



Sixteenth session

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES UNDER ARTICLE 73 e
OF THE CHARTER OF THE UNITED NATIONS: REPORTS OF THE SECRETARY-
GENERAL AND OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING
TERRITORIES

1. By communication dated 7 February 1961, the United Kingdom Mission to the United Nations has transmitted the following information for 1959 relating to Part III.B. of the Standard Form (Human Rights).^{1/}

"The human rights and fundamental freedoms which are recognized and protected in the Non-Self-Governing Territories for which the United Kingdom is responsible are similar to those which are recognized and protected in the United Kingdom itself. The process of establishing the fundamental freedoms which are enjoyed in the United Kingdom took place, in the main, before the United Kingdom assumed responsibility for the affairs of the Territories on which information is now transmitted; consequently the establishment of these freedoms in the overseas Territories has been a normal and natural part of the function of the administration there. The British concept of human rights and fundamental freedoms, however, is based on a general acceptance of the principles of the liberty of the subject, an acceptance which is so fundamental that the existence of those rights and freedoms is taken for granted. Consequently in most Territories legislation which has a bearing on these matters is not designed to define general rights and privileges in the abstract, but to lay down in concrete terms the means to preserve existing rights in the circumstances of each Territory and community. Constitutional instruments of Territories do not often enumerate general and theoretical rights and freedoms (although this is done where it is generally agreed that it would serve a useful purpose), these are rather to be deduced from the ordinary law of the Territory. In many Territories there is a specific provision that the basic laws shall be the law in force in England on some particular date, subject to subsequent enactments in the Territory. Moreover, uniformity in the administration of justice and the maintenance of the rule of law is encouraged by the existence

^{1/} The section on racial discrimination which formed a part of this document has been incorporated in A/AC.35/L.334.

of an ultimate court of appeal for all Territories (the Judicial Committee of the Privy Council) consisting of some of the most eminent judges of the Commonwealth.

"The fundamental rights and freedoms which are part of the British tradition and which are established and protected usually by this means include the right of the individual to life, liberty and security of person, to recognition as a person and equality before the law, to an effective remedy before the courts against violations of the rights granted to him by the law or constitution of his country, to a fair and public hearing before an impartial judiciary in the determination of his rights and obligations and of any charge against him, to be presumed innocent of a criminal offence until he is proved guilty, to be immune from retrospective penal offences or penalties, to freedom from arbitrary interference with his family, home or correspondence and to remedy against such interference or attacks on his good name, to liberty of movement, to a nationality, to ownership of property, and to freedom of thought, conscience, religion, opinion, expression, assembly and association.

"There is of course, much legislation in Non-Self-Governing Territories in economic, social and educational fields which has the effect of introducing concepts of human rights and fundamental freedoms or of entrenching such rights and freedoms for the benefit of the peoples of the Territories. This legislation is transmitted regularly to the Secretary-General and may be drawn upon in the compilation of his summaries and analyses, subject to the provisions of Article 73 e of the Charter. During 1959 there were a number of instances of new legislation having a bearing on human rights and fundamental freedoms, which can be found in the transmissions in respect of individual Territories, since much of it is concerned with economic, social and educational conditions in the Territories."
