

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 22nd May, 1956

Confidential
DH (56) 4

Or. Fr.

EUROPEAN COMMISSION OF HUMAN RIGHTS

PREPARATORY WORK ON ARTICLE 15 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Information document
prepared by the Secretariat of the Commission
at the request of the President of the Commission

1. The present wording of Article 15 of the European Convention on Human Rights is as follows:

"1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall

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also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed."

2. The recommendation adopted on 8th September, 1949, by the Consultative Assembly of the Council of Europe on "measures for the fulfilment of the declared aim of the Council of Europe, in accordance with Article 1 of the Statute in regard to the safeguarding and further realisation of human rights and fundamental freedoms" contained no provision corresponding to this article (1).

It does, however, contain an Article 6, worded as follows:

"In the exercise of these rights, and in the enjoyment of the freedoms guaranteed by the Convention, no limitations shall be imposed except those established by the law, with the sole object of ensuring the recognition and respect for the rights and freedoms of others, or with the purpose of satisfying the just requirements of of public morality, order and security in a democratic society." (Doc. AS (1) 108 p. 262 - cf. also Doc. AS (1) 77 p. 205)

Having regard to the variability of the estimation of public order and security, this Article could have been construed as justifying, "in time of war or any other public emergency threatening the life of the nation", certain exceptional limitations being imposed upon the rights and freedoms which the Assembly had urged should be collectively guaranteed.

At a meeting of the Committee on Legal and Administrative Questions,

"M. Callias would have liked to word Article 5 of the draft Resolution (2) in such a way that it would expressly authorise the States, signatory to the proposed Convention, to take special measures to deal with those who, under pretext of expressing their opinions, have resort to violence, or else try to provoke it."

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- (1) The same applies to the Universal Declaration of Human Rights of 10th December, 1948.
 - (2) Non-discriminatory clause (cf. present Article 14 of the Convention.

The Committee, however, had held that

"the text of Article 6 of the draft Resolution covered this point." (Doc. AS (1) 77, para. 16, p. 201 - cf. also Doc. A 290, para. 15, p. 8)

In any event the viewsheld by M. Callias were, it seems, more akin to those on which Article 17 of the Convention was subsequently based than to those embodied in Article 15.

3. After considering the Assembly's Recommendation, the Committee of Ministers of the Council of Europe decided

"to instruct the Secretary-General to invite each of the Governments of the Member States to appoint a qualified personage to be a member of a committee responsible for drawing up a draft Convention, which might serve as a basis for future discussions in the Committee. Due attention should be paid to the progress which has been achieved in this matter by the competent organs of the United Nations." (Doc. AS (1) 116, para. 6, pp. 288-289)

4. The "draft international covenants on human rights" which the United Nations Commission on Human Rights had prepared at its 5th Session, held at Lake Success from 9th May to 20th June, 1949, included the following Article 4:

"1. In time of war or other public emergency threatening the interests of the people, a State may take measures derogating from its obligations under part II of the Convention to the extent strictly limited by the exigencies of the situation.

2. No derogation from Articles can be made under this provision.

3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when such measures cease to operate and the provisions of part II of the Covenant are being fully executed."

The Committee provisionally adopted this text "pending the completion of its work on Part II of the Covenant"(1). (Doc. E/1371, p. 18)

5. The "Committee of Experts on Human Rights" of the Council of Europe met at Strasbourg for the first time from 2nd to 8th February, 1950.

The Secretariat-General of the Council of Europe had prepared for the Committee a "preparatory report on a preliminary draft convention for the collective guarantee of Human Rights". Part II of the Report, devoted to a "comparison between the draft international Covenant on Human Rights and the draft Convention of the Consultative Assembly" referred to Article 4 of the Draft Covenant in the following terms:

"The inclusion of this provision in the European system appears to be unnecessary, having regard to Article 6⁽²⁾ and 7⁽³⁾ of the Strasbourg draft Convention." (4). (Doc. B 22, p. 18)

6. The Committee of Experts on Human Rights also had to consider the "comments of the Government of the United Kingdom received by the Secretary-General (of the U.N.) on 4th January, 1950."

This document shows that the United Kingdom Government had suggested to the U.N. Commission on Human Rights that the above-mentioned Article 4 of the Draft Covenant should read as follows:

"1. (no change)

2. No derogation from Article 5 except in respect of deaths resulting from lawful acts of war, or from Articles 6, 7, 8 (paragraphs 1 and 2) or 14 (5) can be made under this provision.

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- (1) This part corresponded to Articles 2 to 18 of the European Convention.
 (2) Above-mentioned.
 (3) Reference to the "General principles of law recognised by civilised nations".
 (4) Translation; original English text not available.
 (5) Art. 5 corresponded to Art. 2 of the European Convention; Arts. 6 and 7 to its Art. 3; Art. 8, paras. 1 and 2, to its Art. 4, para 1; Art. 14 to its Art. 7.

3. (no change)" /Doc. A.770 (Council of Europe reference) and E/CN 4/353/Add. 2 (U.N. reference)7

7. On 4th February, 1950, Sir Oscar DOWSON (United Kingdom) submitted to the Committee of Experts an amendment of the Consultative Assembly draft, as follows:

"1. In time of war or other public emergency threatening the interests of the people, a State may take measures derogating from its obligations under Part ... of the Convention to the extent strictly limited by the exigencies of the situation.

2. No derogation from Articles ... can be made under this provision.

3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the Council of Europe fully of the measures which it has thus enacted and the reasons therefor. It will also inform him as and when such measures cease to operate and the provisions of Article 2 (1) of the Convention are being fully executed." (Doc. A.782)

The amendment in question appeared to be an almost textual reproduction of Article 4 of a draft Covenant adopted in 1949 by the U.N. Commission on Human Rights.

8. The preliminary draft Convention drawn up by the Committee of Experts during its first session contained no clause corresponding to the present Article 15 of the Convention (Doc. A/833 and CR/WP I (50) 1).

9. At its second session, held at Strasbourg from 6th to 10th March, 1950, the Committee of Experts had before it a new British amendment relating to the preliminary draft Convention and worded as follows (2):

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(1) Article 2 of the Assembly's Draft Convention enumerated the rights and freedoms which should be collectively guaranteed, except the "fundamental principles of democracy" (free elections, the right of criticism, the right to organise a political opposition, etc.) which were covered by Article 3.

(2) The changes to the first amendment are underlined.

"1. In time of war or other public emergency threatening the interests of the people a State may take measures derogating from its obligations under this Convention to the extent strictly limited by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Articles 4, except in respect of deaths resulting from lawful acts of war, 5, 6 (paragraph 1) or 9⁽¹⁾ can be made under this provision.

3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the Council of Europe fully of the measures which it has thus enacted and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe as and when such measures cease to operate and the provisions of the Convention are being fully executed." (Doc. CM/WP I (50) 2, pp. 1 and 2)

10. Paragraph 2 of this amendment assumed that the Committee of Experts was replacing the method of enumerating the rights and freedoms to be guaranteed, as followed by the Consultative Assembly, by that of clearly defining them, as urged by several governments including the United Kingdom government.

Despite lengthy discussion, however, the Committee did not succeed in reaching agreement on either method or in combining them. Considering that the matter was of a political nature, it decided to submit to the Committee of Ministers alternative texts without indicating any preference (Doc. CM/WP I (50) 15, pp. 5 to 9).

(a) A first alternative, based on the method of precise definition, contained an Article 2 largely embodying the above British amendment(2):

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- (1) Corresponding to Arts. 2, 3 4 (para 1) and 7 respectively of the present Convention.
 - (2) Changes made to the British amendment quoted in para 9 above are underlined. In spite of the difference in numbering, the articles referred to in para. 2 correspond to those mentioned in para. 2 of that amendment.

- "1. In time of war or other public emergency threatening the interests of the people, a State may take measures derogating from its obligations under this Convention to the extent strictly limited by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Articles 3, except in respect of deaths resulting from lawful acts of war, 4, 5 (paragraph 1) or 8 can be made under this provision.
3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the Council of Europe fully of the measures which it has thus enacted and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed." /Doc. CM/WP I (50) 14, alternative A pp.1-2; CM/WP I (50) 15 Appendix, alternatives B and B/2, pp.5-6/;

(b) The question of whether a similar clause should be inserted in the second alternative, based on the method of enumeration, gave rise to some discussion.

"The French and Italian representatives stated that they were opposed to its insertion in the text of alternatives A and A/2. They considered that this provision was contrary to the system of these alternatives, since it provides detailed regulations concerning the kind of cases already covered by the general provisions of Articles 6, 7 and 10 (1).

Other members of the Committee considered that it was, nevertheless, important to include Article 8 in the text of alternatives A and A/2, since it had the advantage of excluding, even in the case of war or threat to the life of the nation, any derogation of certain fundamental rights, and because the procedure laid down in paragraph 3 could prove to be useful for the protection of Human Rights in exceptional circumstances". (Doc. CM/WP I (50) 15 p.20).

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1. Art. 6: general limitations in the interest of public morality and order; national security and integrity; the respect for the rights and freedoms of others, etc.
Art. 7: Cf. present Art. 17 of the Convention.
Art. 10: reference to "the general principles of law as recognised by civilised nations".

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Lastly, the above 'enumeration' alternative included an Article 8 worded as follows:

"1. ... (identical with para. 1 of Art. 2 of the first alternative).... (1)

2. No derogation from the right to life, except in respect of deaths resulting from lawful acts of war or from Article 2 (paras. 1 (b) and 2. (2)

3. ... (identical with paragraph 3 of Article 2 of the first alternative)" / Doc. CM/WP I (50) 15 Appendix, alternatives A and A/2, p 4 - Cf. also Doc. CM/WP I (50) 9, Art. 7 (a) and Doc. CM/WP I (50) 14, alternative B, Art. 8, pp.12-13/3)

11. After considering the report of the Committee of Experts on Human Rights the Committee of Ministers of the Council of Europe decided, at its third session held at Strasbourg from 30th March to 1st April, 1950, "to convene a meeting of senior officials who, on the instructions of their governments, would have the task of preparing the ground for the Ministers' decision from the political point of view." / Doc. AS (2) 8, para. 59, p. 571.7

(1) Only difference: "...inconsistent with its other obligations ..."

(2) These articles correspond to those referred to in para. 2 of Art. 2 of the first alternative. Art. 2, para. 3 (d); however, which corresponded to Art. 8 of the first alternative and to present Art. 7 of the Convention is not mentioned.

(3) Doc. CM/WP I (50) 9: Para. 1: "measures derogating..."
 Para. 2: "sauf dans le cas ..." ("except in respect of ..")

Doc. CM/WP I (50) 14: Para. 1: "measures derogating ..."

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12. The Conference of Senior Officials, which took place at Strasbourg from 8th to 17th June, 1950, under the chairmanship of M.S. PETREN (Sweden), succeeded in combining alternatives A and B of Section I of the draft Convention of the Committee of Experts, while taking alternative B (method of precise definition) as a working basis (Doc. CM/WP IV (50) 19 p. 13).

Its report to the Committee of Ministers contained the following passage:

"Article 2 of alternative B, concerning restrictions authorised in time of war, or other public emergency, is also placed after the articles defining the rights, and has become Article 14" /Doc. CM/WP IV (50) 19, p. 14).

The latter article was worded as follows:

1. ... /identical with para. 1 of Article 2 of the alternatives B and B/2 of Doc. CM/WP I (50) 15, Appendix, quoted in 11 (a) above/...
2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, 3, 4 (para. 1) or 7 can be made under this provision. (1)
3. Any State Party hereto availing itself of this right of derogation shall inform the Secretary-General of the Council of Europe /The remainder identical with para. 3 of Article 2 of alternatives B and B/2 of Doc. CM/WP I (50) 15 Appendix, quoted above in 10 (a) / (Doc. CM/WP IV (50) 19, Appendix, p. 8) (2)

13. At its fifth Session, held at Strasbourg from 3rd to 9th August, 1950, the Committee of Ministers adopted the text of a "draft Convention for the Protection of Human Rights and Fundamental Freedoms", which it submitted for an opinion to the Consultative Assembly.

(1) Cf. present numbering

(2) Cf. Doc. CM/WP IV (50) 9, Art. 2 (identical in every respect with Art. 2 of the alternatives B and B/2 of Doc. CM/WP I (50) 15 Appendix) and CM/WP IV (50) 16 rev., Appendix, Art. 14, p. 8 (identical with Art. 14 quoted under 12 above, except that the words "the interests of the people" appeared therein in brackets beside the words "the life of the nation".)

Article 15 of this draft was identical with Article 14 adopted by the Conference of Senior Officials /Doc. CM (50) 52, p.8, and AS (2) 11, Appendix A p. 6087. (1)

14. In the Recommendation which was adopted on 20th August, 1950, concerning the draft Convention for the Protection of Human Rights and Fundamental Freedoms, the Consultative Assembly did not propose any amendment to Article 15 to which no special reference was made in the course of the debate /Doc. AS (2) 104, Art. 18, p. 10357.

15. On 3rd November, 1950, the committee of legal experts undertook a final examination of the text of the Convention and made a number of formal changes and translation corrections /Doc. CM/Adj. (50) 3 rev., para. 67.

On this occasion, three slight changes were made in the English wording of Article 15 (2) which then became final and was confirmed next day by the signing of the Convention.

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As the preparatory work clearly shows, the wording of Article 15 of the European Convention on Human Rights closely followed, at the beginning, that of Article 4 of the United Nations draft Covenant. The two clauses no doubt soon began to differ from each other, especially as the drafting of the Covenant is still proceeding more than 5 years after the Convention has been signed. They are, however, very similar in a number of respects. The Secretariat of the Commission

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(1) Only difference (French text only): "sauf pour le cas de décès ..." (para. 2).

(2) Para. 1: "Any High Contracting Party" (instead of "a State").

Para. 3: "Any High Contracting Party" (instead of "Any State Party hereto"; "which it has taken" instead of "which it has thus enacted").
(French text unchanged).

therefore felt that a brief summary of the main points of discussion to which Article 4 of the draft Covenant on Civil and Political Rights gave rise might facilitate interpretation of Article 15 of the Convention. Accordingly, attached to this information document is a corresponding extract from the Annotation on the draft International Covenants on Human Rights, prepared in 1955 by the U.N. Secretary-General at the request of the United Nations General Assembly (Doc. A/2929, pp. 65-69, Appendix I).

APPENDIX I

EXTRACT FROM THE ANNOTATION ON THE DRAFT
INTERNATIONAL COVENANTS ON HUMAN RIGHTS
PREPARED BY THE UNITED NATIONS SECRETARY-GENERAL
(Doc. A/2929, pp. 65-69)

ARTICLE 4 of the draft covenant on civil and
political rights

Emergency Powers

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties hereto may take measures derogating from their obligations under this Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party of the Covenant availing itself of the right of derogation shall inform immediately the other States Parties to the Covenant, through the intermediary of the Secretary-General, of the provisions from which it has derogated, the reasons by which it was actuated and the date on which it has terminated such derogation (1).

(1) Note by the Secretariat of the Commission: This text is that adopted by the United Nations Commission on Human Rights at its 10th session (Doc. E/2573). Articles 6, 7, 8 (paras. 1 and 2), 15 and 18 correspond to Articles 2, 3, 4 (para. 1) 7 and 9 respectively of the European Convention. Articles 11 (imprisonment on the grounds of inability to fulfil contractual obligations) and 16 (recognition as a person before the law) have no counterpart in the Convention.

35. This article specifies the circumstances under which an emergency may arise which would entitle a State party to derogate from its obligations under the covenant, the conditions under which measures derogating from its obligations may be taken, and the kind of notifications that are to be submitted thereon.

36. At one time such an article was considered unnecessary by those who favoured a general limitations clause governing all the rights recognised in the covenant and by those who considered that the eventualities for which the article was proposed and the rights to which it might apply were sufficiently covered by the permissive limitations set forth in several articles of the covenant. It was also thought that such an article might produce complicated problems of interpretation and give rise to considerable abuse. The concept of "national security" or of "public order" set forth in a number of articles of the covenant would take care of situations which might arise in time of war or national emergency. Moreover, those specific limitations had the advantage of appearing only in the articles in which they had been considered indispensable, and a general clause might be used to justify more far-reaching limitations.

37. The opinion was expressed, however, that it was necessary to envisage possible conditions of emergency in which States would be compelled to impose limitations upon certain human rights. In time of war, for example, States could not be strictly bound by obligations assumed under a convention unless the convention contained provisions to the contrary. There might also be instances of extraordinary peril or crisis, not in time of war, when derogation from obligations assumed under a convention became essential for the safety of the people and the existence of the nation. These situations would not fall within the scope of the limitations provided for in the various articles of the covenant, nor could they be adequately covered by a general limitations clause. It was also important that States parties should not be left free to decide for themselves when and how they would exercise emergency powers because it was necessary to guard against States abusing their obligations under the covenant. Reference was made to the history of the past epoch during which emergency powers had been invoked to suppress human rights and to set up dictatorial régimes.

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Existence of public emergency

38. The only kind of emergency envisaged in the article is a "public emergency", and according to paragraph 1, such an emergency can occur only when the "life of the nation" is threatened and only when its existence has been "officially proclaimed" by the State party concerned.

39. This formula was evolved after many alternative suggestions and proposals had been considered. Previous drafts contained such expressions as "in time of war or other public emergency", "in time of war or other public emergency threatening the interests of the people", and "in the case of a state of emergency officially proclaimed by the authorities or in the case of public disaster". Among the suggestions made were "public emergency threatening the security, safety and general welfare of the people", and "in case of exceptional danger made evident by a public act or public disaster". The main concern was to provide for a qualification of the kind of public emergency in which a State would be entitled to make derogations from the rights contained in the covenant which would not be open to abuse. The present wording is based on the view that public emergency should be of such a magnitude as to threaten the life of the nation as a whole. While it was recognised that one of the most important public emergencies was the outbreak of war, it was felt that the covenant should not envisage, even by implication, the possibility of war, as the United Nations was established with the object of preventing war. It was contended, however, that "public emergency" was too restrictive a term; it would not, for example, cover natural disasters, which almost always justified a State in derogating from some, at least, of the rights recognised in the covenant.

40. It was thought that the reference to a public emergency "which threatens the life of the nation" would avoid any doubt as to whether the intention was to refer to all or some of the people, although it was suggested that a reference to "the interests of the people" was more appropriate in a covenant which dealt with the rights of individuals and that such a phrase would also prohibit governments from acting contrary to the interests and welfare of their people.

41. The provision that the existence of a public emergency should be "officially proclaimed" by the State concerned was also considered essential in order to prevent States from derogating arbitrarily from their obligations where such an action was not warranted by events. Reference was made to the fact that in most countries a public emergency could be declared only under conditions defined by law, and that that guarantee would be lost

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unless a requirement of public proclamation was maintained. It was emphasised that the article should in no way imply that constitutional and legal limits imposed upon the powers of governments during an emergency could be derogated from or that the executive power was not responsible for taking measures which might conflict with national guarantees.

Scope of measures of derogations

42. The measures which a State party may take in derogation of its obligations under the covenant after a public emergency has been proclaimed are subject to three conditions which are specified in paragraph 1 of the article. First, they must be "to the extent strictly required by the exigencies of the situation". Second, they must not be "inconsistent with the State party's other obligations under international law". Third, they must "not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin."

43. There was general agreement on the first condition. As regards the second, it was proposed, unsuccessfully, that in order to avoid any possible misinterpretation of the words "international law", there should be in addition to these words a reference to the "principles of the Charter and the Universal Declaration of Human Rights". The opinion was expressed that reference to the Charter would also make it clear that war was recognised only in case of self-defence or for other reasons consonant with the Charter. It was pointed out, however, that the principles of the Charter were part of international law and that the provisions of the Universal Declaration might not be considered as such.

44. The third condition concerning non-discrimination also met with general approval, although there was some debate on the inclusion of the word "solely". For the retention of that word, it was argued that a State might take measures derogating from the rights recognised in the covenant that could be construed as discriminatory merely because the persons concerned belonged to a certain race, religion, etc., but that the actual reason for the derogation might be otherwise. It was therefore important to emphasise that the evil to be avoided was discrimination based solely on the grounds mentioned. Further, it was considered that reference to the various grounds for non-discrimination set forth in article 2, paragraph 2, of the Universal Declaration of Human Rights would not be appropriate since legitimate restriction might in some cases be imposed on certain categories mentioned therein.

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Limitation on derogations

45. Paragraph 2 of the article enumerates the provisions of the covenant from which no derogations may be made. The consensus of opinion was that certain provisions could not be derogated from even in times of public emergency, but there was much discussion on what those provisions should be. Some expressed their satisfaction with the present specifications, although it was pointed out that the reference to article 18, paragraph 3, relating to manifestation of religion or belief might have to be subject to the same degree of derogation as articles 19 and 20, derogations from which were not excluded. Others thought that it would be necessary, before the drafting of the covenant was completed, to make a thorough study of the articles that allowed of no derogation, and in this connexion, reference was made to such articles of the covenant as 5, 9, 12, 13, 14, 19, 20 and 21 (1), as wholly or in part enunciating rights that should appropriately be listed in paragraph 2. Another opinion expressed was that, while there was to be no derogation from certain provisions, derogations could be made from the rest of the covenant, including the measures of implementation, which might have far-reaching consequences.

Notifications in case of derogations

46. When a State party avails itself of the right of derogation in time of public emergency, it is required by paragraph 3 to comply with three steps concerning notifications of its actions. It shall in each case "inform immediately" the other States parties, through the intermediary of the Secretary-General, first, of the provisions of the covenant from which it has derogated; second, of the reasons by which it was actuated; and third, of the date on which it has terminated such derogation.

47. It was generally agreed that the proclamation of a public emergency and consequential derogation from the provisions of the covenant was a matter of the gravest concern and the States parties had the right to be notified of such action. It was further agreed that since the use of emergency powers had often been abused in the past, a mere notification would not be

(1) Note by the Secretariat of the Commission: Article 5 of the draft Covenant corresponds to Articles 17 and 60 of the Convention; Art. 9, to its Art. 5; Art. 14, to its Art. 6; Art. 9 to its Art. 10; Art. 20 and 21, to its Art. 11. Art. 12 and 13 relate to freedom of movement, residence, emigration, etc. and protection against arbitrary exile or expulsion.

enough. The derogating State should also furnish the reason by which it was actuated, although this might not include every detail of each particular measure taken. Moreover, notification should be furnished of the date on which the derogation was terminated. The opinion was expressed that the notifications should be made also to the United Nations and be published by the Secretary-General because of the importance of the matter. It was felt, however, that it might be dangerous to allow to States which were not parties the opportunity to express opinions on how the States parties were fulfilling their obligations under the covenant. Another opinion was that an additional guarantee containing a strict procedure for cases of derogations was necessary and that this might be done by requiring States to submit to the human rights committee or to another suitable authority information on all the circumstances which had led to the suspension of any of the provisions of the covenant, and the body concerned would immediately decide whether the derogation was legitimate or not. The view was also expressed that the implementation provisions of the covenant would apply to article 4.

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DOCUMENTATION

<u>Organ and session</u>	<u>Records of discussion</u>	<u>Other documents</u>	<u>Article</u>
CR (I)	E/CN.4/AC.1/SR.11	E/CN.4/AC.1/4, art.4, 11; E/CN.4/21, annex B, art.4	4
CDH (II)	E/CN.4/AC.3/SR.8 E/CN.4/SR.42	E/CN.4/37, 68; CES(VI), suppl.1, annex B I, art.4	4
CR (II)	E/CN.4/AC.1/SR.22, 34, 43	E/CN.4/AC.1/19; E/CN.4/95, annexes B, art.4	4
CDH (III)		E/CN.4/82/Add.2, 4, 8 and 12, 85; CES (VII); suppl.2, annexes B, art.4	4
CES (VII)		E/CN.4/88, 94, 98	4
CDH (V)	E/CN.4/SR.88, 89 126, 126/Corr.1, 127	E/CN.4/170, 170/Add.1, 187, 188, 319, 324, 325, 335; CES (IX), suppl.10, annex I, art.4 and annex II	4
CES (IX)		E/C.2/194	4
CDH (VI)	E/CN.4/SR.138, 195, 196 and 199	E/CN.4/353/Add.1, 2, 3, 6, 8, 9 and 10, 365, 497, 498, L.10, NGO/4, 7, 10, 14; CES (XI), suppl.5, annex I, art.2, and annex II	4
CES (XI)	E/AC.7/SR.148, 149, 150, E/C.2/SR.79	E/L.68, E/C.2/254/Add.1, 259/Add.1	2

DOCUMENTATION (continued)

<u>Organ and session</u>	<u>Records of discussion</u>	<u>Other documents</u>	<u>Article</u>
AG (V)	3rd Com., 290th s.	Annexes, point 63, A/C.3/534, para.11	2
CDH (VII)		E/CN.4/515/Add.2, 4, 6 and 13; para.79 to 86, 552, 562, 562/rev.1, 573, 628; NGO/21; CES(XIII), suppl.9, annex I, art.2 and annex III A	2
CDH (VIII)	E/CN.4/SR.330, 331	E/CN.4/528/Add.1, para.50- 56, 660, 668/Add.17, L.121, 136, 139, 139/rev.1; 211, 212, 213, NGO/39; CES (XIV), suppl.4, para.277 to 285 and annex I B, art.3	2
CDH (IX)		E/CN.4/674, para.30 to 32 NGO/47; CES(XVI), suppl.8 annex I B, art. 4	3
CDH (X)		E/CN.4/702, No. XIII	4
AG (IX)			4