

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

United States Revised Suggestions for Redrafts
of Certain Articles in the Draft Outline
(E/CN.4/AC.1/3)

Article 2

Delete the last sentence reading "The state may impose only such limitations on such rights as are compatible with the freedom and welfare of all", so that the Article will read:

"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."

Article 7

Delete the last sentence, "Detention by purely executive order shall be unlawful except in time of national emergency, proclaimed in accordance with law", so that the Article will read:

"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."

Article 8

Delete the words "public service equally incumbent by law upon all or" so that the Article will read:

"No one shall be held in slavery, nor be required to perform compulsory labour in any form other than 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

Delete the last clause, first paragraph, reading "subject to any general law adopted in the interest of national welfare or security", so that the Article will read:

LIBERTY OF MOVEMENT WITHIN THE BORDERS OF A STATE

"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.

"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 22

Insert the word "reasonable" after the word "to" in the first sentence and insert the words "due process of" before the word "law" in the second sentence so that the Article will read:

RIGHT TO PROPERTY

"Everyone has the right to own and transfer property, subject to reasonable 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 due process of law, nor suffer his property to be taken other than for public use with

Article 23

Insert the word "non-discriminatory" before the word "law" so that the Article will read:

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

Article 30

Insert at the end of the sentence the words "by secret ballot" so that the Article will read:

RIGHT TO TAKE PART IN THE GOVERNMENT
OF THE STATE - DEMOCRACY

"Government derives its just power from the consent of the governed. Everyone 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 by secret ballot."

Preliminary Article for Social Rights,
(listed as Article 35 in E/CN.4/AC.1/8)

Insert the word "spiritual" after the word "economic" so that the Article will read:

RIGHT TO PROGRESS

"Everyone has the right to a fair and equal opportunity to advance his own physical, economic, spiritual 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 efforts of the individual and the State are those defined in the following Articles."

Article 36 (listed as Article 37 in E/CN.4/AC.1/8)

Insert after the end of the second sentence the words "which however shall not be exclusive of private educational facilities or institutions." so that the Article will read:

RIGHT TO EDUCATION

"Everyone 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 which however shall not be exclusive of private educational facilities or institutions. It shall also assure development of facilities for further, including higher, education, which are adequate and effectively available to all the people within such territories."
