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COUNCIL COMMITTEE ON NON-
GOVERNMENTAL ORGANIZATIONS

REPORT OF THE COMMISSION ON HUMAN RIGHTS (SEVENTH SESSION)

Statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in Category B consultative status

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

Dated: 25 July 1951

Received: 27 July 1951

The Consultative Council of Jewish Organizations has the honour of addressing itself to Part B, Chapter III of the Report of the Seventh Session of the Commission on Human Rights entitled Measures of Implementation.

Careful examination of the draft Articles of Implementation leads to the conclusion that, under the proposed system of State-to-State complaints, without according the right of petition to individuals or groups of individuals, the likelihood of the Covenant being invoked seems remote.

It is believed that the Covenant on Human Rights cannot fulfil the purposes for which it is intended under the proposed system of State-to-State complaint. Thus, we have to look beyond this system for ways and means of putting in motion the machinery of implementation. It is respectfully submitted that the

only solution lies in the grant to aggrieved individuals, or a group of individuals, of the right of direct appeal for redress of his or their grievances. Such a right would not only make the Covenant on Human Rights a living document, but would relieve States parties to the Covenant from the responsibility and the pressure of intervening on behalf of a foreign national or nationals.

Much has been made of the argument that, if the right to appeal to an international body were granted to individuals or to non-governmental agencies, the Covenant would be exposed to the risk of being used as an instrument for unfriendly acts. However, it is respectfully submitted that danger of abuse of the Covenant by individuals or groups of individuals can be reduced to a minimum by appropriate rules of procedure. The Consultative Council has the honour to refer to Council Document E/C.2/190 in which a procedure for processing complaints originating with non-governmental sources is suggested and analyzed.

In particular, the Consultative Council desires to express its support of the draft proposal submitted by the Delegation of Uruguay for the creation of an Office of United Nations Attorney General for Human Rights (documents E/CN.4/549 and E/CN.4/549/Corr.1). This proposal, with which the Consultative Council has the honour of being associated, seeks, among other things, to meet the legal, political and administrative objections raised against the admission of the right of individual petition. It envisages the creation of a special representative of the international community to deal with matters pertaining to the observance of human rights and fundamental freedoms and to be a party to proceedings before the appropriate international body in cases of alleged violations of the Covenant. Acting on information received from private or governmental sources which, after careful examination, warrants international attention, the Attorney-General, according to the proposal, would, on his own motion and in the name of the international community, place the case before the body in question. In this manner, and without sacrificing the elementary right of direct appeal for redress of grievances, the proposal for a United Nations Attorney-General meets the objections of these governments

who are opposed to the right of individual and group petitions and its corollary right of admission as a party to the proceedings.

Furthermore, as representative of the international community, as its spokesman and conscience, the Attorney-General affords the best guarantee against misuse and abuse of the Covenant on Human Rights.

The draft proposal of the Delegation of Uruguay also satisfies the fundamental consideration of the place of the United Nations in the scheme of implementation of the Covenant on Human Rights. It is anomalous that the Covenant, which has its inspiration in the Charter of the United Nations, and rests upon its authority, has been drafted by a statutory organ of the United Nations, and requires the approval of the United Nations General Assembly, envisages no active role for the same United Nations in implementing it.

It is respectfully submitted that the present limited conception of the draft Articles of Implementation inhibits the further development of the principle of international concern with the observance of human rights and fundamental freedoms, which is inherent in the draft Covenant and in the work of the Commission on Human Rights and is not in conformity with the whole effort of the United Nations towards the establishment of a genuine system of international protection of human rights. By depriving the individual of the right of direct appeal for redress of grievances the Covenant is condemned beforehand to remain a sterile document and affords no foundation upon which the rule of international law can be firmly built.