were given to non-members. The United Kingdom, Peruvian, U.S.S.R., Australian, Venezuelan, French and Lebanese representatives thought that non-members invited to conferences should be given full voting rights, since they were invited as participants. The United Kingdom, Australian and Venezuelan representatives instanced the difficulties which had occurred at the Havana Trade Conference where it had proved necessary to adopt a compromise formula in order to get over the difficulties caused by the Council's decision that non-members of the United Nations had not the right to vote. By a roll-call vote of 9 to 8, with 1 abstention, the Council decided (resolution 113(VI)) that voting rights at the Conference should be exercised by both Members and the non-members which had been invited.

The United Nations Maritime Conference met in Geneva from February 19 to March 6, 1948.71

The Council at its seventh session (169th plenary meeting on August 12) adopted without discussion by 16 votes to 0, with 2 abstentions, resolution 148 (VII), taking note of the Secretary-General's report on the Conference (E/853).

G. SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

1. Human Rights

a. INTERNATIONAL BILL OF HUMAN RIGHTS

At its fourth session, the Economic and Social Council established a procedure and a time table for the formulation of an International Bill of Human Rights (resolution 46(IV)).72

The following seven stages were laid down:

(i) Preparation of a draft by a drafting committee on the basis of documentation prepared by the Secretariat;
(ii) Consideration of the draft by the Commission on Human Rights;
(iii) Submission of the resulting draft to Members of the United Nations for observations, suggestions and proposals;
(iv) Consideration of the above observations, suggestions and proposals as a basis of a redraft, if necessary, by the Drafting Committee;
(v) Consideration of the resulting draft by the Commission on Human Rights;
(vi) Consideration by the Council of the resulting text;
(vii) Submission of the draft Bill by the Council to the General Assembly.

(1) Second Session of the Commission on Human Rights

The Commission on Human Rights at its second session at Geneva from December 2 to 17, 1947, considered the preliminary draft of an International Bill of Human Rights prepared by the Drafting Committee at its first session from June 9 to 25, 1947 (E/CN.4/21).

Two views had been expressed there regarding the form which the draft Bill should take. Some representatives thought that it should be in the form of a declaration or manifesto, others that the declaration should be supplemented by a convention or conventions on specific rights. Both documents were presented to the Commission. The draft Declaration had been discussed in some detail, but consideration of the draft Convention had been limited to a general examination of the possible substantive contents of a draft convention. No decision was taken by the Drafting Committee as to whether there should be a draft declaration only or a draft declaration together with a draft convention.

The Commission decided to draw up simultaneously a draft declaration, which would be a declaration of general principles, and a draft convention, which would be a convention on such specific rights as would lend themselves to binding legal obligations, and at the same time to consider the question of implementation. The three documents—to be known respectively as the International Declaration on Human Rights, the International Covenant on Human Rights and Measures for Implementation—would together form the "International Bill of Human Rights" (E/600).

In preparing this preliminary draft of the Bill, the Commission took into account suggestions made by its Sub-Committee on the Prevention of Discrimination and Protection of Minorities on five articles of the draft Declaration covering subjects within the terms of reference of the Sub-Committee (E/CN.4/52). In accordance with resolution 46(IV) of the Council, the Chairman and Vice-Chairman of the Commission on the

71 For account of the Conference, see pp. 969-70.
vided into three parts: the first part described the obligations of states which adhered to the Covenant, including economic or social rights. Legal effect to other rights enumerated in the Declaration was anticipated, however, that in time this first convention might be followed by others, giving rights to be protected was not so far-reaching. It was anticipated, however, that in time this first convention might be followed by others, giving legal effect to other rights enumerated in the Declaration, in more precise terms; the third part described how accession to the Covenant would be effected and how amendments would come into force.

The measures of implementation formulated by the working group of the Commission related only to the proposed Covenant, and possible future conventions, since the Declaration was not envisaged as establishing legally enforceable obligations. Among the ideas put forward by the working group were the following: (1) that each state should incorporate into its own national law the principles of the Covenant on Human Rights; (2) that a standing committee should be appointed by the Economic and Social Council to mediate, conciliate and, if possible, rectify alleged violations of human rights; (3) that disputes not settled by this means should be forwarded to the Commission on Human Rights, which would decide whether the case should be sent to an international tribunal; (4) that an international tribunal should be empowered to give binding decisions on cases thus brought before it, establishing a body of law which would settle hundreds of similar cases; and (5) that the General Assembly, because of the powers conferred on it by the Charter with regard to questions of economic and social co-operation, should implement the decisions of the international tribunal in this field, should the necessity arise.

The Commission on Human Rights had no time to examine in detail the report of its working group on measures for implementation of the Bill of Human Rights but decided that it, together with the draft Declaration and draft Covenant, should be forwarded to governments for their comments during the first week in January 1948. The Commission also requested the Secretary-General to fix the date of April 3, 1948, as the time limit for the reception of replies from governments on the draft International Bill.

(2) Consideration by the Council at Its Sixth Session

In its consideration of the report of the Commission on Human Rights (E/600) at the Council's sixth session (128th plenary meeting on February 5, 1948), it was generally felt that consideration of the draft Declaration and draft Covenant should be deferred until the Council's next session, after the Commission had had an opportunity of reviewing the draft in the light of observations from governments. The Chilean and Australian representatives, however, thought that the Council should study the question of implementation as a guide to the Commission. The Australian representative
stressed the importance of including provisions for implementation in the draft Covenant and proposed (E/AC.7/42) that the Commission on Human Rights, through its Drafting Committee and at its next session, should be instructed to give particular attention to the implementation aspect of the Bill of Human Rights so as to be sure that draft articles were ready in time for submission to Member Governments well in advance of the Assembly's next session.

This draft resolution was considered at the 35th meeting of the Council's Social Committee, on February 20. The United States representative stated that his delegation entertained doubts with regard to the propriety of including that article in the Bill, and the U.S.S.R., Byelorussian and Polish representatives thought that the question should be deferred since it was bound up with the other parts of the draft Bill. The draft resolution with an amendment, accepted by the Australian representative, to give a more flexible time limit was adopted by the Social Committee by 8 votes to 3, with 7 abstentions, and by the Council at its 159th plenary meeting on March 2 by 9 votes to 3, with 5 abstentions.

In this resolution (116(VI)F) the Council directed "the Commission on Human Rights, through its Drafting Committee and at its next session, to give particular attention to the implementation aspect of the Bill of Human Rights, in order to ensure that draft articles on implementation may be submitted to Member Governments at the earliest possible date".

Following a recommendation of the Commission and after considering the matter at the 34th and 35th meetings of the Social Committee, the Council, at its 159th plenary meeting, also decided (resolution 116 (VI)E), by 14 votes, with 1 abstention, to refer to the International Labour Organisation for consideration and report Article 8 of the draft International Covenant, which referred to forced labor. The U.S.S.R., Polish and Byelorussian representatives opposed this decision, as no other specialized agencies had been consulted on the draft Bill.

(3) Second Session of the Drafting Committee

The Drafting Committee of the Commission on Human Rights held its second session at Lake Success from May 3 to 21, 1948. It considered comments on the draft International Bill of Human Rights which had been received from thirteen Member Governments. It also took into account the suggestions of the United Nations Conference on Freedom of Information concerning articles on freedom of information in the draft Declaration and the draft Covenant (E/CONF.6/79), as well as suggestions made by the Commission on the Status of Women on two articles in the draft Declaration (E/615). It redrafted the entire draft Covenant; but had time to redraft only parts of the draft Declaration and did not consider the question of implementation.

(4) Third Session of the Commission on Human Rights

The third session of the Commission on Human Rights took place at Lake Success from May 24 to June 18, 1948. The Commission at that session based its work on the report of the second session of its Drafting Committee (E/CN.4/95). As this Committee had examined the draft Covenant in detail, the Commission decided to begin its work by discussing the draft Declaration, then to proceed to examine the question of implementation and finally the draft Covenant. It was able to complete a re-draft of the Declaration but had no time to consider the Drafting Committee's re-draft of the Covenant, nor to discuss implementation, as requested by the Economic and Social Council at its sixth session.

The Commission therefore presented to the seventh session of the Economic and Social Council: the draft Declaration as redrafted at its third session; the draft Covenant as redrafted by the Drafting Committee at its second session, but not re-examined by the Commission itself; and the report of the working group on implementation, drawn up at the second session of the Commission, but not examined in detail by the full Commission.

Throughout its deliberations on the International Bill of Human Rights, the Commission was assisted by specialized agencies and non-governmental organizations. Representatives of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the Preparatory Commission for the International Refugee Organization, and consultants from the American Federation of Labor, the International Federation of Christian Trade Unions, the Inter-Parliamentary Union, the World Federation of United Nations Associations, the Agudas Israel World Organization, the Catholic International Union for Social Service, the International Union of Catholic Women's Leagues, the Commission of the Churches on International Affairs, the Consultative Council of Jewish Organizations, the Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social

73 See pp. 588-89.
74 See pp. 599-600.
Council of the United Nations, the International Alliance of Women-Equal Rights, Equal Responsibilities, the International Committee of the Red Cross, the International Council of Women, the International Federation of Business and Professional Women, the Women's International Democratic Federation, the World Jewish Congress, the Liaison Committee of Women's International Organizations, the World Women's Christian Temperance Union and the World's Young Women's Christian Association took part in the proceedings of the Commission at its second and third sessions.

(5) Draft Declaration

The text of the draft Declaration as forwarded to the seventh session of the Council was as follows:

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world; and

Whereas disregard and contempt for human rights resulted, before and during the Second World War, in barbarous acts which outraged the conscience of mankind and made it apparent that the fundamental freedoms were one of the supreme issues of the conflict; and

Whereas it is essential, if mankind is not to be compelled as a last resort to rebel against tyranny and oppression, that human rights should be protected by a regime of law; and

Whereas the peoples of the United Nations have in the Charter determined to reaffirm faith in fundamental human rights and in the dignity and worth of the human person and to promote social progress and better standards of life in larger freedom; and

Whereas Member States have pledged themselves to achieve, in co-operation with the Organization, the promotion of universal respect for and observance of human rights and fundamental freedoms; and

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now therefore the General Assembly

Proclaims this Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed by nature with reason and conscience, and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, property or other status, or national or social origin.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

1. No one shall be held in slavery or involuntary servitude.
2. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 5

Everyone has the right to recognition everywhere as a person before the law.

Article 6

All are equal before the law and are entitled without any discrimination to equal protection of the law against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 7

No one shall be subjected to arbitrary arrest or detention.

Article 8

In the determination of his rights and obligations and of any criminal charge against him, everyone is entitled in full equality to a fair hearing by an independent and impartial tribunal.

Article 9

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law.
2. No one shall be held guilty of any offence on account of any act or omission which did not constitute an offence, under national or international law, at the time when it was committed.

Article 10

No one shall be subjected to unreasonable interference with his privacy, family, home, correspondence or reputation.

Article 11

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own.

Article 12

1. Everyone has the right to seek and be granted, in other countries, asylum from persecution.
2. Prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations do not constitute persecution.

Article 13

No one shall be arbitrarily deprived of his nationality or denied the right to change his nationality.

Article 14

1. Men and women of full age have the right to marry and to found a family and are entitled to equal rights as to marriage.
2. Marriage shall be entered into only with the full consent of both intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection.

Article 15
1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 16
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, to manifest his religion or belief in teaching, practice, worship and observance.

Article 17
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 18
Everyone has the right to freedom of assembly and association.

Article 19
1. Everyone has the right to take part in the government of his country, directly or through his freely chosen representatives.
2. Everyone has the right of access to public employment in his country.
3. Everyone has the right to a government which conforms to the will of the people.

Article 20
Everyone, as a member of society, has the right to social security and is entitled to the realization, through national effort and international co-operation, and in accordance with the organization and resources of each State, of the economic, social and cultural rights set out below.

Article 21
1. Everyone has the right to work, to just and favourable conditions of work and pay and to protection against unemployment.
2. Everyone has the right to equal pay for equal work.
3. Everyone is free to form and to join trade unions for the protection of his interests.

Article 22
1. Everyone has the right to a standard of living, including food, clothing, housing and medical care, and to social services, adequate for the health and well-being of himself and his family and to security in the event of unemployment, sickness, disability, old age or other lack of livelihood in circumstances beyond his control.
2. Mother and child have the right to special care and assistance.

Article 23
1. Everyone has the right to education. Elementary and fundamental education shall be free and compulsory and there shall be equal access on the basis of merit to higher education.
2. Education shall be directed to the full development of the human personality, to strengthening respect for human rights and fundamental freedoms and to combating the spirit of intolerance and hatred against other nations and against racial and religious groups everywhere.

Article 24
Everyone has the right to rest and leisure.

Article 25
Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement.

Article 26
Everyone is entitled to a good social and international order in which the rights and freedoms set out in this Declaration can be fully realized.

Article 27
1. Everyone has duties to the community which enables him freely to develop his personality.
2. In the exercise of his rights, everyone shall be subject only to such limitations as are necessary to secure due recognition and respect for the rights of others and the requirements of morality, public order and the general welfare in a democratic society.

Article 28
Nothing in this Declaration shall imply the recognition of the right of any State or person to engage in any activity aimed at the destruction of any of the rights and freedoms prescribed herein.

Note. The Commission has not considered the following article since measures of implementation were not discussed in its third session:
"Everyone has the right, either individually, or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations."

(6) Consideration by the Council at Its Seventh Session
Because of the pressure of business at its seventh session, the Council decided, at its 202nd plenary meeting on August 17, 1948, that the report of the Commission, which had been referred to its Human Rights Committee, should be recalled to the plenary session; and that in plenary there would be an opportunity for each member to make one general statement of position, without other debate or decisions than a decision to transmit the documents to the General Assembly, together with the statements of position.

Statements were made by all members at the 215th and 218th meetings of the Council on August 25 and 26. All members stressed the importance of the draft Declaration, though it was generally regretted that it had not proved possible to complete at the same time the draft Covenant and measures for implementation since it was recognized that the three formed part of an organic whole. The Netherlands, New Zealand and Danish representatives thought that the Declaration should be referred back to the Commission, and that if any discussion took place in the Assembly it should be only a provisional examination, the Netherlands representative holding that the Dec-
laration without measures for implementation was meaningless, and the New Zealand and Danish representatives pointing out that there had been insufficient time for governments to study the draft in detail and that the Declaration and Covenant should be adopted together. The majority, however, while agreeing on the importance of adopting the Covenant and the measures for implementation, pointed out that a long time had elapsed since work had begun on drafting the bill and thought that the adoption of the draft Declaration would mark a step forward in defining human rights and that this step should be taken without delay. They were, therefore, in favor of transmitting the draft Declaration to the third session of the Assembly.

It was generally recognized, however, that the draft Declaration in the form in which it was presented to the Council was still imperfect. The following were some of the main general criticisms:

(a) The aims of the Declaration were not sufficiently clearly stated; the Preamble was entirely abstract (Poland); the Preamble should be simplified (Canada and Venezuela).

(b) The Declaration should not be introduced by philosophical postulates from outdated theories of natural law, and therefore Article 1 should be omitted (Brazil).

(c) The Declaration was not sufficiently universal or international because it was based on domestic legislation and classic statements on human rights and did not therefore give sufficient prominence to rights which could not be enumerated in national declarations, such as the right of asylum (France).

(d) It had not proved possible to define the relations between the individual and the state, although this was a basic problem (Venezuela and Chile).

(e) As drafted, the Declaration was open to interpretation as an instrument of intervention in the domestic jurisdiction of states (Poland).

(f) The Declaration did not refer to ensuring and guaranteeing the implementation of rights and freedoms or to means of applying its provisions (U.S.S.R.).

(g) The Declaration failed to maintain consistently the principles of full equality (U.S.S.R.).

Criticisms were made that provisions had been omitted from the draft Declaration, and proposals were made for the inclusion of additional provisions, relating to the following subjects:

(a) The principle of religious tolerance (the Netherlands);

(b) The protection of the individual against threats, intimidation and oppression (Brazil);

(c) Reference to democracy and to the necessity for the eradication of Fascism (Poland and the U.S.S.R.);

(d) The prohibition of Fascist and Nazi propaganda and propaganda of racial and national hostility (U.S.S.R.);

(e) The obligations of the individual to his neighbor, family, nation and society (Poland and the U.S.S.R.);

(f) The right to native language and culture (Poland and the U.S.S.R.);

(g) An express reference to minority rights (Denmark);

(h) A guarantee of all economic rights, the right to work and to rest, and the right to education (Poland);

(i) The paternal power of parents over their minor or non-emancipated children and their obligation to provide them with sustenance and education (Brazil);

(j) A statement that the rights enumerated in the Declaration were not exhaustive (Venezuela).

Among the criticisms concerning existing articles were the following:

(a) That the permissible restrictions on the rights of association should be made more explicit (Brazil);

(b) That the scope of certain rights had been narrowed or distorted, as in the clauses referring to arbitrary arrest and equal pay (France);

(c) That it was perhaps unnecessary to include Article 5 (referring to recognition before the law) and Article 23 (referring to the right to education), the latter being more appropriately a matter for UNESCO; a simple general statement of the right to social security would be preferable to the articles on social security (Article 20), the right to work (Article 21) and the right to a standard of living (Article 22), since these articles were really a declaration of governmental responsibilities in this field (Canada).

The Turkish representative suggested that it would be necessary to effect a reconciliation between the language of the Declaration and that of the draft Covenant.

The French representative reserved his Government's right to propose that the General Assembly should (1) invite all states to take early action to bring their laws and practices into line with the Declaration and set up the administrative and judicial instances of appeal necessary for the respect of human rights, and (2) recall the need for pursuing the study of conventions intended to ensure the practical observance of human rights and recommend their adoption.
Both the French and United States representatives pointed out that the question of human rights had special facets which ought to be the subject of special conventions.

The Council adopted without vote resolution 151(VII) by which it transmitted to the General Assembly the draft International Declaration of Human Rights submitted to the Council by the Commission on Human Rights in the report of its third session, together with the remainder of the report of the Commission and the records of the proceedings of the Council on this subject.

b. COMMUNICATIONS CONCERNING HUMAN RIGHTS

(1) Procedure for Handling Communications

At its fifth session the Council established a procedure for handling communications concerning human rights, consideration of which had been deferred from the Council's fourth session.

The Commission on Human Rights, in the report of its first session (E/259) had proposed that the Secretary-General be requested:

"(a) to compile a confidential list of communications received concerning human rights before each session of the Commission;

"(b) to furnish this confidential list to the members of the Commission upon request, without divulging the contents of these communications or the identity of their authors;

"(c) to enable the members of the Commission, upon request, to consult the originals of these communications;

"(d) to inform the writers of all communications concerning human rights, however addressed, that their communications would be brought to the attention of the Commission on Human Rights."

The recommendations of the Commission were considered by the Economic and Social Council at its 87th and 106th plenary meetings on July 21 and August 19, and at the 12th, 13th, 14th and 17th meetings of its Social Committee on July 24, 28 and 30 and August 4.

The U.S.S.R. representative opposed the recommendations on the grounds that the Charter had already enumerated the bodies with which the Council, and consequently its commissions, could enter into relationship, and from which reports and information could be received. Sufficient information could be obtained from Member States of the United Nations, from the specialized agencies and from non-governmental organizations having consultative status. He felt that consideration of communications from other organizations or from individuals would take the attention of the Commissions away from their real tasks. This view was supported by the Byelorussian representative. Both representatives also opposed the consideration of anonymous communications.

Other representatives felt that the Commission might profit by receiving communications which might contain suggestions useful for its work.

The question was discussed in considerable detail in the Social Committee. A U.S.S.R. proposal to delete the relevant section of the Commission's report was rejected by 13 votes to 3, with 2 abstentions. Proposals and discussions were in general aimed at providing: (1) that the time of the Commission should not be unduly taken up with considering communications and that it should not be turned into a "complaints bureau" of the United Nations; (2) that the identity of writers of communications should be adequately protected; (3) that the form of acknowledging communications should not mislead the writers into thinking that they would automatically be considered by the Commission; and (4) that the Commission should itself decide which communications would be made available to members in the original.

A United States proposal (E/486) suggested, inter alia, that the Commission should forward petitions relating to Trust Territories to the Trusteeship Council with appropriate comments. This suggestion was, after a tie vote, referred for consideration to the Joint Committee of the Trusteeship and Economic and Social Councils.

A United Kingdom proposal (E/AC.7/25), "to furnish member states not represented on the Commission with a brief indication of the substance of any communication concerning human rights which refers explicitly to territory administered by them", was accepted with slight amendments by 13 votes, with 4 abstentions.

A Czechoslovak proposal (E/AC.7/27), "That the communications in order to be submitted to the procedure of examination by the Commission on Human Rights must have the following qualifications:

"(1) the intention to protect the human rights must be evident

"(2) they must not emanate from an anonymous unauthenticated or irresponsible source", was rejected by 10 votes to 4.

A New Zealand draft resolution (E/AC.7/24) which sought to combine the proposals of the Commission on Human Rights with certain amendments contained in the United States proposal in "an attempt to correlate the responsibilities of the United Nations under Article 55 of the Charter with the duties of the Commission on Human Rights" was adopted by the Economic and Social Council. It was subsequently adopted without vote by the General Assembly.