian Government has examined with interest the proposals contained in documents E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268, which are designed to secure wider observance of, and respect for, human rights and fundamental freedoms throughout the world through the work of the United Nations.

Belgium, whose Parliament is now in the process of ratifying the European Convention on Human Rights, could not be indifferent to any effort made to extend the enjoyment of those rights as rapidly as possible to a large number of human beings throughout the world. Consequently, its first reaction to the principle underlying the drafts in question is bound to be favourable.

There is a possibility, however, that the proposed method may entail certain disadvantages. For its part, the Belgian Government fears that immediate consideration of the draft resolutions by the Commission on Human Rights might result in further delay in the final drafting of the two covenants, which had appeared to be nearing completion. The covenants, which have been the subject

of detailed studies by the Commission on Human Rights, the Economic and Social Council and the General Assembly, and which contain explicit and detailed provisions, might well constitute an instrument for the protection of human rights much more effective than the inevitably fragmentary system presented in the three drafts. It would therefore seem logical that the Commission should give priority to the completion of the covenants and thereafter determine what elements in the new proposals might usefully supplement the measures already adopted.

Moreover, this interpretation conforms with the terms of the General Assembly resolution of 28 November 1953 requesting the Economic and Social Council to ask the Commission on Human Rights to consider the three new draft resolutions and to prepare recommendations thereon "to supplement the provisions of the Covenants on Human Rights". Before a decision is taken on a supplement to a text, it is only logical that the text itself should first be completed.

There is another consideration in support of the adoption of the order of priority suggested by the Belgian Government. A number of proposals in the draft resolutions contained in documents E/CN.4/L.266/Rev.2, E/CN.4/L.267/Rev.1 and E/CN.4/L.268 appear to be measures for the implementation of the covenants although these have not been completed. There is reason to fear that this method of procedure may entail considerable difficulties arising from the differences of opinion that would inevitably occur among States the views of which on these matters often differ widely and none of which, so long as the covenants have not been ratified, would be bound by precise definitions having the force of law. The Universal Declaration of Human Rights is a declaration of ideals but it is not from the legal point of view, a binding instrument. Belgium therefore considers that the basic problem is to reach an agreement among the various countries defining human rights and the legal obligations of States in respect of human rights.

Furthermore, draft resolution E/CN.4/L.268 would burden the Commission on Human Rights with new and onerous tasks of a quasi-jurisdictional nature, which are not within its terms of reference. The question arises whether this body, overburdened as it is, would be able to assume these new tasks without serious

prejudice to the discharge of its other responsibilities. The articles of the Covenant concerned with implementation envisage machinery for the performance of these functions. Hence it would be preferable to endeavour first of all to develop such machinery.

The Belgian Government therefore considers that the Commission on Human Rights should give priority at its tenth session to the preparation of draft covenants for submission to the Economic and Social Council and the General Assembly. When that work is completed, the supplementary drafts put forward by the United States can be examined to greater purpose, since only then will the Member States be able effectively to state their views on the substance of these proposals.
