

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

PROPOSAL FOR A HUMAN RIGHTS CONVENTION

SUBMITTED BY THE REPRESENTATIVE OF THE UNITED STATES ON

THE COMMISSION ON HUMAN RIGHTS

PART I

Article 1

The High Contracting Parties declare that they recognize the obligation to observe and enforce the human rights and fundamental freedom set forth in Part II of this convention.

Article 2

Each High Contracting Party is under an obligation to ensure:

(a) that its laws secure to all persons under its jurisdiction, including citizens, persons of foreign nationality or stateless persons, the enjoyment of these human rights and fundamental freedoms;

(b) that any person whose rights or freedoms are violated shall have an effective remedy whether the violation has been committed by persons acting in a private or official capacity;

(c) that such remedies shall be enforceable by a judiciary whose independence is secured; and

(d) that its police and executive officers shall act in support of the enjoyment of these rights and freedoms.

Article 3

Each High Contracting Party shall make bi-ennial reports to the Secretary-General of the United Nations with respect to its implementation of this Convention.

On receipt of a request to this effect from the Secretary-General of the United Nations, made under the authority of a resolution of the General Assembly, the government of any party to this Convention will supply an explanation as to the manner in which, under the laws of that state, effect is actually given to any of the said provisions of this Convention.

Article 4

The High Contracting Parties agree that where there has been substantial compliance with Article 2 hereof, a state shall not be charged with a violation of this convention.

Article 5

The High Contracting Parties agree that any allegations made by any of them of the violation of the present convention shall be brought to the attention of the United Nations by communication of the allegations, together with supporting documentation, to the Secretary-General of the United Nations.

When the Secretary-General is in receipt of a communication from a state he shall inform the state in which the violation of the convention is alleged to have occurred and shall request such state to submit its observations on the complaint. The High Contracting Parties agree to comply with such a request. The communications and the observations of the state shall then be referred to the Commission on Human Rights. The Commission on Human Rights shall establish from time to time small committees to give consideration to each case thus placed in its hands. The small committees shall be composed of nationals of states which are not parties to the

case and have no direct interest therein by reason of ethnic or geographical considerations but are parties to the convention. They shall if possible be members of the Commission on Human Rights (including, if appropriate, one or more members of any of its Subcommissions).

Each small committee in collaboration with the Secretariat, shall undertake any appropriate measures looking to a solution of the case. In particular the High Contracting Parties agree to lend their full and friendly cooperation to the Committee in respect of:

1. Requests for further information.
2. Requests to negotiate informally with the Committee at the seat of the United Nations, in the territory or state concerned, or elsewhere, with a view to reaching an agreed settlement.

The High Contracting Parties agree to comply with any decision of the small committee to conduct its proceedings without publicity.

The small committee shall bring the case to the attention of the Commission on Human Rights or the appropriate Subcommission only if it decides by majority vote that further consideration by the United Nations is desirable. If the small committee decides not to bring the matter to the attention of the Commission or a Subcommission, the High Contracting Party which brought the complaint may then bring the matter to the attention of the Commission or Subcommission.

If an alleged violation of this Convention is brought to the attention of the Commission on Human Rights or a Subcommission thereof pursuant to the preceding paragraph, the small committee shall submit a report on its consideration of the case. The United Nations may then take any action appropriate under the Charter.

Following disposition of a case by a small committee, any party hereto may request the Economic and Social Council or the General Assembly to obtain the advisory opinion of the International Court of Justice thereon and to refrain from taking any further action on the matter until this opinion has been obtained, and if such a request is made the parties hereto agree that they are bound to support the request.

PART II
Article 6

It shall be unlawful for any state to deprive any person of his life save in the execution of the sentence of a court following on his conviction of a crime for which the penalty is provided by law.

Article 7

It shall be unlawful to subject any person to torture, or to cruel or inhuman punishment, or to cruel or inhuman indignity.

Article 8

No one shall be held in slavery, nor shall compulsory labor be permitted in any form other than as a public service equally incumbent by law upon all or except as a punishment for crime of which the person concerned has been duly convicted. No person shall be imprisoned or held in servitude in consequence of the mere breach of contractual obligations.

Article 9

No one shall be subjected to arbitrary arrest or detention. Anyone who is arrested has the right to be promptly informed of the charges against him, and to trial within a reasonable time or to be released.

Article 10

In the determination of his rights and obligations, everyone is entitled to a fair hearing before an independent

and impartial tribunal and to the aid of counsel. No one shall be convicted or punished for crime except after public trial pursuant to law in effect at the time of the commission of the act charged.

Article 11

Everyone shall have the right to emigrate.

Article 12

Everyone shall have the right to freedom of religion, conscience and belief, including the right, either alone or in community with other persons of like mind, to hold and manifest any religious or other belief, to change his belief, and to practice any form of religious worship and observance.

Article 13

Everyone shall have the right to freedom of information, speech and expression. Everyone shall be free to hold his opinion without molestation, to receive and seek information and the opinion of others from sources wherever situated, and to disseminate opinions and information, either by word, in writing, in the press, in books or by visual, auditive or other means.

Article 14

Everyone shall have the right to freedom of assembly and of association.

Article 15

Everyone shall be entitled to the rights and freedoms set forth in this Convention without distinction as to race, sex, language or religion. Everyone shall be entitled to equal protection under the law.

Article 16

The full exercise of these rights requires recognition of the rights of others and protection by law of the freedom, general welfare and security of all.

PART III
Article 17

It being in the interest of humanity that the rights and obligations enunciated herein shall be as wide-spread as possible, this Convention shall be open for accession by all states, whether or not members of the United Nations.

Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations. The Convention shall come into force upon the deposit by two-thirds of the Members of the United Nations of instruments of accession, and thereafter as regards each State on the date of deposit of its instrument of accession.

Each deposit of an instrument of accession shall be accompanied by a statement that the Convention has been approved in accordance with the constitutional processes of the State concerned.

The Secretary-General of the United Nations shall inform Members of the United Nations of the deposit of each instrument of accession. The Secretary-General shall also, subsequent to the deposit of an instrument of accession by a State not a Member of the United Nations, notify any such party or parties to the Convention of deposits of instruments of accession.

In the case of a Federal State, the following provisions shall apply:

- (a) With respect to any article which the Federal Government regards as wholly or in part appropriate for Federal action, the obligations of the Federal Government shall, to this extent, be the same as those of parties which are not Federal States:
- (b) In respect of articles which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the

constituent states, provinces or cantons, the Federal Government shall bring such provisions to the notice of the appropriate authorities of the states, provinces or cantons.

Article 19

1. Amendments to this Convention shall come into force when they have been adopted by the General Assembly of the United Nations by a two-thirds vote and ratified in accordance with their respective constitutional processes by two-thirds of the High Contracting Parties.

2. When such amendments come into force they shall be binding on those parties which have ratified them, leaving other parties still bound by the provisions of the Convention which they have accepted by accession including earlier amendments which they have ratified.