CHAPTER II

INTERNATIONAL BILL OF RIGHTS

A proposal to embody an "International Bill of Rights" in the Charter was put forward at the San Francisco Conference which drafted the charter of the United Nations. But at that time it was not examined because it required more detailed consideration than was possible at the time.

While the San Francisco Conference did not undertake to define human rights and fundamental freedoms, it recognized that this must be one of the initial tasks of the U.N. At its first session in February 1946, the Economic and Social Council had established the Commission on Human Rights. It consisted initially of only nine members and decided that its work should be directed toward submitting proposals and reports regarding:

(a) an International Bill of Rights;
(b) international declarations or conventions on Civil liberties, the status of women, freedom of information, and similar matters;
(c) the protection of minorities;
(d) the prevention of discrimination on grounds of race, sex, language or religion;
(e) any other matter concerning human rights.


The Commission on human rights is the operating heart of the United Nations machinery for the protection of human rights. In 1946, under the Chairmanship of Mrs. Franklin D. Roosevelt the Commission on Human Rights came into existence and it began its work in January 1947.

The meeting of the preparatory Commission of the United Nations and its executive Committee was held in the autumn of 1945. It recommended that the work of the Commission on human rights, the establishment of which is provided in Article 68 of the United Nations Charter should be directed, in the first place, towards the "formulation of an International Bill of Rights", and the General Assembly concurred with these recommendations early the following year. Accordingly, when the terms of reference of the Commission on Human Rights were laid down by the Economic and Social Council, the preparation of "an International Bill of Rights" was the first item on its work programme.

In January and February 1947, the Commission on human rights held its first session. Soon differences of opinion developed as to the exact nature of the end product which should be prepared. The United States favoured a declaration

that would set forth goals and aspirations rather than legally binding commitments. On the other hand, the United Kingdom preferred a treaty which would contain detailed and precise provisions and would legally bind all states accepting it. Finally, it was decided that both approaches should be adopted, and that two major documents should be prepared, one a declaration of general principles and the other a covenant of binding obligations.

Immediately after the meeting of the Commission it became apparent that the drafting of an International Bill of Rights would have to be done in several stages, as different and even divergent views were expressed about the form the International Bill of Rights should take. It was decided eventually that the "International Bill of Rights" would consist of a Declaration of Human Rights, one or more conventions on Human Rights and the necessary international measures of implementation. In 1947, the Commission on Human Rights recommended this formula. In the following year it was approved by the General Assembly and it led to the promulgation of the Universal Declaration of Human Rights as the first of these projected instruments.

1. Ibid., p. 248.
2. Vandenbosch & Hogan, op.cit., p. 300.
3. The United Nations and Human Rights, p. 11.
Once again the struggle of man to define his rights in society and to develop institutions to protect them found expression in the "Universal Declaration of Human Rights". On different occasions and in different times the desire for fundamental freedoms and protection against legislative and executive aberrations had resulted in such Charters of liberty as the Magnacharta (1216), the Bill of Rights (1688) in England, the Declaration of the Rights of man (1789) in France, and the first 10 amendments to the United States Constitution, known as the Bill of Rights. Unlike the Declaration these national bills of rights, however, were justiciable and could be enforced by the national courts.

The Universal Declaration of Human Rights was drafted in 1947 and 1948 by the Commission on Human Rights under the Chairmanship of Mrs. Franklin D. Roosevelt. This work was done in a very careful and meticulous way. The first draft was prepared by a drafting committee after using documentation furnished by the Secretariat. The Commission as a whole revised it in the light of views and comments of member governments. Then the revised draft was circulated, the drafting committee met again, and the Commission prepared its final proposal.

2. Vandembosch & Hogan, op.cit., p. 301.
This proposal went to the Economic and Social Council and then to the General Assembly which referred the proposal to its Third Committee. A detailed examination was made by this Committee. By the end of 1948, the resulting document was sent to the General Assembly. On the night of December 10, 1948, after a long and difficult discussion, the General Assembly took the first step towards an International Bill of Rights under the name of the "Universal Declaration of Human Rights." The General Assembly adopted it without a dissenting vote: 48 in favour, none against, 8 abstentions and 2 absences.

This Declaration constituted the first inter-governmental statement of human rights in history. The two great World Wars within a single generation, and the unparalleled atrocities committed by the Nazis gave momentum to the forces working for the observance of human rights. Mankind thus came to write its Charter of liberty in the form of the Universal Declaration of human rights, is undoubtedly one of the most outstanding documents in man's struggle from the days of antiquity against human tyranny and persecution. The General Assembly adopted it, in order to amplify and enlarge the mention made in the Charter regarding human rights.

The Declaration was drafted in pursuance of the dispositions of the Charter. It introduced the promotion of a respect for human rights as an international concern of primary importance. The Declaration expresses the spirit of the Charter by enlarging the aims and purposes of the United Nations.

It was partly the memory of crime and destruction and partly the recognition of law as a means of guaranteeing the free, just and peaceful co-existence of all peoples, that led the U.N. to appeal to all member states and all peoples to adopt the Universal Declaration, to make it known, to respect it and to promote respect for it.

After the approval of the General Assembly the Declaration became operative. It was not necessary to submit it to members for ratification in accordance with their various constitutional procedures because it was not a treaty and was not intended to impose legal obligations. The Declaration is not by its nature and by the intention of its parties a legal document imposing legal obligations. This is clearly shown by the language of the Universal Declaration of Human Rights.

This Declaration was not binding, therefore states with different cultural backgrounds, political and legal systems and

Ideologies found it much easier to agree on general principles of this declaration. The declaration was designed as a broad clarification and recommendation of policy rather than an enforceable treaty obligation.

The Universal Declaration of Human Rights is one of the greatest achievements of the United Nations. It has been hailed as an historic event of profound significance. It includes social and cultural rights whereas the previous declarations were content to include personal, civil and political rights. The Universal Declaration of Human Rights is a political document. Its political nature is evident from the following. First, the U.N. itself is a political organization. Second, the General Assembly which adopted it, consists of members who are the political representatives of the various nations of the world. Third, the declaration itself is the result of what is called the "politics of protest."

The Declaration constitutes an important landmark in the evolution and development of the law of nations. Though it is not to be considered binding as a treaty, it has developed such moral authority that it is not only a source of law but is also coming to have the force of law, though it was intended to be,

as its preamble says, "a common standard of achievement for all peoples and all nations."

As finally approved, the Universal Declaration of Human Rights consists of a preamble and 30 articles. In thirty articles, the Declaration sets forth basic rights and fundamental freedoms to which all human beings everywhere in the world are entitled without any discrimination. Of the Declarations' thirty articles, the first two and the last three are of a general nature, applying to all the rights enunciated in the document. Articles 3 to 21 deal with Civil and political rights, which have been widely recognized throughout the world, especially in the western countries. Articles 22 to 27 deal with social and economic rights. These rights find precedents in the more recent national constitutions and are of a more novel nature.

Article 1 of the Declaration adopts the philosophy of natural rights which states that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood."

Article 2 proclaims that "everyone is entitled to the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin,
property, birth or other status" and irrespective of whether a person belongs to an independent nation or not.

The personal, civil and political rights mentioned in Articles 3 to 21 summarize the rights that have long been recognized in the constitutions, bills of rights and statutes of most countries of the world: the right to life; liberty; the right to equal protection of law; the right to a fair trial; the right to a nationality; the right to property; the right to freedom of thought, conscience and religion etc. Articles 22 to 27 deal with Economic, Social and Cultural rights. These rights are not included in older bills of rights and constitutions, but are found in many of the newer ones. The Universal Declaration includes these rights, on important philosophical and practical grounds. As stated by the U.N. General Assembly in another connection, "the enjoyment of civil and political freedoms and that of economic, social and cultural rights are interconnected and interdependent" and man is not free if he is "deprived of economic, social and cultural rights." These articles (22 to 27) deal with the right to work under just and favourable conditions, the right to equal pay for equal work, the right to rest and leisure etc. The concluding three articles 28 to 30 create a common framework for all

rights so far mentioned. Since human rights can only be safely enjoyed in the absence of terror, turmoil and war, article 28 states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized." Article 29 counterposes duties to rights; "everyone has duties to the community." Furthermore, it is proclaimed as a general principle that "these rights and freedoms may in no case be exercised contrary to the principles and purposes of the U.N."

The Universal Declaration of Human Rights with its Preamble and thirty articles represents a remarkable effort to arrive at unanimity on so complex and fundamental a matter as that of human rights. Undoubtedly the adoption of the Declaration without a dissenting vote was an impressive expression of a general consensus. Though this declaration did not have the character of a treaty, yet it was bound to have a substantial influence on the discussions and decisions of the United Nations.

In its own words, the Declaration is "a common standard of achievement for all peoples and all nations." The adoption of the Universal Declaration of Human Rights was a landmark in the history of the United Nations. The statement by General C.P. Romulo of the Philippines expressed the sentiments of the Assembly on this accomplishment: "To the roll of the historic declarations of the rights of man, the United Nations now adds
the most comprehensive document of all, the first in history to define from a truly universal standpoint the basic rights and fundamental freedoms to which all men and women everywhere are entitled."

The Declaration represents a protest against thousands of years of oppression and exploitation of man by states, groups or other men. December 10, is celebrated as Human Rights day in the memory of the Declaration's adoption.

The Declaration is, however not free from blemishes and shortcomings. Article 1 of the Declaration affirms that "all human beings are born free and equal", and that they are "endowed with reason and conscience." As theoretical statement they may be alright in so far as they reiterate the principles of human dignity and equality, but not appropriate to a document which, if enacted as a national law or concluded as an international agreement would assume a legal character. The statement that all human beings are born free and equal is a specific natural law doctrine and this doctrine is not generally accepted. "The Declaration should not be introduced by philosophical postulates from outdated theories of natural law." This criticism came from Brazil at the time of the adoption of this declaration. From the point of view of a bill of rights, the question is not how human beings are born, but their status as citizens and the nature and kind of protection to be assured
to them. The Declaration, however, starts with a problematical statement and places the whole document under the sway of a highly disputed doctrine without providing specific guarantees for the observance of its provisions.

According to some publicists and Jurists the Declaration has legal authority. They argue as follows:

"The Charter of the United Nations, is a legally binding treaty. Under the Charter, all member states "pledge themselves to take joint and separate action" to promote "Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (55 & 56). The Charter, however, does not define human rights. It is the Universal Declaration that gives an authoritative interpretation. To the extent that Member states are bound by the human rights provisions of the Charter, they are to some extent obliged to observe the Universal Declaration."

It is further argued that many of the provisions in the Declaration are based on National Constitutions and bills of rights. It may therefore be said that the Declaration


contains a number of "general principles of law recognized by civilized nations."

It is, on the other hand, said that the provisions of the United Nations Charter form the legal basis on which the Declaration is based, and the Charter does not provide for human rights. The Declaration is neither more nor less than a recommendation without the obligatory character of a treaty. It cannot, therefore, constitute a source from which legal rights can be derived. As a super-structure on the Charter, the Declaration does not possess any reality in law which is not present likewise in the Charter. Undoubtedly, on certain occasions the Declaration may be invoked by private and official bodies, including the organs of the U.N. But it will not and cannot, properly be invoked as a source of legal obligation. The logic that Member states should respect the Charter and any declaration or recommendation based on it does not lead to the acceptance of the Declaration as a code of human rights in International law.

It is generally accepted that the Declaration should have great influence on the law but it is denied that it forms part of the law. It is not a treaty. It derives its force as

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a statement of moral judgement, a declaration of man's faith in himself, of his belief in human dignity.

The Declaration has nevertheless great political and moral authority. It has had a definite impact on the thinking and practice of the United Nations itself and of governments, when dealing with problems relating to human rights. Its influence is visible in national constitutions; it has been quoted in legal decisions. From the time it has been adopted, the Declaration or individual articles from it are frequently quoted in the United Nations resolutions as setting forth standards to be applied by the states. Many of the International conventions have been based on its ideals, particularly those concluded under the auspices of the United Nations and its specialized agencies. The European Convention for the protection of Human Rights and Fundamental freedoms was inspired by the Declaration.

Resolutions and recommendations by United Nations organs often cite the Universal Declaration or specific articles as the basis of an action or a judgement. Its influence has been particularly strong in United Nations actions relating to trust

territories as well as colonies and other dependencies. The General Assembly has urged countries to abolish discriminatory laws and practices in dependencies, citing the Declaration's condemnation of discrimination, particularly on racial grounds.

The texts of various national constitutions which were enacted after the adoption of the Declaration clearly proved the impact of the Universal Declaration. In 1959, six newly independent African Countries inserted references to the Declaration into the Preambles of their new constitutions. The Madagascan Constitution of 29 April, 1959, for example, proclaims that it was inspired by the Declaration.

In the sphere of municipal law the impact of the Declaration can be found in a number of laws and decrees. In 1961, an act was adopted by Paraguay to protect scientific, literary and artistic works. Its Preamble cites article 27, paragraph 2, of the Declaration providing that: "Every one has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." Specific provisions of the Declaration

have been quoted in judicial decisions and opinions in various countries. In 1950, the New York supreme court in *Wilson vs. Hacker*, held union activities discriminating on the basis of sex to be objectionable. Although such discrimination was not forbidden by statute, the court argued, it was "a violation of fundamental principle", quoting provisions of the Universal Declaration as "indicative of the spirit of our times."  

Various regional and other treaties and declarations which were adopted outside the United Nations system also invoke the Universal Declaration. A remarkable example is the European Convention for the protection of Human Rights and Fundamental freedoms signed on 4th November, 1950 by the 15 member governments of the Council of Europe in Rome. The European Commission on human rights and European court of human rights, these two organs have been set up to ensure the observance of the obligations undertaken by the contracting parties. This Convention came into force on 3rd September, 1953. In May 1948, the Hague Congress had called for a "Charter of Human Rights guaranteeing liberty of thought, assembly and expression, as well as the right to form a political opposition" and for the creation of a "court of Justice with adequate sanctions for the implementation." In August 1949, the inclusion of a

Convention on human rights was proposed by the Consultative Assembly of the Council of Europe to the Committee of Ministers. It also submitted a detailed draft. Two separate committees of governmental experts prepared the text and submitted to the ministers. After the Assembly's opinion had been obtained the European Convention for the protection of Human Rights and Fundamental freedoms was signed. This Convention embodies in a more precise and limited form, binding obligations relating to the Civil liberties; as mentioned in the Universal Declaration. The signatory governments, members of the Council of Europe recalling, inter alia, the Universal Declaration of Human Rights proclaimed by the General Assembly on December 10, 1948, resolved, "as Governments of European Countries which are likeminded and have a common heritage of political traditions; ideals, freedom and rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration."

It constituted a great advance on the Universal Declaration of Human Rights. Whereas the latter amounted in the last analysis to nothing more than an expression of intentions, the European Convention contains specific legal commitments which have been accepted by fifteen governments.

All the rights and freedoms enumerated in the Universal Declaration are not embodied in this convention. It contains only some of the Civil and political rights and freedoms. The main reason seems to be that some of the rights set out in the Universal Declaration are not capable of Judicial enforcement; therefore, they were not considered appropriate for inclusion in the Convention under which such enforcement was envisaged.

In 1955 a General Convention was signed between France and Tunisia in Paris. According to this Convention, Tunisia agreed to grant to all persons living within it territory the rights and personal guarantees proclaimed in the Universal Declaration of Human Rights.

Since its adoption this Declaration can thus be said to have exercised a profound influence upon the minds of men. It has been translated and distributed in some fifty languages.

The General Assembly urged all the Member States to give the Declaration the widest circulation and publicity possible. Both the Secretary General of the United Nations and the President of the General Assembly, year after year address messages to the peoples of the world appealing for a better and

2. World Mark Encyclopedia of the Nations, p. 103.
faster protection of human rights. Since December 10, 1948, when the Universal Declaration of Human Rights was adopted, all over the world people have become conscious of their fundamental rights, which are truly the foundations of freedom, Justice and peace.

The year 1968 was observed as "International Human Rights Year", because it was the twentieth anniversary of the adoption of the Declaration. The main purpose of designating 1968 as the International Year of Human Rights was to inform world opinion of the importance of the Declaration. Throughout this year, conferences, seminars and meetings were organized by member states with a view to publicise the Declaration and to promote a better understanding of the issues involved.

In pursuance of the General Assembly decision, an International Conference on Human Rights was held at Teheran in April and May 1968. Inaugurating the conference, Shah of Iran appealed for "appropriate revision" of the principles of the twenty year old Human Rights Charter to suit today's circumstances. U Thant, former Secretary-General of the United Nations urged the world community to "put an end to serious violations of Human Rights." The conference was attended by more than 1000 delegates from 71 countries and 52 agencies and international organizations. The delegates attending the session stood in

one minute silence for the late Dr. Martin Luther King. The tribute to the American Civil Rights leader was proposed by the Uganda Delegation. Dr. King was described as "that great man who lived and died for Human Rights."

The Declaration is explicit and eloquent about the inalienable human rights in private, civil, political, economic, social and cultural fields, but few countries have made any serious effort to implement them. There are still instances of encroachments upon human rights and fundamental freedoms. In some parts of the world the practice of slavery and servitude is still continuing, discrimination based upon race, sex, language and religion exists. Freedom of thought, conscience and religion is not fully guaranteed everywhere. There is hardly any freedom of speech and political activity in the Soviet Union, China and other Communist countries. In the Union of South Africa, all human beings are not treated alike, and so is the case in Rhodesia.

But notwithstanding its limitations, and occasional violations, the Declaration constitutes a creditable achievement.

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The General Assembly, before voting on the final version of the Universal Declaration, decided that the next step should be the preparation of a covenant on human rights. In 1. World Mark Encyclopedia of the Nations, p. 104.
its resolution proclaiming the Universal Declaration of Human Rights, the General Assembly requested the Economic and Social Council to ask the commission on Human Rights to continue to give priority to preparing a draft Covenant on human rights and a draft measure of implementation.

A covenant is an international treaty, and countries ratifying or acceding to a covenant are under a legal obligation to carry out its terms. No wonder then, that it has been rather more difficult and trying to secure universal consensus for the adoption of a covenant or treaty on human rights. From the time discussions began on the drafting of such a treaty, it was realized that the necessary consensus would not easily be achieved. In 1950, the General Assembly decided to include both Civil and political rights as well as Economic, social and Cultural rights in one covenant. But the General Assembly at its Paris session in 1952, at the urging of the United States, decided that the commission should instead draft two covenants; one on Civil and political Rights and the other containing Economic, Social and Cultural rights. These covenants would be simultaneously submitted to the Assembly for approval, and afterwards for ratification by the States, as there are some basic differences between civil and political rights and the

1. Nzejiofor, Gaius, op.cit., p. 90.
newly emerging claims to economic, social and cultural rights.

Four main arguments were put forward in favour of the separation of these rights. In the first place the Economic and Social rights are objectives to be achieved progressively. The states ratifying the Covenant on Civil and political rights will be under obligation to take immediately the necessary steps to safeguard civil and political rights. Secondly, the enactment of legislation is generally sufficient to put into effect civil and political rights. It is quite otherwise with economic and social rights for they depend on the socio-economic conditions in the state. Thirdly, the economic and social rights are drafted in broad sweeping language, on the other hand civil and political rights are drafted with much greater precision. Finally, economic and social rights are to be achieved progressively; therefore, the machinery of complaint, which the committee on Human Rights contemplated for the Civil and political rights, is not a suitable body for dealing with economic and social rights. It was also thought that the separation of these sets of rights would enable countries to ratify one document to begin with, and then the other at a later stage. But that if a single document embodied all these rights, certain countries might not ratify it at all.

By 1954 the commission on Human Rights completed the drafts of two Covenants, but the adoption of the final texts by the Assembly was to take another twelve years. Between 1955

and 1966, during the regular sessions of the Assembly, its social, humanitarian and cultural committees made a detailed study of the two covenants article by article. Finally on 16th December, 1966, the General Assembly adopted the International Covenant on Economic, Social and Cultural rights, the International Covenant on Civil and political rights and the optional protocol to the latter.

The two covenants approach has been the subject of some severe criticism. It has been argued that all rights are of equal importance and are mutually interdependent. Certain economic, social and cultural rights are essential for the fulfilment of civil and political rights, and therefore any distinction is merely artificial. On the other hand it is said, as indicated above, that the nature of the two categories of rights makes it necessary to treat them separately.

For the first time in history, international protection for the basic rights of man is provided by the two covenants or treaties on human rights which have been adopted by unanimous vote by the United Nations General Assembly. These covenants in due course would become legally binding on those countries which ratify them. They are to come into force as and when 35 states signify their acceptance of and adherence to the covenants.

1. Ibid., p.22., Also see Year Book of the United Nations, 1966.

Countries ratifying the covenant on civil and political rights would undertake to protect their peoples by law against cruel, inhuman or degrading treatment. They will recognize the right of every human being to life, liberty, security and privacy of person. The freedom of thought, conscience and religion are also recognized by the Covenant.

A country ratifying the covenant on economic, social and cultural rights would acknowledge its responsibility to promote better living conditions for its people. It would recognize everyone's right to work, to fair wages, to social security, to adequate standards of living and freedom from hunger and health. It would also undertake to ensure the right of everyone to form and join trade unions.

These covenants on human rights are international treaties. These are binding upon governments, willing to subscribe to them. Their main purpose is to establish certain international legal norms which would maintain the relationship between the states, parties to the covenants and their respective citizens and other persons under their jurisdiction as well as the relationship between and among the contracting parties themselves. The main objective of the covenants is to establish

2. Ibid., p. 38.
certain binding international rules of conduct and conscience. These rules would guarantee the observance of the covenanted rights and freedoms.

An explicit recognition runs throughout both covenants that the protection of human rights is "the foundation of freedom, justice and peace in the world."

The main difference between the covenants and the Universal Declaration of human rights is that after ratification these covenants would have a binding force in International law, which is not possessed by the Declaration and the covenants are to be supported by measures of implementation.

United Nations - former Secretary General U Thant has called for the earliest possible acceptance by every eligible state of the international human rights treaties. "There is no other way to create the machinery required for the full and effective defence of human rights and fundamental freedoms," U. Thant said in a message on the occasion of Human Rights day in 1968. He added: "There are still too many areas where unemployment undermines the right to work, where illiteracy inhibits the right to education, where poverty and squalor make a mockery of the right to health, where conflict and violence negate the enjoyment of human rights and fundamental freedoms."

1. Moskowitz, Moses, op.cit., p. 78.
Pleading for general acceptance by all states of the human rights treaties adopted by the U.N., U. Thant said:
"This is a matter of immense concern to every individual and every organization, who must recognize the importance of further development and implementation in practice of the principles set out in the Charter and in the Universal Declaration of Human Rights as a most urgent task and indeed a necessity for the progress of mankind."

Inspite of the fact that emphasis has been laid on the acceptance of Human Rights on an international scale, governmental action in most countries of the world is still at a declaratory stage. The most important covenants have still remained mostly unsigned and unratified. Rights are meaningless until they can be enforced through some agency. Unfortunately there is yet no really effective agency to enforce the basic human rights detailed in the two covenants.

The recent disturbances and large-scale violence in East Pakistan, which is now known as the People's republic of Bangla Desh is a clear example of the lack of an effective international agency to protect the basic human rights. This is mainly due to the lack of unanimity between the major powers. The barbarities reported to have been committed by the West Pakistani authorities on the unarmed people of Bangla Desh have

1. The Hindustan Times (Delhi) December 11, 1968.
few parallels in modern history. Many villages and residential localities in West Bengal have been destroyed and the entire civil population of the country had been exposed to murder, arson and plunder.

The Vice President of India, G.S. Pathak had criticized those countries which professed human rights but did not raise their voice against the barbarism committed by the military rulers of West Pakistan. Undoubtedly the covenants represent some progress in this direction but; as would be presently seen, the measures proposed are weak and cannot be expected to prove effective in upholding human rights in the face of their violation. There is no judicial agency to safeguard these rights.

C. Implementing machinery for Human Rights:

One of the reasons put forward for preparing two separate covenants was the view that different measures of implementation would be required for the two categories of rights. During the last three years of its work on the two human rights covenants, the Third Committee concentrated on the delicate issue of enforcement measures. After much discussion, it was

decided that the provisions for hearing complaints concerning violations of the covenant would not be included in the covenant on Economic, Social and Cultural rights. States that become parties to this covenant would be required, however to report periodically to the Economic and Social Council on the progress they have made in carrying out its provisions.

The articles on implementation adopted by the Commission on Human Rights provided that with regard to civil and political rights, a Human Rights Committee should be established, empowered to hear complaints from signatory states. It would hear and mediate disputes arising over violations of the rights contained in the covenant. The Committee would also perform the role of a fact-finding body and would make available its good offices to the states concerned with a view to reaching a friendly solution of the matter on the basis of respect for human rights.

It a state, which is party to the covenant, is of the opinion that another state is not respecting a provision of the covenant, it would first call the matter to the attention of that state. If the matter is not settled within six months,

either state then would have the right to place it before the Human Rights committee. The facts would then be ascertained by the committee, which would make available its good offices for a solution. If no friendly solution is reached, the committee would then compile a report on the facts and publish its opinion on whether there had been a violation of the obligations contained in the covenant. Either of the states concerned could then submit the case to the International court of Justice.

An additional means of implementation proposed is a system of reporting on legislative or other measures including judicial remedies, adopted by individual states which give support to the rights in both covenants. These reports should be submitted to the Economic and Social council, which would indicate steps taken by the parties to carry out their obligations and the factors and difficulties affecting the degree of fulfilment of obligations under the covenant. The Economic and Social Council may transmit the reports to the commission on Human Rights for study and general recommendation or, as appropriate, for information.

In addition to the reporting system, the covenant on civil and political right provides for a system of state-to-state:

state communication in matters concerning the application of
the covenant and conciliation.

NEW APPROACHES TO IMPLEMENTING HUMAN RIGHTS MEASURES:

A three-part human rights programme was launched by
the United Nations in the later fifties. It provided for:

1. Periodic reports by member states
2. Worldwide studies, and
3. Advisory services.

In 1956, the Economic and Social Council, acting on a
recommendation of the commission on Human Rights, initiated
a system of periodic reports on human rights. Under this
system states, who are members of the United Nations and of
the specialized agencies, are asked to submit every three years
reports describing developments and progress achieved and the
measures taken by them to safeguard human liberty in their
metropolitan areas and in their non-self-governing and trust
territories, if any. The reports have to deal with the rights
enumerated in the Universal Declaration of Human Rights and
with the right of peoples to self-determination.

1. The United Nations and Human Rights, p. 89.
2. Everyman's United Nations, U.N. Publication (New York,
   1964), p. 310. Also see Year Book of the United Nations,
   1956.
The Economic and Social Council at its 1965 summer session revised the system for periodic reporting. Under the new system, the members of the United Nations, members of the specialized agencies and the specialized agencies themselves are invited to supply information regularly within continuing three-year cycle scheduled as follows: in the first year on civil and political rights, in the second year on economic, social and cultural rights and in the third year, on freedom of information.

In 1966, the Council authorized the commission on Human Rights to make studies of specific rights or groups of rights. One of the most extensive studies has been the "Study on discrimination in the matter of religious rights and practices", completed in 1959.

In 1966 it was decided to undertake a new series of studies in specific human rights. The first such study, on "the right of everyone to be free from arbitrary arrest, detention or exile", was completed by a specially appointed committee in 1962.

1. For details see Year Book of the United Nations, 1965.
At its 1966 session, the General Assembly adopted a resolution calling upon States where racial discrimination is practiced to take urgent steps to implement the Declaration and requested the Commission on Human Rights to recommend, in the light of a special study of discrimination in political, economic, social and cultural matters, any further measures to be undertaken by the U.N. to eliminate racial discrimination. Accordingly, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities decided at its 1966 session to initiate the requisite study.

The third and perhaps the most successful of the new programmes established, is advisory services for the implementation of human rights. The General Assembly, in 1953 and 1954, in three separate resolutions authorized the Secretary General to assist governments, at their request, in promoting and safeguarding the rights of women; in eradicating discrimination; in protecting minorities; and in promoting freedom of information. In 1955, the Assembly incorporated these provisions in a comprehensive resolution on "advisory services in the field of human rights."

This programme of advisory services was established by the General Assembly resolution 926 (X), under which the

1. For details see Year Book of the United Nations, 1956.
Secretary-General is authorized, to organize seminars on human rights, to award fellowships or scholarships and to extend services of experts to governments.

Seminars have served very useful purposes. They are vehicles through which experience and information may be exchanged within a region or inter-regionally. The seminars, whose participants are persons of high standing in various professions and services, make available an exchange of experience in the protection of human rights to the end that each country may benefit from the experience of the others. In 1961, both the Commission on human rights and the Economic and Social Council emphasized the need to study other effective measures which might be taken through advisory services for the protection of human rights and suggested a greater emphasis on the provision of human rights fellowships and scholarships.

One of the most clearly well-grounded activities of the United Nations is to compile and publish basic material about human rights in the "Year Book on human rights", the first issue of which was published in August, 1948. These year books are

2. Ibid., p. 109.
invaluable for reference purpose, and provide the data upon which sound policy decisions must be based.

Since 1948, the General Assembly has adopted and opened for signature, ratification or accession by the member-states, a number of conventions relating wholly or in part to human rights.

All the rights in the Declaration and the covenants are to be enjoyed by all persons, without any discrimination as to race, sex, language, religion, national or social origin, property, birth or other status. The principle of non-discrimination is basic not only to the covenants but to all United Nations activities to promote human rights.