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COMMISSION ON HUMAN RIGHTS
SUF-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
Twenty-third session
Agenda item 6 (a)

PROCEDURE FOR DEALING WITH COMMUNICATIONS RELATING TO VIOLATIONS
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS UNDER RESOLUTION 1503
(XLVIII) OF THE ECONOMIC AND SOCIAL COUNCIL

Statement submitted by the World Jewish Congress, a non-governmental
organization in consultative status, Category II

The World Jewish Congress has, in its capacity as an international non-governmental organization in consultative status with the Economic and Social Council, consistently advocated the establishment of procedures which would enable the competent organs of the United Nations to give consideration to communications by individuals and groups on violations of human rights. It welcomes therefore the adoption of resolution 1503 (XLVIII) by the Economic and Social Council as a significant step towards the creation of the more far-reaching system suggested by the World Jewish Congress and other international non-governmental organizations.

1. It appears from the deliberations of the Sub-Commission, the Commission on Human Rights and the Economic and Social Council that it is envisaged that the Sub-Commission's procedure on admissibility of communications on violations of human rights would constitute a stage in the process of the sifting and screening of such communications and that the rules of procedure concerning petitions to the European Commission of Human Rights and the Council of the League of Nations would, among other petitionary procedures, be examined as possible models.

2. This paper does not attempt to offer comprehensive criteria for deciding on the admissibility of communications but wishes to draw attention to certain points which, in the view of the World Jewish Congress, should be taken into account when devising appropriate procedures for dealing with the question of admissibility of communications in terms of resolution 1503 (XLVIII) and particularly when considering other petitionary procedures as possible models.

(a) It should be clearly established which specific human rights and fundamental freedoms are encompassed by resolution 1503 (XLVIII). The logical basis for any such determination would appear to be the Universal Declaration of Human Rights, with such modifications or additions as the Sub-Commission may deem appropriate.

(b) Communications shall be admissible from individuals, groups of individuals, or non-governmental organizations.

(c) The working group and/or the Sub-Commission should be authorized to request authors of communications through the Secretary-General to amplify or clarify the contents of communications in cases which seem appropriate to them. A provision to that effect would prevent the rejection of communications as inadmissible although they might appear to qualify for consideration if further information or clarification were submitted.

(d) Article 26 of the European Convention for the Protection of Human Rights and Fundamental Freedoms provides that the European Commission of Human Rights may only deal with a petition after all domestic remedies have been exhausted.

The admissibility rules adopted by the Sub-Commission should take into account that it may not be possible for individuals and groups in certain countries to avail themselves fully and freely of existing "domestic remedies" in view of conditions which may prevail in those countries. In such cases a communication should be admissible if the Working Group is satisfied that to require any or further recourse to domestic remedies might result in the obstruction or denial of justice to the victim of the violation.

(e) Article 27 (1) (b) of the European Human Rights Convention provides, inter alia, that the European Commission of Human Rights shall not deal with any petition which is substantially the same as a matter which has already been examined by the Commission.

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Similarly, the resolution of the Council of the League of Nations of 5 September 1923, provided inter alia that petitions addressed to the League of Nations concerning the protection of minorities must contain information or refer to facts which had not recently been the subject of a petition submitted to the ordinary procedure.

Since the Sub-Commission on Prevention of Discrimination and Protection of Minorities is requested in terms of resolution 1503 (XLVIII) to examine the communications brought before it by the Working Group with a view to determining whether they refer to situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights, communications emanating from different sources or at different times, may be an important factor for ascertaining the existence of such a pattern. The admissibility criteria should, therefore, not reject a communication on a matter which has previously been considered.
