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THE UNITED NATIONS HUMAN RIGHTS CONVENTIONS



Angie L. Magnusson  
Analyst in International Relations  
Foreign Affairs Division  
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## THE UNITED NATIONS HUMAN RIGHTS CONVENTIONS

### Charter Provisions

One of the purposes set forth in the Charter of the United Nations is:

To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The member nations of the United Nations in becoming parties to the Charter "pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of.... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." (Articles 55 and 56). Three of the principal organs of the United Nations - the General Assembly, the Economic and Social Council and the Trusteeship Council - have certain responsibilities with respect to human rights under the Charter.

### The Commission on Human Rights and the Universal Declaration of Human Rights

The Charter also specifically authorizes the establishment of commissions for the promotion of human rights by the Economic and Social Council. The Commission on Human Rights, thus established in 1946, with Mrs. Eleanor Roosevelt as Chairman, began its first task

of drafting an international bill of rights. The decision was reached to first draft a declaration of human rights standards; then to develop a covenant or covenants which would be legally binding on member nations becoming parties thereto; and then to develop methods of measuring implementation and ensuring implementation. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948, by a vote of 48 to 0 with eight abstentions.

Articles 1 and 2 of the Universal Declaration of Human Rights declare that "all human beings are born free and equal in dignity and rights..." and that they are entitled to the rights and freedoms contained in the Declaration "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Articles 3 through 21 of the Declaration cover civil and political rights: the right of life, liberty and security of person; freedom from slavery or servitude; freedom from torture or cruel, inhuman or degrading treatment or punishment; right to recognition everywhere as a person before the law; equality before the law and equal protection of the law; the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or the law; freedom from arbitrary arrest, detention or exile; the right to a fair and public hearing by an independent and

impartial tribunal in the determination of rights and obligations and of any criminal charge; the right to be presumed innocent until proved guilty; freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement; right to seek asylum; the right to a nationality; the right to marry and found a family; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to freedom of peaceful assembly and association; and the right to take part in government and of equal access to public service. Articles 22 through 27 cover such economic, social and cultural rights as: the right to social security; the right to work and to equal pay for equal work as well as the right to form and join trade unions; the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of the community.

The concluding articles, 28 to 30, state 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 and also emphasize the duties and responsibilities of the individual with respect to the community.

On December 4, 1950, the General Assembly passed a resolution inviting "all States and interested organizations to adopt December 10



of each year as Human Rights Day, to observe this day to celebrate the proclamation of the Universal Declaration of Human Rights by the General Assembly on December 10, 1948, and to exert increasing efforts in the field of human progress."

#### The Human Rights Covenants or Conventions

Following the completion of the Universal Declaration of Human Rights, the Commission on Human Rights began working on the drafts of the international covenant or covenants incorporating those rights contained in the Declaration into treaty form by which nations becoming parties thereto would be legally bound. In 1954 the preliminary drafts of an international covenant on civil and political rights and an international covenant on economic, social and cultural rights were submitted through the Economic and Social Council to the General Assembly. These covenants were studied article by article in the Third Committee (Social, Humanitarian and Cultural Committee) of the General Assembly from 1954 to 1966. The final drafts of the covenants were unanimously adopted by the United Nations General Assembly on December 16, 1966, at which time the instruments were opened for signature, ratification or accession. Each covenant will enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession. An optional protocol to the International Covenant on Civil and Political Rights will enter into force, subject to the entry into force of the Covenant, three months after

the date of deposit with the Secretary General of the tenth instrument of ratification or accession.

In addition to these two covenants designed to constitute an international bill of rights, the Universal Declaration of Human Rights has inspired a number of other human rights conventions concluded under the auspices of the United Nations and its specialized agencies. Nine of these conventions were singled out by the General Assembly in its resolution of December 20, 1965, reaffirming the designation of 1968 as International Year for Human Rights, and inviting ratification by those nations which had not yet ratified these conventions as a goal to reach by 1968. The nine conventions were as follows:

- (1) Convention on the Prevention and Punishment of the Crime of Genocide (UN-1948) (Entered into force on January 12, 1951).
- (2) Freedom of Association and Protection of the Right to Organize Convention (ILO-1948) (Entered into force July 4, 1950).
- (3) Equal Remuneration for Men and Women Workers (ILO-1951) (Entered into force May 23, 1953).
- (4) Convention on the Political Rights of Women (UN-1952) (Entered into force July 7, 1954).
- (5) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (UN-1956) (Entered into force April 30, 1957).
- (6) Abolition of Forced Labor Convention (ILO-1957) (Entered into force on January 17, 1959).
- (7) Discrimination in Respect to Employment and Occupation Convention (ILO-1958) (Entered into force June 15, 1960).

- (8) Convention against Discrimination in Education (UNESCO-1960) (Entered into force May 22, 1962).
- (9) Convention on the Elimination of All Forms of Racial Discrimination (UN-1965).

Other conventions dealing with certain aspects of human rights, but which were not singled out for special efforts toward ratification by 1968 include: Status of Refugees (UN-1951); Status of Stateless Persons (UN-1956); Nationality of Married Women (UN-1957); Marriage Convention (UN-1962); and Employment Policy (ILO-1964). Two other conventions currently in the process of being drafted are (1) Elimination of Religious Intolerance and (2) Freedom of Information.



Ratifications of Human Rights Conventions, June 1968

	GENOCIDE	FREEDOM OF ASSOC.	SLAVERY SUPPL.	POLITICAL RIGHTS OF WOMEN	FORCED LABOR	EMPLOYMENT DISCRIMI- NATION	EQUAL REMUN- ERATION	DISCRIM- INATION IN EDUCATION	RACIAL DISCRIM- INATION
Afghanistan	X		X	X	X				
Albania	X	X	X	X			X	X	
Algeria	X	X	X				X		
Argentina	X	X	X	X	X		X	X	
Australia	X		X		X			X	
Austria	X	X	X		X		X		
Barbados		X			X				
Belgium	X	X	X	X	X		X		
Bolivia		X							
Botswana		X			X				
Brazil	X		X	X	X	X	X		X
Bulgaria	X	X	X	X		X	X	X	X
Burma	X	X							
Burundi					X				
Byelorussia	X	X	X	X		X	X	X	
Cambodia	X		X						
Cameroon		X			X				
Canada	X		X	X	X	X			
C. African Rep.		X		X	X	X	X	X	
Ceylon	X		X						
Chad		X			X	X	X		
Chile	X		X	X					
China	X		X	X	X	X	X	X	
Colombia	X				X		X		
Congo (Brazz.)		X		X					
Congo (Dem. Rep.)	X	X							
Costa Rica	X	X		X	X	X	X	X	X

## LRS-8

	GENOCIDE	FREEDOM OF ASSOC.	SLAVERY SUPPL.	POLITICAL RIGHTS OF WOMEN	FORCED LABOR	EMPLOYMENT DISCRIMI- NATION	EQUAL REMUN- ERATION	DISCRIM- INATION IN EDUCATION	RACIAL DISCRIM- INATION
Cuba	X	X	X	X	X	X	X	X	
Cyprus		X	X		X	X			X
Czechoslovakia	X	X	X	X		X	X	X	X
Dahomey		X			X	X		X	
Denmark	X	X	X	X	X	X	X	X	
Dominican Rep.		X	X	X	X	X	X		
Ecuador	X	X	X	X	X	X	X		X
El Salvador	X				X				
Ethiopia	X	X	X			X			
Fed. Rep. Germ.	X	X	X		X	X	X		
Finland	X	X	X	X	X		X		
France	X	X	X	X			X	X	
Gabon		X		X	X	X	X		
Gambia									
Ghana	X	X	X	X	X	X			X
Greece	X	X		X	X				
Guatemala	X	X		X	X	X	X		
Guinea		X			X	X	X	X	
Ghana					X				
Haiti	X		X	X	X		X		
Honduras	X	X			X	X	X		
Hungary	X	X	X	X		X	X	X	X
Iceland	X	X	X	X	X	X	X		X
India	X		X	X		X	X		
Indonesia				X			X	X	
Iran	X		X		X	X			
Iraq	X		X		X	X	X		
Ireland		X	X		X				

## LRS-9

	GENOCIDE	FREEDOM OF ASSOC.	SLAVERY SUPPL.	POLITICAL RIGHTS OF WOMEN	FORCED LABOR	EMPLOYMENT DISCRIMI- NATION	EQUAL REMUN- ERATION	DISCRIM- INATION IN EDUCATION	RACIAL DISCRIM- INATION
Israel	X	X	X	X	X	X	X	X	
Italy	X	X	X	X	X	X	X	X	
Ivory Coast		X			X	X	X		
Jamaica		X	X	X	X				
Japan		X		X			X		
Jordan	X		X		X	X	X		
Kenya					X				
Kuwait		X	X		X	X		X	
Laos	X		X						
Lebanon	X			X				X	
Lesotho		X							
Liberia	X	X			X	X		X	
Libya					X	X	X		
Luxembourg		X	X		X		X		
Madagascar		X		X		X	X	X	
Malawi			X	X		X	X		
Malaysia			X		X				
Maldives Islands									
Mali		X			X	X			
Malta		X	X		X			X	
Mauritania		X				X			
Mexico	X	X	X		X	X	X		
Monaco	X								
Mongolia	X			X				X	
Morocco	X		X		X	X			
Nepal			X	X					
Netherlands	X	X	X		X			X	
New Zealand			X	X				X	
Nicaragua	X	X		X		X	X		
Niger		X	X	X	X	X	X		X

## LRS-10

	GENOCIDE	FREEDOM OF ASSOC.	SLAVERY SUPPL.	POLITICAL RIGHTS OF WOMEN	FORCED LABOR	EMPLOYMENT DISCRIMI- NATION	EQUAL REMUN- ERATION	DISCRIMI- NATION IN EDUCATION	RACIAL DISCRIMI- NATION
Nigeria		X	X		X				X
Norway	X	X	X	X	X	X	X	X	
Pakistan	X	X	X	X	X	X			X
Panama	X	X			X	X	X	X	X
Paraguay		X				X	X		
Peru	X	X			X		X	X	
Philippines	X	X	X	X	X	X	X	X	X
Poland	X	X	X	X	X	X	X	X	
Portugal			X		X	X	X		
Rep. of Korea	X			X					
Rep. of Viet Nam	X					X			
Romania	X	X	X	X			X	X	
Rwanda					X				
Saudi Arabia	X								
Senegal		X		X	X		X	X	
Sierra Leone		X	X	X	X	X		X	X
Singapore					X				
Somali					X	X			
South Africa									
Spain			X		X	X	X		
Sudan			X						
Sweden	X	X	X	X	X	X	X	X	
Switzerland			X		X	X			
Syria	X	X	X		X	X	X		
Thailand				X					
Togo		X							
Trinidad & Tobago		X	X	X	X				
Tunisia	X	X	X	X	X	X	X		X
Turke	X		X	X	X	X			
Uganda			X		X				
Ukraine	X	X	X	X		X	X	X	

	GENOCIDE	FREEDOM OF ASSOC.	SLAVERY SUPPL.	POLITICAL RIGHTS OF WOMEN	FORCED LABOR	EMPLOYMENT DISCRIMI- NATION	EQUAL REMUN- ERATION	DISCRIMI- NATION IN EDUCATION	RACIAL DISCRIMI- NATION
U.S.S.R.	X	X	X	X		X	X	X	
United Arab Rep.	X	X	X		X	X	X	X	X
United Kingdom		X	X	X	X			X	
U. Rep. Tanzania					X	X			
United States			X						
Upper Volta	X	X				X			
Uruguay	X	X							
Venezuela	X				X				X
Yemen									
Yugoslavia	X	X	X	X		X	X	X	X
Zambia					X				
<hr/>									
Total Ratifications	71	76	72	58	80	64	60	40	19



Mrs. Anna Roosevelt Halstead, daughter of President Franklin D. Roosevelt, pointed out on the 20th Anniversary of the Declaration of Human Rights, that out of 123 members of the United Nations, only eight had failed to ratify any of the human rights conventions, one of which was the United States. Of the original 51 members of the United Nations, only three nations had failed to ratify any of the conventions as of November 1, 1966 - the United States, Spain and South Africa. The United States did become party to one of the human rights conventions after the Senate gave its advice and consent to United States accession to the Slavery convention, supplementary to the 1926 convention on slavery, by a unanimous vote on November 2, 1967, Spain since has ratified 4

#### Controversy within the United States over Human Rights Conventions

Conventions are coterminous with treaties in international law. As treaties, signature alone by a United States representative does not bring such conventions into force for the United States. Under the provisions of the United States Constitution, treaties require the consent of two-thirds of the Senate to ratification by the President of the United States. Subsequent United States accession to a treaty likewise requires the consent of two-thirds of the Senate.

Of the numerous human rights conventions mentioned above, six have been transmitted to the Senate for its consent to United States ratification or accession. President Truman transmitted the Genocide convention and the convention on the Freedom of Association to the Senate in 1949. A package of three conventions - the convention on the

Political Rights of Women, the Supplementary Slavery convention, and the convention on the Abolition of Forced Labor, were submitted in 1963 by President Kennedy. President Johnson submitted the convention on Employment Policy in 1966. Hearings were held on the Genocide convention in 1950, and on the Kennedy package in 1967. The Senate has given its consent to ratification of only one of the human rights conventions - the Supplementary Slavery Convention, supplementary to the 1926 Convention on Slavery to which the United States is a party.

United States citizens are already guaranteed by the Constitution, the Bill of Rights, laws, and traditions most, if not all, of the rights embodied in the human rights conventions. Advocates of United States adherence to these conventions emphasize that such adherence would neither detract from nor enhance the human rights already enjoyed by American citizens, while United States adherence would lend weight to efforts for the achievement of human rights throughout the world, a desirable goal both from the humanitarian viewpoint as well as essential to the conditions for world peace.

Opponents of United States adherence argue that human rights are a matter of domestic concern and not a proper subject of treaties. Moreover, the broad terminology with which many provisions of the conventions are written, opponents point out, could lead to interpretations which would enroach upon our national sovereignty, states' rights, or individuals' rights. Examples of provisions which opponents believe might be construed as detrimental to the interests of the nation,

states, or individuals will be given in the examination of specific conventions which appears below.

Other factors have also become involved. One such factor was manifested in the so-called "Bricker amendment", which would have placed limitations on the President's treaty-making power and was in part directed toward the human rights treaties.<sup>1/</sup> As a conciliatory gesture toward the supporters of the Bricker amendment, administration officials took the position in 1953 as announced by Secretary Dulles:

...while we shall not withhold our counsel from those who seek to draft a treaty or covenant on human rights, we do not ourselves look upon a treaty as the means we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this nation has been dedicated since its inception.<sup>2/</sup>

Another factor influencing opposition to the human rights treaties in the 1950's was the championship of states' rights in the realm of civil rights. Since treaties become the supreme law of the land, some feared the human rights conventions might impinge on matters which had been under the jurisdiction of the individual States. Subsequent legislation on civil rights by Congress has brought civil rights more into the purview of the federal government although opposition on these grounds may still exist.

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<sup>1/</sup> Council on Foreign Relations. The United States in World Affairs 1953. New York: Harper & Brothers, 1955, pp. 52-53.

<sup>2/</sup> Department of State Bulletin, April 20, 1953, p. 592.

On the other side, adherence to human rights treaties has been vigorously advocated by ethnic sectors of certain constituencies which feel particularly affected.

The following conventions have been the subject of Congressional hearings and are illustrative of the controversy which has arisen over United States adherence.

#### The Genocide Convention

According to the terms of the Convention on the Prevention and Punishment of the Crime of Genocide,

"...genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group such as:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

(ARTICLE II)

Acts which are punishable under Article III of the Convention include: the crime itself; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. Accused persons "shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such



international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Under Article IX,

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

During the course of the public hearings which were held by a subcommittee of the Foreign Relations Committee in January and February of 1950, those opposing ratification were concerned that the effect of becoming party to the treaty would be to transfer an area of criminal jurisprudence from the states to the federal government. (For instance, murder is not a federal crime). They felt the treaty should have made punishment of genocide applicable to governments or the complicity of governments rather than applicable to the acts of a single individual. They pointed out that the phrase "to destroy...in part" could be construed to apply to an act of genocide committed against an individual person of a group, or, for instance, to a single incident of racial violence or racial discrimination. They thought the term "mental harm" entirely too vague. They felt the term "direct and public incitement" could lead to retractions on our traditional freedom of speech and freedom of the press. The contemplated creation of an international tribunal was alarming to them from the point of view that the defendant might not be afforded the protections guaranteed under American judicial procedure.



Proponents of ratification, on the other hand, felt that the alleged ambiguities in the terminology of the convention could be clarified by understandings in the resolution of consent or by reservations. The Constitution in Article I, Section 8, Clause 10, gives the Congress the power to define and punish offenses against the law of nations, thereby in their view placing the subject of genocide within the federal realm of authority. Such authority vested in Congress would not conflict with the treaty-making power of the President with the advice and consent of the Senate, but would rather be concurrent as in the case of naturalization. In response to that contention that since states would be responsible for acts of genocide committed within their territory, "another state can haul them up before an international court or before the Security Council or before the organs of the United Nations, and allege that an act of genocide has been committed" (Hearings, p. 260) it was contended that in becoming a party to the convention, the United States did not agree in advance to submit to the jurisdiction of such tribunal as might be established, and even if it was to be brought before the International Court of Justice for not fulfilling its obligations under the convention, the court, having no enforcement powers could do nothing more than subject the United States to adverse world public opinion.

The subcommittee report on the convention to the full Foreign Relations Committee, made on May 23, 1950, recommended that four under-

standings and a declaration enunciating United States interpretation be embodied in the resolution consenting to ratification, if the Foreign Relations Committee were to decide to recommend approval of the Genocide convention. The understandings were as follows:

- (1) that article IX shall be understood in the traditional sense of responsibility to another state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals.
- (2) that the United States Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this Convention, to mean the commission of any of the acts enumerated in article II of the Convention, with the intent to destroy an entire national, ethnical, racial, or religious group within the territory of the United States in such manner as to affect a substantial portion of the group concerned.
- (3) that the United States Government understands and construes the words "mental harm" appearing in Article II of this Convention to mean permanent physical injury to mental faculties.
- (4) that the United States Government understands and construes the words "complicity in genocide" appearing in Article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

#### DECLARATION

In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering

this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by Article I, section 8, clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

The Foreign Relations Committee, because misgivings continued to exist, redrafted the understandings as reservations. At the time the 81st Congress adjourned, the convention was still under discussion. At present, the convention is still pending before the Committee.

#### The Convention on the Political Rights of Women

The Convention on the Political Rights of Women was one of three conventions selected by President Kennedy for transmittal to the Senate in 1963. These three were chosen specifically because it was believed that they were the least contentious among the human rights conventions, that each was in keeping with American law and practice, and that none posed the question of federal-state relations since the subject of each has already been brought within federal jurisdiction by the 13th and 19th Amendments to the Constitution.

The Convention on the Political Rights of Women provides that:

##### Article I:

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

##### Article II:

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

Any dispute among Contracting Parties concerning the interpretation or application of the convention "which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement." (Article IX)

Opponents to United States accession to this convention emphasize that no subject could be more clearly a matter of domestic concern than the determination by a nation of the qualifications of its voters and public office holders. They also point out that approximately 23 nations which have acceded to the convention, or approximately 50 percent of the Parties to the convention, have filed reservations, which underscored the questionable applicability of the provisions of the convention that women may hold public office or exercise all public functions on equal terms with men without discrimination. For instance, some nations have filed reservations excluding women from military service or married women from diplomatic service.

Those who advocate United States accession to the Convention on the Political Rights of Women point out that fears that the phrase "public office" might be applicable to military service could be allayed by a reservation. They urge ratification on the basis that although

United States accession would mean no change in the political rights enjoyed by American women, United States adherence would encourage adherence on the part of the developing nations.

The Convention Concerning the Abolition of Forced Labor

Also included in the Kennedy package submitted to the Senate in 1963 was the Convention Concerning the Abolition of Forced Labor. Under Article I of the convention:

Each member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor;

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilizing and using labor for purposes of economic development;
- (c) as a means of labor discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

The Constitution of the International Labor Organization, one of the specialized agencies of the United Nations, prohibits reservations to its conventions.

Arguments advanced against United States ratification of this convention primarily concern a potential conflict between the provisions of the convention and (1) federal and state laws prohibiting persons who strike against the federal or state government from accepting employment



or holding office, and (2) the 90 day injunction period of the Taft-Hartley Act. Opponents hold that conviction and imposition of prison labor for violators of an injunction would be prohibited under the terms of the convention, as would conviction and prison labor for violation of laws prohibiting employment of persons striking against the federal or a state government. The question has also arisen as to whether the convention would affect the requirement of civilian service or labor as an alternative to military service for conscientious objectors.

Those who favor United States ratification point out that although reservations are prohibited by the ILO constitution, understandings are acceptable and could be employed to clarify United States interpretation of the provisions. Moreover, although there was initial concern in this country over the potential conflict mentioned above, following an extensive review by the interested departments of the government it was concluded that the subject matter of the convention "is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, and there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that with regard to illegal strike activities, any such punishment would only come about 'as punishment for crime whereof the party shall have been duly convicted.'" <sup>1/</sup> Ambassador Arthur Goldberg, then the U.S. Representative

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<sup>1/</sup> U.S. Congress. Senate Foreign Relations. Human Rights Conventions. Hearings before a Subcommittee of the Committee on Foreign Relations, 90th Congress, 1st session, February 23 and March 8, 1967. Washington: U.S. Government Printing Office, 1967. p. 6.

to the United Nations, took a similar position in his testimony that forced prison labor as punishment under the circumstances concerned would be for contempt of an injunction rather than for the act of striking itself or for holding office after striking against the government rather than the act of striking itself.

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

The Supplementary Slave Convention is supplementary to the 1926 Slavery Convention, to which the United States is a party, and concerns conditions akin to slavery. The United States Senate gave its consent to United States accession to this convention on November 2, 1967, by a unanimous vote of 77 to 0. By the terms of the convention parties agree to bring about the abolition of "debt bondage"; serfdom; any institutional practice whereby a woman, without the right to refuse, is given in marriage on payment of a consideration to her parents. They agree to undertake to prescribe suitable minimum ages of marriage, facilitate marriage by freely expressed consent, and to encourage marriage registration. They are to undertake effective measures to prevent and punish slave-trade practices. According to Article IV, "Any slave who takes refuge on board any vessel of a State Party to this Convention shall ipso facto be free." Article IX states that "no reservations may be made to this Convention."

Those who opposed accession to this convention felt that some of the provisions dealt with matters clearly within the domestic jurisdiction of a nation, such as those concerning marriages. They did not consider

United States accession an effective step toward eradication of slavery existing in nations unlikely to become parties to the convention.

The two major considerations of those who advocated accession were that the slave-trade and sanctuary on vessels provisions dealt with matters of international concern and that the convention itself was supplementary to the previous slavery convention, underscoring the point that slavery and practices akin to slavery were the proper subject matter of treaties.

#### Action in 1967

Hearings on the Kennedy package were held by a Subcommittee of the Senate Foreign Relations Committee on February 23 and March 8, 1967. On June 5, the conventions were reported favorably to the full Senate Foreign Relations Committee. The American Bar Association, although it had been in communication with the Subcommittee, did not testify at the hearings in early 1967 because they had not at that point completed their examination of the conventions and had not yet determined the position it would take on them.

In early August 1967, the ABA did arrive at a position and requested the opportunity to present this position to the Committee. Part II of the Hearings on the three human rights conventions were held on September 13, 1967. (According to various newspaper accounts, the Senate Foreign Relations Committee had held up further action on the

three conventions to await the ABA's policy decision). The 90th convention of the American Bar Association House of Delegates (composed of 280 members) voted in support of United States accession to the Supplementary Slavery Convention, voted to recommend no United States action on the Convention Concerning the Abolition of Forced Labor, and voted to oppose consent by the Senate to United States accession to the Convention on the Political Rights of Women. Essentially this position was based on the view of the majority that the Supplementary Slavery Convention was an international concern, that the Convention on the Political Rights of Women dealt with matters of domestic concern, that the Convention Concerning the Abolition of Forced Labor conflicted with constitutional law or policy in the United States. (Hearings, Part II, p. 8).

The Senate Foreign Relations Committee reported the Supplementary Slavery Convention, to which the Senate gave its consent to United States accession; further consideration on the other two conventions was tabled by the Senate Foreign Relations Committee.

#### The International Conference on Human Rights, Spring 1968

In connection with the designation of 1968 as International Year for Human Rights, the General Assembly convened an International Conference on Human Rights, beginning April 22, 1968, in Teheran, Iran. The purpose of this conference was to evaluate twenty years of progress



in the human rights field, to evaluate the effectiveness of methods used by the United Nations in this field, and to prepare a program of further measures. At the conclusion of the conference on May 13, a Proclamation was unanimously adopted. This Proclamation set forth the consensus reached by the participants on the major human rights problems and on the obligations of the international community to advance human rights and fundamental freedoms. It referred to the Universal Declaration of Human Rights and the human rights conventions as standards to which all nations should conform, and summarized the views and convictions reached by the Conference on specific human rights issues, such as racial discriminations, apartheid, colonialism, women's rights, economic and social rights and development, and disarmament. <sup>1/</sup>

Those who strongly support United Nations efforts for human rights through the human rights conventions feel that the United States will be unable to assume its proper role of leadership in the continuing efforts for the achievement of human rights throughout the world, a goal consonant with American foreign policy, while the United States continues to hesitate to become party to the human rights conventions. Nor can the United States exert a strong influence, they contend, in the efforts to develop such effective means to achieve human rights goals as the

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<sup>1/</sup> International Conference on Human Rights, UN Monthly Chronicle, June 1968, pp. 91-92.



proposal first advanced by Costa Rica in 1966 to establish an office of a High Commissioner for Human Rights, a proposal it has strongly supported, while the United States record on the international human rights treaties is so sparse.

Opponents to United States ratification or accession to the human rights conventions continue to emphasize the ineffectiveness and inappropriateness of the treaty method, by which the United States might invite encroachment on its domestic jurisdiction over human rights in the United States. They lend support instead to such methods as education as the best method of promoting human rights throughout the world.



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