

United Nations
ECONOMIC
AND
SOCIAL COUNCIL

Nations Unies
CONSEIL
ECONOMIQUE
ET SOCIAL

UNRESTRICTED

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ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

TEXTUAL COMPARISON OF

- I. The Draft Outline of an International Bill of Rights
(prepared by the Secretariat)
- II. The United Kingdom Draft Bill of Rights
(document E/CN.4/AC.1/4 - 5 June 1947)
- III. United States Proposals
(document E/CN.4/AC.1/8 - 11 June 1947)

/PREAMBLE

PREAMBLE

I. Draft Outline (Secretariat)

Preamble

The Preamble shall refer to the four freedoms and to the provisions of the Charter relating to human rights and shall enunciate the following principles:

1. that there can be no peace unless human rights and freedoms are respected;
2. that man does not have rights only; he owes duties to the society of which he forms part;
3. that man is a citizen both of his State and of the world;
4. that there can be no human freedom or dignity unless war and the threat of war is abolished.

II. U.K. Draft

(PREAMBLE)

1. Whereas the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person;
2. Whereas it is one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
3. Whereas all men are members of communities and as such have the duty to respect the rights of their fellow men equally with their own;
4. Whereas the just claims of the state, which all men under a duty to accept, must not prejudice the respect of man's right to freedom and equality before the law and the safeguard of human rights, which are primary and abiding conditions of all just government;
5. Whereas the denial of human rights and fundamental freedoms endangers the general welfare and friendly relations among nations and the enjoyment of such rights and freedoms by all persons must be secured by international
/law

law and protected by the organized community of states;

6. Whereas it is expedient to define more exactly the aforesaid human rights and fundamental freedoms and to make provision for their universal observance and protection.

Now therefore the States parties to this International Bill of Rights have accepted the following provisions:

III. U.S. Proposals

- None -

ARTICLE 1

I. Draft Outline (Secretariat)

Article 1

Every one owes a duty of loyalty to his State and to the (international society) United Nations. He must accept his just share of responsibility for the performance of such social duties and his share of such common sacrifices as may contribute to the common good.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 2

I. Draft Outline (Secretariat)

Article 2

In the exercise of his rights every one is limited by the rights of others and by the just requirements of the State and of the United Nations.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

The state is created by the people for the promotion of their welfare and the protection of their mutual rights. In the exercise of his rights everyone is limited by the rights of others. The state may impose only such limitations on such rights as are compatible with the freedom and welfare of all.

ARTICLE 3

I. Draft Outline (Secretariat)

Article 3

Every one has the right to life. This right can be denied only to persons who have been convicted under general law of some crime to which the death penalty is attached.

II. U.K. Draft

(Part II - ARTICLE 8)

It shall be unlawful to deprive any person of his life save in the execution of the sentence of a court following on his conviction of a crime for which this penalty is provided by law.

III. U.S. Proposals

The right to life is fundamental and may not be denied to any person except upon conviction of the gravest of crimes under general law providing for the penalty of death.

ARTICLE 4

I. Draft Outline (Secretariat)

Article 4

No one shall be subjected to torture, or to any unusual punishment
or indignity.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 5

I. Draft Outline (Secretariat)

Article 5

Every one has the right to personal liberty.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 6

I. Draft Outline (Secretariat)

Article 6

No one shall be deprived of his personal liberty save by a judgment of a court of law, in conformity with the law and after a public trial at which he has had an opportunity for a full hearing, or pending his trial which must take place within a reasonable time after his arrest. Detention by purely executive order shall be unlawful except in time of national emergency.

II. U.K. Draft

(Part II - ARTICLE 10)

1. No person shall be deprived of his liberty save by an arrest which is affected for the purpose of bringing him before a court on a reasonable suspicion of having committed a crime or which is reasonably considered to be immediately necessary to prevent his committing a crime or breach of the peace.
2. Every person arrested and detained shall be brought without delay before a judge, who shall either try the case or decide, after hearing evidence, whether there is sufficient cause to justify that person's trial and if so whether his liberty shall be restored to him on bail.
3. The period of detention pending trial shall not be unreasonably prolonged.
4. The preceding provisions of this Article do not apply to
 - (i) the lawful detention of a person sentenced after conviction to deprivation of liberty or
 - (ii) lawful detention of persons of unsound mind or
 - (iii) the lawful custody of minors or
 - (iv) the lawful arrest and detention of a person to prevent his affecting an unauthorized entry into the country.

/5. Every

5. Every person who is deprived of his liberty shall have an effective remedy in the nature of "habeas corpus" by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not justified.

III. U.S. Proposals

No one shall be deprived of life or personal liberty, or be convicted or punished for crime in any manner, save by judgment, of a competent and impartial tribunal, in conformity with law, after a fair public trial at which he has had the opportunity for a full hearing, the right to be confronted with the witnesses against him, the right of compulsory process for obtaining witnesses in his favour, and the right to consult with and be represented by counsel.

ARTICLE 7

I. Draft Outline (Secretariat)

Article 7

Every one shall be protected against arbitrary and unauthorized arrest. He shall have the right to immediate judicial determination of the legality of any detention to which he may be subject.

II. U.K. Draft

(Part II - ARTICLE 10)

Paragraph 6. Every person shall have an enforceable right to compensation in respect of any unlawful arrest or deprivation of liberty.

III. U.S. Proposals

No person shall be subjected to arbitrary or unauthorized arrest or detention. Every person who is arrested or detained shall be immediately informed of the charges on which he is held, and shall have the right to prompt judicial determination of the legality of his detention. Trial of the charges must be afforded within a reasonable time, or he shall be released from detention. Every person shall be entitled to secure his release pending trial upon furnishing reasonable security for his appearance, except where such release would defeat the administering of justice. Detention by purely executive order shall be unlawful except in time of national emergency, proclaimed in accordance with law.

ARTICLE 8

I. Draft Outline (Secretariat)

Article 8

Slavery and compulsory labour are inconsistent with the dignity of man and therefore prohibited by this Bill of Rights. But a man may be required to perform his just share of any public service that is equally incumbent upon all, and his right to a livelihood is conditioned by his duty to work. Involuntary servitude may also be imposed as part of a punishment pronounced by a court of law.

II. U.K. Draft

(Part II - ARTICLE 9)

No form of slavery shall be permitted.

(A text on the subject of compulsory labour will be inserted here later.)

III. U.S. Proposals

No one shall be held in slavery, nor be required to perform compulsory labour in any form other than public service equally incumbent by law upon all or as part of punishment pronounced by a competent judicial tribunal. No person shall be imprisoned or held in servitude in consequence of the mere breach of contractual obligations.

ARTICLE 9

I. Draft Outline (Secretariat)

Article 9

Subject to any general law adopted in the interest of national welfare or security, there shall be liberty of movement and free choice of residence within the borders of each State.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

All persons shall equally enjoy the right to freedom of movement from one part of the territory of the state to another, and to free choice of residence in any part of the territory, subject to any general law adopted in the interest of national welfare or security.

Every person shall, subject to equitable immigration and deportation laws, be free to enter, travel through or over, and remain temporarily in the territory of another state, provided always that he observes local laws and police regulations.

ARTICLE 10

I. Draft Outline (Secretariat)

Article 10

The right of emigration and expatriation shall not be denied.

II. U.K. Draft

(Part II - ARTICLE 8)

Every person who is not subject to any lawful deprivation of liberty or to any outstanding obligations with regard to national service shall be free to leave any country including his own.

III. U.S. Proposals

- None -

ARTICLE 11

I. Draft Outline (Secretariat)

Article 11

No one shall be subjected to arbitrary searches or seizures, or to unreasonable interference with his person, home, family relations, reputation, privacy, activities, or personal property. The secrecy of correspondence shall be respected.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

No one shall be subjected to arbitrary or unauthorized searches and seizures of his person, home, papers and effects, or to unreasonable interference with his person, home, family, relations with others, reputation, privacy, activities or property. The secrecy of correspondence shall be respected.

ARTICLE 12

I. Draft Outline (Secretariat)

Article 12

Every one has the right to a legal personality. No one shall be restricted in the exercise of his civil rights except for reasons based on age or mental condition or as a punishment for a criminal offence.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Everyone has the right to a legal personality. No person shall be restricted in the exercise of his civil rights except under general law based on reasons of age or mental incompetence, or as punishment for a criminal offence, or as otherwise permitted in this bill.

ARTICLE 13

I. Draft Outline (Secretariat)

Article 13

Every one has the right to contract marriage in accordance with the laws of the State.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 14

I. Draft Outline (Secretariat)

Article 14

There shall be freedom of conscience and belief and of private and public religious worship.

II. U.K. Draft

(Part II - ARTICLE 13)

1. Every person shall be free to hold any religious or other belief dictated by his conscience and to change his belief.
2. Every person shall be free to practice, either alone or in community with other persons of like mind, any form of religious worship and observance, subject only to such restrictions, penalties or liabilities as are strictly necessary to prevent the commission of acts which offend laws passed in the interests of humanity and morals, to preserve public order and to ensure the rights and freedoms of other persons.
3. Subject only to the same restrictions, every person of full age and sound mind shall be free to give and receive any form of religious teaching and to endeavour to persuade other persons of full age and sound mind the truth of his beliefs, and in the case of a minor the parent or guardian shall be free to determine what religious teaching he shall receive.

ARTICLE 15

I. Draft Outline (Secretariat)

Article 15

Every one has the right to form, to hold, to receive and to impart opinion.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Everyone has the right to form and hold opinions and to receive them from, and impart them, within or beyond the borders of the State.

ARTICLE 16

I. Draft Outline (Secretariat)

Article 16

There shall be free and equal access to all sources of information both within and beyond the borders of the State.

II. U.K. Draft

(Part II - ARTICLE 14)

Paragraph 2. Every person shall be free to receive and disseminate information of all kinds, including both facts, critical comment and ideas by books, newspapers, or oral instruction, and by the medium of all lawfully operated devices.

Paragraph 3. The freedoms of speech and information referred to in the preceding paragraphs of this Article may be subject only to necessary restrictions, penalties or liabilities with regard to: matters which must remain secret in the interests of national safety; publications intended or likely to incite persons to alter by violence the system of Government, or to promote disorder or crime; obscene publications; (publications aimed at the suppression of human rights and fundamental freedoms); publications injurious to the independence of the judiciary or the fair conduct of legal proceedings; and expressions or publications which libel or slander the reputations of other persons.

III. U.S. Proposals

Freedom of everyone to receive, read and listen to all matters of information shall not be impaired, and there shall be free and equal access to all sources of information both within and beyond the border of a State.

ARTICLE 17

I. Draft Outline (Secretariat)

Article 17

Subject only to the laws governing slander and libel, there shall be freedom of speech and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication. Censorship shall not be permitted.

II. U.K. Draft

(Part II - ARTICLE 14)

Paragraph 1. Every person shall be free to express and publish his ideas orally, in writing, in the form of art, or otherwise.

.....

Paragraph 3. The freedoms of speech and information referred to in the preceding paragraphs of this Article may be subject only to necessary restrictions, penalties or liabilities with regard to: matters which must remain secret in the interests of national safety; publications intended or likely to incite persons to alter by violence the system of Government, or to promote disorder or crime; obscene publications; (publications aimed at the suppression of human rights and fundamental freedoms); publications injurious to the independence of the judiciary or the fair conduct of legal proceedings; and expressions or publications which libel or slander the reputations of other persons.

III. U.S. Proposals

There shall be freedom of speech, of the press and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication.

ARTICLE 18

I. Draft Outline (Secretariat)

Article 18

There exists a duty towards society to present information and news in a fair and impartial manner.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 19

I. Draft Outline (Secretariat)

Article 19

There shall be freedom of peaceful assembly.

II. U.K. Draft

(Part II - ARTICLE 15)

All persons shall have the right to assemble peaceably for any lawful purpose including the discussion of any matter, on which under Article 14 any person has the right to express and publish his ideas. No restrictions shall be placed on the exercise of this right other than those necessary for the protection of life and property and to prevent disorders, the obstruction of traffic and of the free movement of others.

III. U.S. Proposals

- None -

ARTICLE 20

I. Draft Outline (Secretariat)

Article 20

There shall be freedom to form associations for purposes not inconsistent with this Bill of Rights.

II. U.K. Draft

(Part II - ARTICLE 16)

All persons shall be free to constitute associations, in whatever form may be appropriate under the law of the state, for the promotion and protection of their legitimate interests and of any other lawful object, including the dissemination of all information of which under Article 4 the dissemination is unrestricted. The rights and freedom set forth in Articles 13 and 14 shall be enjoyed by such associations.

III. U.S. Proposals

There shall be freedom to form associations.

ARTICLE 21

I. Draft Outline (Secretariat)

Article 21

Every one has the right to establish educational institutions
in conformity with conditions laid down by the law.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 22

I. Draft Outline (Secretariat)

Article 22

Every one has a right to own personal property.

His right to share in the ownership of industrial, commercial and other profit-making enterprises is governed by the law of the State within which such enterprises are situated.

The State may regulate the acquisition and use of private property and determine those things that are susceptible of private appropriation.

No one shall be deprived of his property without just compensation.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Every one has the right to own and transfer property, subject to regulation, under general laws, governing the acquisition and use thereof, and determining, in the interest of national welfare and security, those things not susceptible of private ownership. No one shall be deprived of property except in accordance with law, nor suffer his property to be taken other than for public use with just compensation to him.

ARTICLE 23

I. . Draft Outline (Secretariat)

Article 23

No one shall be required to pay any tax or be subjected to any public charge that has not been imposed by the law.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 24

I. Draft Outline (Secretariat)

Article 24

There shall be equal opportunity of access to all vocations and professions not having a public character.

II. U.K. Draft

- No proposal -

III. U.S. Proposal

There shall be equal opportunity to engage in any vocation or profession, not constituting public employment, subject to such reasonable qualifications as are inherent in the work to be performed.

ARTICLE 25

I. Draft Outline (Secretariat)

Article 25

Everything that is not prohibited by law is permitted.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 26

I. Draft Outline (Secretariat)

Article 26

No one shall be convicted of crime except by judgment of a court of law, in conformity with the law, and after a fair trial at which he has had an opportunity for a full public hearing.

Nor shall anyone be convicted of crime unless he has violated some law in effect at the time of the act charged as an offence, nor be subjected to a penalty greater than that applicable at the time of the commission of the offence.

II. U.K. Draft

(Part II - ARTICLE 12)

No person shall be held guilty of any offence on account of acts or omissions which did not constitute such an offence at the time when they were committed.

III. U.S. Proposals

No one shall be convicted of crime except by judgment of a competent and impartial tribunal for violation of a law in effect at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that applicable at the time of the commission of the offence. No one acquitted or convicted of a crime shall thereafter be again put in jeopardy of life or liberty for the offence of which he was acquitted or convicted.

ARTICLE 27

I. Draft Outline (Secretariat)

Article 27

There shall be access to independent and impartial tribunals for the determination of rights and duties under the law.

Every one has the right to consult with and to be represented by counsel.

II. U.K. Draft

(Part I - ARTICLE 2)

Every state is, by international law, under an obligation to ensure:

.....

(b) that any person whose rights or freedoms are violated should have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(c) that such remedies shall be enforceable by a judiciary whose independence is secured.....

III. U.S. Proposals

Every person has the right to have any civil claims or liabilities determined without undue delay by a competent and impartial tribunal, before which he has the opportunity for a fair hearing, and has the right to consult with and to be represented by counsel.

ARTICLE 28

I. Draft Outline (Secretariat)

Article 28

Every one has the right, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievances.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

No State shall abridge the right of everyone, either individually or in association with others, to petition the government of his State or the United Nations for redress of grievance.

ARTICLE 29

I. Draft Outline (Secretariat)

Article 29

Every one has the right, either individually or with others, to resist oppression and tyranny. ,

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 30

I. Draft Outline (Secretariat)

Article 30

Every one has the right to take an effective part in the government of the State of which he is a citizen. The State has a duty to conform to the wishes of the people as manifested by democratic elections. Elections shall be periodic, free and fair.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Government derives its just power from the consent of the governed. Every one has the right to take an effective part in the government of the State or territory of which he is a citizen. The citizens of the State or territory are accordingly entitled to exercise self-government through representatives freely and fairly chosen by them in periodic democratic elections.

ARTICLE 31

I. Draft Outline (Secretariat)

Article 31

Every one shall have equal opportunity of access to all public functions in the State of which he is a citizen.

Appointments to the civil service shall be by competitive examination.

II. U.K. Draft

- No proposal -

III. U. S. Proposals

Every one shall have equal opportunity to engage in public employment in the State of which he is a citizen.

ARTICLE 32

I. Draft Outline (Secretariat)

Article 32

Every one has the right to a nationality.

Every one is entitled to the nationality of the State where he is born unless and until on attaining majority he declares for the nationality open to him by virtue of descent.

No one shall be deprived of his nationality by way of punishment or be deemed to have lost his nationality in any other way unless he concurrently acquires a new nationality.

Every one has the right to renounce the nationality of his birth, or a previously acquired nationality, upon acquiring the nationality of another State.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Every person shall have the right to a nationality.

ARTICLE 33

I. Draft Outline (Secretariat)

Article 33

No alien who has been legally admitted to the territory of a State may be expelled therefrom except in pursuance of a judicial decision or recommendation as a punishment for offences laid down by law as warranting expulsion.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 34

I. Draft Outline (Secretariat)

Article 34

Every State shall have the right to grant asylum to political refugees.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

(SOCIAL RIGHTS)

PRELIMINARY ARTICLE (ARTICLE)

I. Draft Outline (Secretariat)

- No provision -

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Every one has the right to a fair and equal opportunity to advance his own physical, economic and cultural well-being and to share in the benefits of civilization.

It is the duty of the State, in accordance with the maximum use of its resources and with due regard for the liberties of individuals, to promote this purpose by legislation or by other appropriate means. Among the social rights thus to be achieved progressively by joint effort of the individual and the State are those defined in the following Articles.

ARTICLE 35

I. Draft Outline (Secretariat)

Article 35

Every one has the right to medical care. The State shall promote public health and safety.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Every one, without distinction of economic or social condition, has a right to the highest attainable standard of health.

The responsibility of the State for the health and safety of its people can be fulfilled only by provision of adequate health and social measures.

ARTICLE 36

I. Draft Outline (Secretariat)

Article 36

Every one has the right to education.

Each State has the duty to require that every child within its territory receive a primary education. The State shall maintain adequate and free facilities for such education. It shall also promote facilities for higher education without distinction as to the race, sex, language, religion, class or wealth of the persons entitled to benefit therefrom.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

Every one has the right to education.

Each State has the duty to require that each child within territories under its jurisdiction receive a fundamental education. The State shall maintain adequate and free facilities for such education. It shall also assure development of facilities for further, including higher, education, which are adequate and affectively available to all the people within such territories.

ARTICLE 37

I. Draft Outline (Secretariat)

Article 37

Every one has the right and the duty to perform socially useful work.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 38

I. Draft Outline (Secretariat)

Article 38

Every one has the right to good working conditions.

II. U.K. Draft

- no proposal -

III. U.S. Proposals

Every one has a right to a decent standard of living; to a fair and equal opportunity to earn a livelihood; to wages and hours and conditions of work calculated to insure a just share of the benefits of progress to all; and to protection against loss of income on account of disability, unemployment, or old age.

It is the duty of the State to undertake measures that will promote full employment and good working conditions; provide protection for wage-earners and dependents against lack of income for reasons beyond their control; and assure adequate food, housing, and community services necessary to the well-being of the people.

ARTICLE 39

I. Draft Outline (Secretariat)

Article 39

Every one has the right to such equitable share of the national income as the need for his work and the increment it makes to the common welfare may justify.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 40

I. Draft Outline (Secretariat)

Article 40

Every one has the right to such public help as may be necessary to make it possible for him to support his family.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 41

I. Draft Outline (Secretariat)

Article 41

Every one has the right to social security. The State shall maintain effective arrangements for the prevention of unemployment and for insurance against the risks of unemployment, accident, disability, sickness, old age and other involuntary or undeserved loss of livelihood.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 42

I. Draft Outline (Secretariat)

Article 42

Every one has the right to good food and housing and to live in surroundings that are pleasant and healthy.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 43

I. Draft Outline (Secretariat)

Article 43

Every one has the right to a fair share of rest and leisure.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 44

I. Draft Outline (Secretariat)

Article 44

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 45

I. Draft Outline (Secretariat)

Article 45

No one shall suffer any discrimination whatsoever because of race, sex, language, religion, or political creed. There shall be full equality before the law in the enjoyment of the rights enunciated in this Bill of Rights.

II. U.K. Draft

(Comment to Part II - ARTICLES 8 to 16)

This part of this Bill will be completed by provisions prohibiting distinctions based on race, sex, language and religion. No attempt is made to draft these provisions in advance of the reports of the sub-committee on Discrimination and Minorities and also of the Commission on the Status of Women. In any case, Part II as drafted above in fact provides for absence of discrimination seeing that it uses the words "all persons". (See also Article 2 (a) of Part I: "all persons" under its jurisdiction, whether citizens, persons of foreign nationality or stateless".)

III. U.S. Proposals

There shall be equal protection before the law in the enjoyment of the rights enumerated in this Bill of Rights, without distinction as to race, sex, language or religion.

ARTICLE 46

I. Draft Outline (Secretariat)

Article 46

In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right to establish and maintain, out of an equitable proportion any public funds available for the purpose, their schools and cultural any religious institutions, and to use their own language before the courts and other authorities and organs of the State and in the press and in public assembly.

II. U.K. Draft

- No proposal -

III. U.S. Proposals

- None -

ARTICLE 47

I. Draft Outline (Secretariat)

Article 47

It is the duty of each member State to respect and protect the rights enunciated in this Bill of Rights. The State shall, when necessary, co-operate with other States to that end.

II. U.K. Draft

(Part I - ARTICLE 2)

Every State is, by international law, under an obligation to ensure:

(a) that its laws secure to all persons under its jurisdiction, whether citizens, persons of foreign nationality or stateless, the enjoyment of these human rights and fundamental freedoms:

.....

(d) that its police and executive officers should act in support of the enjoyment of these rights and freedoms.

III. U.S. Proposals

- None -

ARTICLE 48

I. Draft Outline (Secretariat)

Article 48

The provisions of this International Bill of Rights shall be deemed fundamental principles of international law and of the national law of each of the member States of the United Nations. Their observance is therefore a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof.

II. U.K. Draft

(Part I - ARTICLE 1)

The States parties hereto declare that they recognize the principles set forth in Part II of this Bill as human rights and fundamental freedoms founded on the general principles of law recognized by civilized nations.

(Part I - ARTICLE 3)

On receipt of a request to this effect from the Secretary-General of the United Nations, made under the authority of a resolution of the General Assembly, the government of any party to this Bill will supply an explanation, certified by the highest legal authorities of the State concerned, as to the manner in which the law of that State gives effect to any of the said provisions of this Bill of Rights.

(Part I - ARTICLE 5)

A failure by any State party hereto to fulfill the obligations under Article 2 is an injury to the community of states and a matter of concern to the United Nations as the community of states organized under the rule of law.

/(Part I - ARTICLE 6)

(Part I - ARTICLE 6)

1. While declaring their readiness to consider the adoption of further procedures designed to strengthen the international protection of fundamental human rights and freedoms, the states parties hereto accept the right of any of them, acting in the interests of the community of states, to bring to the attention of the General Assembly of the United Nations any violation by any of them of the provisions of this Bill of Rights as constituting a situation likely to impair the general welfare or friendly relations amongst nations and as a violation of the purposes and principles of the United Nations within the meaning of Article 14 of the Charter.

2. Any party hereto which is thus alleged to have violated the provisions of this Bill of Rights shall have the right to request the General Assembly to obtain the advisory opinion of the International Court of Justice thereon and to refrain from taking any further action on the matter until this opinion has been obtained, and if such a request is made the parties hereto agree that they are bound to support the request.

(Part I - ARTICLE 7)

The parties hereto agree that any one of them which is found by a Resolution of the General Assembly adopted by a two-thirds majority persistently to have violated the provisions of this Bill of Rights should be deemed to have violated the principles of the Charter of the United Nations and therefore be liable to expulsion from the organization under Article 6 of the Charter.

ARTICLE

EMERGENCY

I. Draft Outline (Secretariat)

- No provision -

II. U.K. Draft

(Part I - ARTICLE 4)

1. In time of war or other national emergency, a State may take measures derogating from its obligations under Article 2 above to the extent strictly limited by the exigencies of the situation.

2. A State party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when the measures cease to operate and the provisions of Article 2 are being fully executed.

III. U.S. Proposals

- None -

- METHOD OF ADOPTION AND AMENDMENTS -

I. Draft Outline (Secretariat)

- No provision -

II. U.K. Draft

- See Document E/CN.4/AC.1/4 (5 June 1947)
pages 113 - 114

III. U.S. Proposals

- None -
