



Tenth session

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Observations by Governments

The Secretary-General has the honour to circulate, in accordance with resolution 833 (IX) of the General Assembly, the following observations by the Government of the People's Republic of Hungary.

10. PEOPLE'S REPUBLIC OF HUNGARY

(Transmitted by note verbale dated 12 September 1955)

1. The People's Republic of Hungary affirms its readiness to share in the work of preparing the draft covenants on human rights, and gladly offers its assistance in the endeavour to make the covenants provide a real guarantee of observance of human rights throughout the world. In the sphere of international co-operation, the People's Republic of Hungary supports all work and endeavour aimed at securing increased protection for human rights; and with reference to the draft covenants received, it particularly approves the provisions guaranteeing the right of peoples and nations to self-determination, the provisions relating to the elimination of discrimination as to nationality, race or religion, and the provisions relating to the prohibition of all propaganda designed to arouse racial, national or religious hostility.

2. While expressing its approval in principle and offering gladly to share in preparing the international covenants on human rights, the People's Republic of Hungary must also regretfully state that, while the draft covenants were under

preparation, it was given no opportunity of expressing its point of view and taking an active part in drafting them. The People's Republic of Hungary is of the opinion that the procedure hitherto employed in preparing the drafts cannot be regarded as satisfactory, since all the States non-Members of the United Nations were not able to take part in the work. It stands to reason that the participation of more nations in the preliminary work would have better served the common aim of preparing drafts acceptable to all.

3. The People's Republic of Hungary would also like to affirm at this point that, for its part, it has done all it can, within the limits of its resources, to ensure the wide protection of human rights within its territory. In this connexion, it will suffice to recall the Constitution of 1949, which devotes a separate chapter to provisions safeguarding fundamental civic rights, economic, social and cultural rights and civil and political rights. The People's Republic of Hungary did not confine itself to a mere statement of these rights, but defined the practical means of applying them in the Constitution and in many laws subsequently enacted, and provided real guarantees of their implementation. The relevant legislative texts are to be found in the United Nations Yearbook on Human Rights. Thanks to the ample realization of civic rights provided for in the Constitution of Hungary and of the principles relating to human rights in the United Nations Charter, the People's Republic of Hungary has a broad moral basis on which to express its views on the provision of international guarantees of human rights.

II

4. With regard to the two draft covenants prepared by the Commission on Human Rights and transmitted to the People's Republic of Hungary for study, the People's Republic of Hungary wishes to say, first of all, that the human rights which are to be safeguarded and secured by the two draft covenants are closely interconnected. Since possession of economic, social and cultural rights is a fundamental condition of the citizens' power to use their civil and political rights, it is very difficult to imagine an effective guarantee of civil and political rights in a country where economic, social and cultural rights are not

ensured, or where there is no material basis for human rights, or where a correct understanding of what the exercise of civil and political rights means is not made possible by a progressive raising of the cultural level. On the other hand, the application of economic, social and cultural rights, and efforts to secure their implementation, would be greatly impeded if civil and political rights, in exercising which the citizens can act to secure their economic social and cultural rights, were not sufficiently guaranteed. It follows from these principles that an essential condition of the effective guarantee of human rights and measures of implementation is that the two kinds of rights should be ensured jointly in a single covenant. This idea was unequivocally expressed in the resolution adopted on 4 December 1950 by the General Assembly of the United Nations which states that "the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent." Although in 1952 the General Assembly adopted a resolution favouring two separate covenants, that circumstance in no way changes the truth of the principle enunciated by the General Assembly in the above-mentioned resolution adopted at its fifth session, and it is on the basis of this fundamental truth that respect for human rights must be ensured.

5. In view of the historic development of human rights, it is difficult to deny that the new element by which human rights have now been enriched is the recognition of the need for guaranteeing economic, social and cultural rights also. This idea is also embodied in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948, and that is why the above-mentioned resolution of the General Assembly of 4 December 1950 affirmed that, when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man.

6. Many provisions of the drafts show how far respect for economic, social and cultural rights is separated, in the system of two separate covenants, from respect for civil and political rights. Thus, unlike the draft on civil and political rights, the draft covenant on economic, social and cultural rights does

not provide for the immediate application of any of those rights, but for a gradual application according to the available resources. The two draft covenants propose different systems of controlling the measures taken, their effectiveness, etc.

7. The solution represented by two separate covenants would enable States to support only one covenant, and it can be seen that in most cases that covenant would be the covenant on civil and political rights. Without underestimating the importance of this latter covenant, we affirm that this probability, which some countries may consider salutary, would not be salutary in practice, for it would put an end to any universal guarantee of human rights in general and would render illusory even respect for the civil and political rights formally accepted by the States in question.

8. The People's Republic of Hungary therefore considers that human rights should be ensured by a single covenant.

III

9. By subscribing to a covenant designed to make human rights a reality, States undertake duly to guarantee effective implementation of these rights in their legislation. One of the essential features of the covenants, therefore, and one which represents an improvement over the Universal Declaration of Rights, is the precise, unambiguous and detailed statement of the obligation of the States to adopt appropriate legislation for the implementation of the covenants in their territories. The draft covenants contain very few provisions on this subject. Article 2, paragraph 2 of the draft covenant on civil and political rights mentions only the fundamental obligation of the contracting States to take the necessary steps to give effect to the rights recognized in the covenant, without describing in further detail their resultant obligations or the measures which they should take for the purpose of implementation. Also, the text of article 2, paragraph 1 of the draft covenant on economic, social and cultural rights permits the obligations set forth in this paragraph to be postponed to an indefinite time in the distant future. There can be no doubt that the foregoing would reduce the practical scope of the covenants and the probability that they would be applied.

10. The People's Republic of Hungary feels some apprehension regarding the procedure for implementation laid down in the draft covenants. The draft covenants provide for the establishment of a human rights committee which would in a sense be over and above States and which the participating States would have to allow to examine complaints concerning matters essentially within their domestic jurisdiction. Moreover, under the covenants, this committee would have the right to make various proposals to United Nations bodies for the protection of human rights. A human rights committee so established and international supervision of human rights so organized cannot be satisfactory, for such an arrangement is obviously contrary to Article 2, paragraph 7, of the United Nations Charter and might serve as a pretext for intervention in the domestic affairs of States, which should be avoided in all circumstances.

11. The People's Republic of Hungary, limiting its statement to general observations regarding the draft covenants, of which it takes note officially for the first time on this occasion considers, in addition to the doubts already expressed, that the practical implementation of human rights should be ensured in such a way as not to violate the sovereign equality of States, which is also guaranteed in the United Nations Charter. For these reasons the draft covenants on human rights, which are the concern of every State, should first of all undertake to set down the definite obligations to be assumed by States. The methods of supervision provided for in the present drafts, which would in many cases involve intervention in the domestic affairs of other States, would not serve to promote co-operation, the application of the principles of the United Nations Charter or the effective realization of human rights.

IV

12. The People's Republic of Hungary considers that certain provisions of the draft covenant on civil and political rights are couched in very general terms. The use of such general terms constitutes a danger in that, in principle, it would enable certain persons or certain agencies to use (that is, to abuse) these rights in a way not in the interests of peaceful co-operation between peoples

and the development and strengthening of democracy, but on the contrary against these goals. For this reason it would appear necessary, in addition to recalling the principles proclaimed in the United Nations Charter, to provide expressly in the covenant that all the rights referred to therein shall be used only in the interest of peaceful co-operation between peoples, the elimination of discrimination of every kind and the implementation of democratic freedoms. Such a positive wording of the covenants could show exactly how human rights are to be made a reality and eliminate abuses which would actually hinder the implementation of human rights.

13. Along the same line of thought, the People's Republic of Hungary considers that prohibitive provisions should be inserted in the draft covenant on civil and political rights, with regard to certain rights, in order to eliminate the possibility of abuse in respect of these rights, which would be contrary to the interests of the peoples. The People's Republic of Hungary draws attention to the fact that in Hungary - as in certain other countries - the National Assembly has adopted a Defence of the Peace Act (Act No. V, 1950) which fixed appropriate penalties for crimes against the peace of the peoples committed by the spoken or written word, through the Press, the radio, the cinema or by any other means of warfare. Accordingly, the People's Republic of Hungary considers that a similar prohibition concerning propaganda for war should be inserted in the draft covenant on civil and political rights, preferably in the provisions concerning freedom of expression and of assembly. We should also profit from the sad experience of the past by formally prohibiting any dissemination of fascist ideas, for the dissemination of such ideas is designed to establish a regime completely opposed to democratic freedoms.
