

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The Commission on Human Rights held its first session from 27 January to 10 February 1947, at which a drafting committee, consisting of seven Member States, was established. At its first session, held from 9 to 25 June 1947, the Drafting Committee of the Commission decided to prepare two documents: a preliminary draft of a declaration or manifesto setting forth general principles of human rights; and a draft outlining convention on those matters which the Committee felt could be formulated as binding obligations. The report of the Drafting Committee (E/CN.4/21) was submitted to the Commission on Human Rights for consideration at its second session, held in December 1947. The Commission endorsed the recommendation by the Drafting Committee to draft two separate documents, as many Governments were prepared to accept a declaration if it were to precede and not replace a convention. Efforts were consequently concentrated on a draft declaration, leading to the adoption of the Universal Declaration of Human Rights by resolution 217 A (III) of 10 December 1948 (see Universal Declaration of Human Rights). In the same resolution, the General Assembly requested the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft covenant on human rights and draft measures on its implementation (resolution 217 E (III)). The Economic and Social Council transmitted this resolution of the General Assembly to the Commission on Human Rights by resolution 191 (VIII) of 9 February 1949.

A first draft convention was prepared by the Commission on Human Rights during its sixth session, in 1950, and a report was submitted to the Economic and Social Council for consideration at its sixth session (E/1618 and Corr. 1 and Add. 1). In addition, the Council had before it two reports which the Commission had requested the Secretary-General to prepare (E/1721 and Corr. 1, and E/1732), dealing with federal and colonial clauses, and the possibility for the proposed Human Rights Committee to seek advisory opinions from the International Court of Justice. In resolution 303 I (XI) of 9 August 1950, the Council concluded that further progress could not be made until policy decisions were taken by the General Assembly on certain matters, including the general adequacy of the first draft and the articles relating to its implementation, the desirability of including articles on economic, social and cultural rights, and the desirability of including special articles relating to federal states and to Non-Self-Governing and Trust Territories. The General Assembly considered these topics at its fifth session, and adopted resolution 421 (V) of 4 December 1950 deciding that the covenant should include economic, social and cultural rights as well as a clause with regard to its territorial application, and that the draft articles proposed by the Commission on Human Rights should be revised and additional rights be added. Furthermore the Commission was asked to consider provisions relating to federal states and petitions with regard to alleged violations of the Covenant. The resolution was transmitted to the Commission on Human Rights by the Economic and Social Council by resolution 349 (XII) of 23 February 1951.

At its seventh session, in 1951, the Commission on Human Rights, assisted by representatives of the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO), completed its draft on economic, social and cultural rights (see report of the Commission, E/1681, and Corr. 1, Corr. 2 (French only), Corr. 3 and Corr. 4 (Spanish only)). The report was submitted to the Economic and Social Council, which discussed the draft articles and measures for its implementation at its session of the same year. In view of the discussions, by resolution 384 (XIII) of 29 August 1951,

the Council invited the General Assembly to reconsider its decision to include in one covenant provisions on both economic, social and cultural rights, and civil and political rights. At the sixth session of the General Assembly, in 1951, the question of the Draft Covenant on Human Rights and measures of implementation was discussed at forty meetings of the Third (Social, Humanitarian and Cultural) Committee and subsequently at two plenary meetings of the General Assembly. After continued discussions in plenary, the General Assembly requested, in resolution 543 (VI) of 5 February 1952, contrary to its previous decision, that the Commission on Human Rights draft two separate Covenants, to be submitted simultaneously for consideration by the General Assembly. As further requested by the General Assembly in resolution 549 (VI) of 5 February 1952, the Economic and Social Council held a special session on 24 March 1952, and transmitted the above recommendations to the Commission on Human Rights.

The Commission on Human Rights continued its work on the preparation of the two draft covenants at its eighth and ninth sessions, but was not able, in the available time, to carry out the instructions of the General Assembly. At its tenth session, in 1954, it however completed the two draft covenants (see the report of the Commission, E/2573). Without dealing with the substance of the drafts, the Economic and Social Council adopted resolution 545B I (XVII) on 29 July 1954, transmitting the report of the Commission to the General Assembly. At the ninth session of the General Assembly, in 1954, the item was again allocated to the Third Committee which began a first reading of the draft covenants.

Preparation of the draft covenants continued in the Third Committee during the tenth to the seventeenth sessions of the General Assembly, from 1955 to 1962. In 1963, the final substantive articles were adopted (see the report of the Third Committee to the General Assembly, A/5655). On 12 December 1963, the General Assembly invited all Governments to consider the text of the articles adopted by the Third Committee and decided to make a special effort to adopt the entire texts, including the final clauses, of the draft covenants at its nineteenth session, the following year (resolution 1960 (XVIII)). Owing to the special circumstances prevailing then, work on the covenants could not however be continued in 1964 and, at the twentieth session, in 1965, the General Assembly decided to defer the topic due to its heavy agenda (resolution 2080 (XX) of 20 December 1965). At the twenty-first session, in 1966, the Third Committee completed the drafting of the covenants, adopting final clauses and articles relating to measures of implementation. The two draft Covenants and the Optional Protocol to the Covenant on Civil and Political Rights were submitted to the General Assembly (see the report of the Third Committee to the General Assembly, A/6564). After discussions in plenary, the General Assembly adopted unanimously the recommendation of the Third Committee in resolution 220 A (XXI) of 16 December 1966, the three instruments being annexed thereto. In separate votes, the General Assembly adopted the Covenant on Economic, Social and Cultural Rights, with a vote of 105 to 0, the Covenant on Civil and Political Rights, with a vote of 106 to 0, and the Optional Protocol to the Covenant on Civil and Political Rights with a vote of 66 to 2, with 38 abstentions.

The three instruments were opened for signature on 16 December 1966. In accordance with their respective provisions, the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976 and the International Covenant on Civil and Political Rights, together with its Optional Protocol, entered into force on 23 March 1976.