

UNIVERSAL DECLARATION OF HUMAN RIGHTS

At the United Nations Conference on International Organization, held at San Francisco in 1945, it was suggested that the United Nations Charter should contain a bill of rights. The Committee I/1 of the Conference decided that “the present Conference, if only for lack of time, could not proceed to realize such a draft in an international contract”. The Committee recommended that the General Assembly of the future organization would consider the proposal and give it effect.

The Preparatory Commission of the United Nations, which met immediately after the closing of the San Francisco Conference, recommended that the Economic and Social Council should, at its first session, establish a commission for the promotion of human rights as envisaged in Article 68 of the Charter. Accordingly, on 15 February 1946, the Economic and Social Council established a Commission on Human Rights in nuclear form to report on the functions and scope of work of the projected Commission on Human Rights. The nuclear Commission recommended that the full Commission on Human Rights should prepare an international bill of rights. Based on this recommendation, the Council, by resolution 9 (II) of 21 June 1946, adopted the terms of reference of the permanent Commission on Human Rights, which included, *inter alia*, to submit proposals, recommendations and reports on an international bill of human rights. Accordingly, at its first session, the Commission, composed of 18 Member States, decided to establish a Drafting Committee to formulate a preliminary draft of such a bill, to be submitted to the Commission at its second session. To assist the Drafting Committee in its work, the Secretariat prepared a Draft Outline of the International Bill of Human Rights (E/CN.4/AC.1/3 and Add.1).

The members of the Drafting Committee disagreed as to the form of the draft bill. While some representatives favored a declaration that could be accompanied or followed by a convention or conventions on specific groups of rights, other representatives preferred the form of a convention with legally binding obligations. With regard to the latter option, it was agreed that the Assembly, when adopting the convention, could make a broader and more general declaration. In light of the fact that the decision as to the form of the bill was a matter for the full Commission, the Drafting Committee submitted two texts for its consideration, one preliminary draft of an international declaration and one of an international convention on human rights (E/CN.4/21).

At the Commission’s second session, the notion of an international bill of human rights consisting of three parts (namely a declaration, a convention (which it renamed “covenant”) and measures for implementation) began to crystallize. The Commission thus established three working groups on these items. Another result of the Commission’s session was a report (E/600) on the measures for implementation which remained a basic document for all subsequent study in the field.

At its third session, the Commission, which based its work on the report of the second session of the Drafting Committee (E/CN.4/95), completed the redrafting of the declaration, which was adopted without opposition. It had neither time to consider the draft covenant, which had been redrafted in its entirety by the Drafting Committee, nor to discuss the question of implementation. The Economic and Social Council considered the report of the Commission’s third session (E/800), which contained the text of the draft International Declaration of Human Rights, in plenary, on 25 and 26 August 1948. Thereafter, it decided to transmit to the General Assembly the draft Declaration for consideration.

The General Assembly, at its 142nd meeting held on 24 September 1948, referred to the Third Committee the draft Declaration, which considered the item at its 88th to 105th, 107th to 116th, 119th to 134th, 137th to 167th and 174th to 179th meetings, held, respectively, from 30 September to 29 October, 30 October to 12 November, 15 to 30 November, and 4 to 7 December 1948. Altogether, the Third Committee spent eighty-one meetings considering the draft Declaration prepared by the Commission on Human Rights. One hundred and sixty-eight formal draft resolutions containing amendments to various articles of the draft Declaration were submitted during the course of the Committee's debate. At its 178th meeting, the Third Committee adopted the draft Declaration by a roll-call vote of 29 to none, with 7 abstentions.

The report of the Third Committee (A/777) was considered at the 180th to 183rd meetings of the General Assembly, on 9 and 10 December.

On 10 December 1948, the General Assembly adopted by a vote of 48 to none, with 8 abstentions, resolution 217 (III) entitled "International Bill of Human Rights".

Sources:

- Official Records of the Third Session of the General Assembly, Part I, Plenary meetings of the General Assembly, Summary Records of Meetings, 21 September – 12 December 1948.
- United Nations Yearbook (1946-47 and 1948-49).
- Fact Sheet No. 2 (Rev.1), The International Bill of Human Rights, Official website of the Office of the High Commissioner for Human Rights: www.ohchr.org