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Council Committee on  
Non-Governmental organizations

OBSERVATIONS ON THE DRAFT FIRST INTERNATIONAL  
COVENANT ON HUMAN RIGHTS<sup>(1)</sup>

Summary of a statement submitted by the World Jewish Congress,  
a non-governmental organization in category B consultative status

The Secretary-General has received a statement on the above mentioned subject, a summary of which statement is circulated in accordance with paragraphs 22 and 23 of Council resolution 288 B (X):

The Draft First Covenant should be referred for re-consideration to the Human Rights Commission because, in certain fundamental aspects, it deviates from basic principles of the Charter and the Universal Declaration, and does not provide for practical measures of effective international protection of human rights.

1. The Draft is in disharmony with the U.N. Charter in that it would permit the derogation of the principle of non-discrimination for reasons of race, sex, language, or religion during a time of emergency or public disaster, notwithstanding that non-discrimination is an inalienable right of the individual recognised by Arts. 1 (3), 55 c, 56, 62 (2) and 76 (c) of the

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(1) See point 19 of the Provisional Agenda of the Economic and Social Council (document: E/1680).

Charter. Art. 1 (1) and Art. 17 of the Draft should therefore be among those rights listed in Art. 2 (2).

2. As to the basic problem, how far a national law restricting human rights should be recognised by international law, the Draft offers several solutions not in harmony with each other (See Arts. 3 (3), 6 (1), 8, 9, 11, 13, 14, 15, 16).

3. The Draft not only omits economic, social and cultural rights but also such basic rights as the Right to Marriage (Art. 16 Decl.), Equal Access to Public Service (Art. 21 (2) Decl.), and the Right to Education on the basis of the principles of a democratic society (Art. 26 Decl.).

4. The procedure for protection of human rights appears to be impracticable and does not serve the end desired. The proposed Human Rights Committee must not act except on the complaint of a State and not until all available domestic remedies have been invoked within reasonable time. The Committee is obliged to submit its report not later than 24 months after the complaint was raised, and is not entitled to make recommendations. As redress will be a matter of urgency when human rights are infringed, the slow procedure proposed would prevent any effective action and would result only in a theoretical statement.

5. The Right of Petition is denied even to selected responsible NGO's. Public opinion is thereby prevented from making itself heard. If only States may raise complaints against each other, such complaints would be considered unfriendly political acts, States would refrain, therefore, from raising complaints. Under the provisions of the League of Nations, petitions could be submitted by groups and had sometimes the practical result of saving the lives and liberties of many thousands of people. The denial of the right of petition to NGO's would be a retrograde step in international law. Any misuse of this right could be avoided if it were granted only to NGO's which previously gave proof of their objective interest in upholding human rights and if the receivability of petitions

would be determined by the Secretary-General in accordance with criteria designed to ensure their authenticity, seriousness and sincerity.

6. Of the three ways open for ECOSOC in dealing with the Draft, (i.e. discussion article by article, or recommending the Draft for consideration to the General Assembly without discussion, or the reference back to the Human Rights Commission) only the last would have value, since the Commission is the appropriate and expert body to amend the Draft on the lines indicated and to submit a complete Draft to the next session of ECOSOC.

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