



# **COMMISSION ON HUMAN RIGHTS**

## **REPORT OF THE EIGHTEENTH SESSION**

**(19 March - 14 April 1962)**

**ECONOMIC AND SOCIAL COUNCIL**  
**OFFICIAL RECORDS : THIRTY-FOURTH SESSION**

**SUPPLEMENT No. 8**

**UNITED NATIONS**

**New York, 1962**

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### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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UNITED NATIONS  
ECONOMIC AND SOCIAL COUNCIL  
OFFICIAL RECORDS  
THIRTY-FOURTH SESSION

SUPPLEMENT No. 8

COMMISSION ON HUMAN RIGHTS

Report to the Economic and Social Council on the eighteenth session of the Commission,  
held at United Nations Headquarters from 19 March to 14 April 1962 inclusive

I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Commission on Human Rights held its eighteenth session at the Headquarters of the United Nations, New York, from 19 March to 14 April 1962 inclusive.

2. The session was opened by Mr. C. S. Jha (India), Chairman of the Commission at its seventeenth session (702nd meeting).

Attendance

3. Attendance at the session was as follows:

MEMBERS

*Afghanistan*: Mr. Abdul Rahman Pazhwak ;  
*Argentina*: Mr. Mario Amadeo, Mr. Lucio Alberto García del Solar ; \*  
*Austria*: Mr. Felix Ermacora ;  
*China*: Mr. Cheng Paonan, Mr. P. Y. Tsao,\* Mr. Hsi Cheh Chang ; \*\*  
*Denmark*: Mr. Niels Madsen ;  
*El Salvador*: Mr. Antonio Alvarez Vidaurre,<sup>1</sup> Mr. Carlos Guerra ; \*  
*France*: Mr. René Cassin,<sup>1</sup> Mr. Jean-Marcel Bouquin,\* Mr. Bernard Aujay de la Dure ; \*  
*India*: Mr. C. S. Jha, Mr. A. B. Bhadkamkar,\* Mr. R. K. Rasgotra,\*\* Mr. K. Natwar-Singh,\*\* Mr. Shiam Sunder Nath,\*\* Mr. R. K. Kapur ; \*\*  
*Italy*: Mr. Giuseppe Sperduti, Mr. Mario Franzi,\* Mr. Giovanni Scolamiero ; \*

*Lebanon*: Mr. Georges Hakim,<sup>2</sup> Mr. Khalil Makkawi ; \*

*Netherlands*: Mr. L. J. C. Beaufort, Mr. Teodoor van Boven ; \*\*

*Pakistan*: Mr. M. Shahabuddin ;

*Panama*: Mr. Enrique A. Jiménez,<sup>1</sup> M. César A. Quintero,\* Mrs. Nina de Bary ; \*\*

*Philippines*: Mr. Jacinto Castel Borja, Mr. Hortencio J. Brillantes,\* Mr. Ismael D. Quiambao ; \*\*

*Poland*: Mr. Eugeniusz Kulaga,<sup>1</sup> Mr. Eugeniusz Wyżner,\* Mr. Edward Zdrojowy ; \*\*

*Turkey*: Mr. İlhan Lütem ;

*Ukrainian Soviet Socialist Republic*: Mr. Petr E. Nedbailo, Mr. I. F. Grishchenko ; \*

*Union of Soviet Socialist Republics*: Mr. P. D. Morozov, Mr. Yakov A. Ostrovski,\* Mr. I. I. Yakovlev ; \*\*

*United Kingdom of Great Britain and Northern Ireland*: Sir Samuel Hoare, Mrs. J. F. Wearing ; \*

*United States of America*: Mrs. Marietta P. Tree, Mr. James Simsarian,\*\* Mr. Hugh Smythe,\*\* Mr. Marten H. A. van Heuven ; \*\*

*Venezuela*: Mr. Carlos Sosa-Rodriguez,<sup>1</sup> Mr. Antonio Arráiz.\*

OBSERVERS

*Canada*: Mr. A. K. Kironde, Miss Gay Sellers ;

*Chile*: Mr. Humberto Diaz-Casanueva, Mr. Alfonso Somavia ;

*Dominican Republic*: Miss Carmen Natalia Martínez Benilla ;

\* Alternate.

\*\* Adviser.

<sup>1</sup> Did not attend the session.

<sup>2</sup> In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Makkawi represented Lebanon during the session.

*Israel* : Mr. Yoram Dinstein ;  
*Japan* : Mr. Masao Ito.

#### COMMISSION ON THE STATUS OF WOMEN

Mrs. Marie-Hélène Lefauchaux (France).

#### SPECIALIZED AGENCIES

*International Labour Organisation (ILO)* : Mr. José L. Bustamante.  
*United Nations Educational, Scientific and Cultural Organization (UNESCO)* : Mr. Tor Gjesdal, Mr. Arthur Gagliotti, Mr. Asdrúbal Salsamendi.

#### NON-GOVERNMENTAL ORGANIZATIONS

##### CATEGORY A

*International Confederation of Free Trade Unions* : Mr. Marvin A. Schlaff.  
*World Federation of Trade Unions* : Mr. Philip M. Connelly.  
*World Federation of United Nations Associations* : Mr. H. Barrett-Brown, Mrs. Oliver Weerasinghe.  
*World Veterans Federation* : Miss Emily Nichols, Mr. Gisbert Flanz.

##### CATEGORY B

*Agudas Israel World Organization* : Mr. Isaac Lewin.  
*Catholic International Union for Social Service* : Mrs. Allys D. Vergara.  
*Commission of the Churches on International Affairs* : Mr. A. Dominique Micheli.  
*Consultative Council of Jewish Organizations* : Mr. Moses Moskowitz.  
*Co-ordinating Board of Jewish Organizations* : Mr. William Korey.  
*Friends World Committee for Consultation* : Mr. Cecil R. Evans.  
*International Alliance of Women* : Mrs. Frances A. Doyle.  
*International Catholic Child Bureau* : The Rev. Jules Gagnon, Miss Margaret Bedard.  
*International Catholic Press Union* : Mr. Gary Mac Eoin.  
*International Conference of Catholic Charities* : Mr. Louis C. Longarzo.  
*International Council of Women* : Mrs. Eunice H. Carter, Mrs. Dewitt Stetten.  
*International Federation of Business and Professional Women* : Miss Sofia Corradi, Miss Ruth Tomlinson.  
*International Federation of University Women* : Miss Elmina R. Lucke.  
*International Federation of Women Lawyers* : Mrs. Rose Korn Hirschman, Miss Bessie Ray Geffner, Miss Rose Rothenburg.

*International League for the Rights of Man* : Mrs. Dora D. Roitburd, Miss Florence Kandell, Mr. Roger Baldwin.

*International Union of Christian Democrats* : Mr. Janusz Sleszynski.

*International Union of Family Organizations* : Mrs. Peter L. Collins.

*International Union of Socialist Youth* : Miss Susan Gyarmati.

*Pan Pacific South-East Asia Women's Association* : Mrs. E. Forrest Beadman.

*Pax Romana* : The Rev. Eugene Burke, Mr. Peter J. Cass, Mr. Wsevolod W. Isajiv.

*Women's International League for Peace and Freedom* : Mrs. Adelaide N. Baker.

*World Alliance of Young Men's Christian Associations* : Mr. Dalton F. McClelland.

*World Assembly of Youth* : Mr. Robert Cambria.

*World Federation of Catholic Young Women and Girls* : Mrs. Peter Cass, Mrs. Ernest P. Tibbitts.

*World Jewish Congress* : Mr. Henry H. Grossman, Mr. Ralph Zacklin.

*World Union for Progressive Judaism* : Mrs. Eleanor S. Polstein.

*World Union of Catholic Women's Organizations* : Miss Catherine Schaefer.

*World Young Women's Christian Association* : Mrs. Roland Beattie, Miss Elsie D. Harper.

#### REGISTER

*International Association for Liberal Christianity and Religious Freedom* : Mrs. Elvira Fradkin.

*International Catholic Youth Federation* : Mr. James J. O'Neill, Mr. Richard J. O'Neill, Miss Mary L. Di Fonzo.

*International Humanist and Ethical Union* : Mrs. Walter M. Weis.

*St. Joan's International Social and Political Alliance* : Miss Frances McGillicuddy.

*World Association of Girl Guides and Girl Scouts* : Mrs. John J. Carney, Mrs. Edward F. Johnson, Mrs. Mortimer B. Kelly, Miss Isobel Crowe.

4. Mr. John Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Deputy Director of the Division of Human Rights, represented the Secretary-General at various meetings of the Commission. Mr. Kamleshwar Das acted as Secretary of the Commission.

#### Representation of China

5. At the 702nd meeting, held on 19 March 1962, the representatives of the Union of Soviet Socialist Republics, China, Poland and the United States of America made statements on the representation of China in the Commission.

## Election of officers

6. At its 702nd meeting, the Commission elected the following officers :

Mr. Georges Hakim (Lebanon), *Chairman* ;

Mr. Petr Nedbailo (Ukrainian SSR), *First Vice-Chairman* ;

Mr. İlhan Lütem (Turkey), *Second Vice-Chairman* ;

Mr. Hortencio J. Brillantes (Philippines), *Rapporteur*.

## Agenda

7. At its 702nd meeting on 19 March 1962, the Commission adopted without objection the items listed in the provisional agenda (E/CN.4/818 and Corr.1 in English and Russian only) as its agenda for the eighteenth session. The agenda was as follows :

1. Election of officers.
2. Adoption of the agenda.
3. Advisory services in the field of human rights.
4. Study of the right of everyone to be free from arbitrary arrest, detention and exile.
5. Periodic reports on human rights.
6. Prevention of discrimination and protection of minorities :
  - (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices ;
  - (b) Report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities ;
  - (c) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities ;
  - (d) Freedom from Prejudice and Discrimination Year and Day.
7. Freedom of information :
  - (a) Report on developments in the field of freedom of information since 1954 ;
  - (b) Annual report on freedom of information, 1960-1961 ;
  - (c) Report on international co-operation to assist in the development of information media in less developed countries.
8. National advisory committees on human rights.
9. Communications concerning human rights.

10. Review of the human rights programme. Control and limitation of documentation.

11. Report of the eighteenth session of the Commission on Human Rights to the Economic and Social Council.

8. The order of discussion of the agenda was as follows : 3, 8, 6, 5, 7, 4, 9, 10 and 11.

## Meetings, resolutions and documentation

9. The Commission held thirty-six plenary meetings. The views expressed at those meetings are summarized in the records of the 702nd to 737th meetings (E/CN.4/SR.702-737).

10. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings (712th, 713th, 720th, 722nd, 730th, 732nd and 735th) to representatives of the following non-governmental organizations :

*Category A* : World Federation of Trade Unions (Mr. Philip M. Connelly) ;

*Category B* : Agudas Israel World Organization (Mr. Isaac Lewin) ; Commission of the Churches on International Affairs (Mr. A. Dominique Micheli) ; Consultative Council of Jewish Organizations (Mr. Moses Moskowitz) ; Friends World Committee for Consultation (Mr. Cecil R. Evans) ; International Catholic Press Union (Mr. Gary Mac Eoin) ; International Council of Women (Mrs. Dewitt Stetten) ; International Federation of Women Lawyers (Mrs. Rose Korn Hirschman) ; Women's International League for Peace and Freedom (Mrs. Adelaide N. Baker).

11. The resolutions (1 to 11 (XVIII)) and decisions of the Commission appear under the subject matters to which they relate. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XII of the present report.

12. The documents before the Commission at its eighteenth session are listed in annex I to the present report. Statements of financial implications made by the Secretary-General in relation to certain proposals are reproduced in annex II to this report.

## II. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

13. At its 703rd to 707th meetings, held on 20, 21, 22 and 23 March 1962, the Commission discussed the programme of advisory services in human rights. The Commission had before it a report (E/CN.4/825 and Add.1) in which the Secretary-General reviewed the developments which had taken place during the past year, gave details concerning two of the seminars planned for 1963 and, pursuant to the request of the Economic and Social Council in resolution 825 (XXXII), made certain suggestions for developing the programme.

14. The Commission also had before it the report (E/CN.4/L.603) of the seminar on freedom of information, held in New Delhi from 20 February to 5 March 1962, as being relevant to the discussion of both items 3 and 7 of the agenda. Two other seminars, the Secretary-General's report added, were to be held in 1962, one on the status of women in family law, in May 1962, in Tokyo, and one on judicial and other remedies against the abuse of administrative authority, with special emphasis on the role of parliamentary institutions, in June 1962, in Stockholm. In 1963, a

seminar would be held in Australia on the role of the police in the protection of human rights, and another in Senegal on public freedoms in developing countries. The Secretary-General also hoped to organize a seminar during 1963 on some aspect of the status of women.

15. The report described other developments under the programme of advisory services, notably in regard to human rights fellowships which, following the initiative taken by the Commission at its seventeenth session, had been the subject of decisions by the Economic and Social Council (resolution 825 (XXXII)) and the General Assembly (resolution 1679 (XVI)). The General Assembly had increased the 1962 budget appropriation for the programme with a view to permitting the award of approximately ten fellowships.

16. The Economic and Social Council, in its resolution 825 (XXXII), requested the Secretary-General to study "other effective measures" for promoting human rights through advisory services, and the Secretary-General's report contained a number of specific suggestions to this end — namely :

(a) The organization of "study tours of groups of, say, ten fellows who have been accepted for participation in more or less identical fields of study" ;

(b) The establishment of "one or more regional institutes devoted to the study in depth of specific human rights problems" ;

(c) Drawing the attention of Governments "to the fact that expert services could be made available in the field, for example, of codification and legislation, particularly where questions of the protection of human rights are involved" ; and

(d) Drawing the attention of Governments to the availability of expert advisory services in the form of "appropriate materials" which could be provided by the United Nations Secretariat through correspondence.

#### *General discussion*

17. A general discussion of this item took place from the 703rd to the 705th meetings inclusive. Satisfaction was expressed at the way the programme had developed since its inception and members of the Commission approved the Secretary-General's plans for holding seminars in 1962 and 1963. The series of regional seminars had proved especially useful ; they had been well organized and their impact had been felt in a number of ways. All things considered, the programme as a whole had passed well beyond the experimental stage, and it was making a significant contribution to the promotion of human rights. One conclusion which was beginning to emerge, some members felt, was that in the field of human rights no distinction need be made between developed and undeveloped countries. A programme such as the one under review could be of conspicuous service to both.

18. A number of members noted with approval that the range of seminar topics was being expanded, and felt that the seminars on freedom of information, on the role of the police in the protection of human rights and on public freedoms in developing countries, represented a useful step forward. Some members,

however, considered it advisable that seminars should not be restricted to narrow, formalistic legal subjects, but should also deal with important questions related to the implementation of fundamental social, economic and cultural rights, which would ensure the realization of political rights. The wish was also expressed that such questions as discrimination on the grounds of race and the elimination of the pernicious effects of colonialism in the field of political, economic, social and cultural rights should be included among the seminar topics. On the other hand, it was pointed out that economic and social rights came largely within the purview of such specialized agencies as the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), but perhaps seminars could be organized jointly by the United Nations and the specialized agencies concerned. In this connexion a suggestion was made that a seminar be held in the near future on the right to education. At the Commission's 707th meeting, the representative of UNESCO stated that, subject to the approval of its General Conference, UNESCO was prepared to study the possibility of holding a seminar on this subject in 1963 or 1964, preferably under the joint auspices of the United Nations and UNESCO, and with a sharing of costs.

19. The Secretary-General stated in his report (E/CN.4/825 and Add.1) that, as requested by the Economic and Social Council, he was keeping under review the possibility of organizing some form of international seminar, and, as at previous sessions, members of the Commission devoted some attention to this matter. A considerable number of members endorsed the idea in principle. International seminars might, it was suggested, synthesize the results of regional seminars and formulate principles which might eventually be considered by the Commission itself. It was noted that certain topics, such as the protection of human rights in the administration of criminal justice, and judicial and other remedies against the abuse of administrative authority, had been examined in a number of different regions of the world and that the time was approaching when an international seminar might be planned on such topics. On the other hand, some doubt was expressed as to whether, once a topic had been dealt with exhaustively in a number of regions, its examination on the international level would necessarily make a significant further contribution. The suggestion was also made that an international seminar on a given topic might precede its discussion at regional seminars and need not always follow it. Another view was that, before the Commission attempted to plan an international seminar, the Secretariat should provide a list of all regional seminars which had been held, with an examination of the precise topics which had been discussed.

20. There was due appreciation of the difficulty, to which the Secretary-General had drawn attention in his report (E/CN.4/825, para. 10), of finding a formula for selecting participants in an international seminar. One member felt that a number of countries might agree jointly to nominate a participant ; it was pointed

out, however, that this idea might be difficult to carry out in practice.

21. Members of the Commission expressed keen interest in the expansion of the fellowships programme as a result of the budget increase which the General Assembly had authorized for this purpose. There was also interest in the conditions governing the award of fellowships, and the hope was expressed that the ten fellowships which would be awarded in 1962 would be most carefully scrutinized from the point of view both of their geographical distribution and of the calibre of candidates.

22. As regards the number of fellowships to be awarded, it was stressed by one member that the availability of funds was not the only thing to be considered, and if necessary the budget appropriation for fellowships should be increased. Reference was also made to the importance to fellowship holders of a stay at United Nations Headquarters, although it was clear that this would have financial implications.

23. Members noted that, so far, little interest had been shown by Governments in the provision of expert services. However, Governments should be reminded of the availability of these services and of their potential usefulness.

*Discussion of suggestions made  
by the Secretary-General*

24. In the course of the general discussion, members examined the various ideas advanced by the Secretary-General in his report (E/CN.4/825 and Add.1). There was general agreement that the attention of Governments should be drawn to the availability of expert services and to the assistance which the Secretariat could provide in the form of material sent by correspondence (see paragraph 16(c) and (d) above). This agreement was ultimately reflected in the language of the resolution on advisory services which the Commission adopted.

25. Some doubts were expressed concerning the study tours referred to in paragraph 11 of the Secretary-General's report, on the ground that they would be costly to organize, and that it would be difficult to find a common field of study and bring together a group of fellows with sufficient similar background and experience. On the other hand, it was pointed out that the Secretary-General had couched the suggestion in tentative language, as an idea worth exploring, and that the most he had proposed was that, if the Commission and the Council saw fit, a pilot project might be organized. The success of the community development study tours organized under Economic and Social Council resolution 585 C (XX) was cited. As far as the cost of study tours was concerned, there were, in any event, more important considerations than expense, and it might be well worth while to organize a pilot project.

26. A good deal of interest was shown in the proposal regarding regional human rights institutes, which, it was felt, deserved further detailed study. Here also, one difficulty was their cost. It was also pointed out that some co-ordination was necessary since there

were plans, for instance, to establish a human rights institute within the framework of the Council of Europe. Regional institutes devoted to the study of, for example, economic planning, had proved of value, and in the region of Asia and the Far East, where seminars had already been held on the protection of human rights in the administration of criminal justice, an institute, centre or programme of training courses — depending on the most appropriate formula — would consolidate the work which had been started in this field.

27. Members of the Commission felt that further information was necessary before they could come to any decision as regards both study tours and regional institutes.

*Suggestions made by members of the Commission*

28. In the course of the debate, a number of members made suggestions and proposals concerning possible future activities under the programme, and the direction its development might take. As will be noted below (paragraph 37), the resolution which the Commission eventually adopted asks the Secretary-General to take these suggestions into account when submitting to the next session of the Commission his "further and full report on possible means of increasing the effectiveness of the programme of advisory services".

29. The suggestions and proposals made included the following :

(a) That study or training courses be set up, in co-operation possibly with established law schools, at which internationally known jurists might give short-term courses of lectures on selected human rights topics, and which would be open to selected students, including civil servants and administrators.

(b) That arrangements be made with the Council of Europe whereby Governments would be invited to send observers to the European Court of Human Rights. Similarly, that fellowships be granted to persons wishing to study the procedure and composition of the court.

(c) That, at the request of Governments, lecturers be made available for the purpose of the promotion and observance of human rights and making better known the work of the United Nations in this field.

(d) That the Secretary-General investigate the possibility of organizing, in co-operation with the appropriate specialized agencies, seminars on the economic and social rights contained in the Universal Declaration of Human Rights (see also paragraph 18 above).

(e) That seminars should be invited to draw up principles, conclusions and recommendations relating to the topic under discussion, for eventual consideration by the Commission, and that the Secretary-General should present to the Commission an analysis of the results achieved at each seminar.

*Joint draft proposal concerning advisory services*

30. At the Commission's 705th meeting, the representatives of Argentina, India, the Netherlands, the

United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela submitted a joint draft proposal (E/CN.4/L.604) as follows:

*"The Commission on Human Rights,*

*"Having considered the report by the Secretary-General (E/CN.4/825 and Add.1) on advisory services in the field of human rights,*

*"Noting the continued interest of Governments in participation in seminars on human rights,*

*"Considering that it is not yet possible to estimate the extent to which Governments wish to take advantage of the increased facilities now available to them for fellowships, and that Governments may not be aware of the scope of the expert advisory services available in the field of human rights,*

*"Having had a preliminary exchange of views in regard to the suggestions made in the Secretary-General's report as to possible ways in which advisory services in their field might be extended,*

*"1. Commends the Secretary-General for his report and approves the programme of seminars proposed therein;*

*"2. Requests the Secretary-General to draw the attention of Member Governments to the facilities available to them in the form of expert advisory services in relation to specific problems arising in the field of human rights;*

*"3. Invites the Secretary-General to submit to the nineteenth session of the Commission a report on the extent to which advantage has been taken by Member Governments of the facilities available in the form of fellowships and of expert advisory services;*

*"4. Invites the Secretary-General also to study further, in the light of the discussion at the eighteenth session of the Commission, the suggestions made in his report to the eighteenth session, together with other suggestions made in the course of the discussion;*

*"5. Decides to consider further, at its nineteenth session, the suggestions in the present report and any other suggestions that may be before them, for increasing the effectiveness of the programme of advisory services in the field of human rights."*

31. Members of the Commission offered a number of oral amendments to the draft proposal (E/CN.4/SR.706). It was felt, for instance, that the draft should refer specifically to the various suggestions which had been made in the course of the debate. It was also felt that a reference should be made to the possibility of assistance being rendered through the provision of documentation as outlined in the Secretary-General's report (E/CN.4/825 and Add.1). Proposals of a drafting nature were also made.

32. In the light of the comments of members, the sponsors of the joint draft proposal, now joined by the representative of Italy, submitted a revised draft resolution (E/CN.4/L.604/Rev.1). The revised draft resolution referred in the second paragraph of the preamble to the interest of Governments "in the holding of seminars" instead of "in participation in

seminars", and in the third paragraph of the preamble substituted the words "other forms of assistance available under the advisory services programme, in particular documentation on human rights" for the words "the expert advisory services available in the field of human rights". The operative part of the revised draft resolution read as follows:

*"1. Commends the Secretary-General for his report and approves the programme of seminars proposed therein;*

*"2. Requests the Secretary-General to draw the attention of Member Governments to the assistance available to them under the advisory services programme in relation to specific problems arising in the field of human rights, including documentation on human rights;*

*"3. Invites the Secretary-General to submit to the nineteenth session of the Commission a report on the extent to which advantage has been taken by Member Governments of the facilities available in the form of fellowships and of such assistance;*

*"4. Invites the Secretary-General also to study further, in the light of the discussions at the eighteenth session of the Commission, the suggestions made in his report to the eighteenth session, together with all other suggestions made in the course of the discussion, as recorded in the report of the Commission, and to submit, for the consideration of the Commission at its nineteenth session, a further and full report on possible means of increasing the effectiveness of the programme of advisory services."*

33. The Commission considered the revised draft proposal (E/CN.4/L.604/Rev.1) at its 707th meeting.

34. The representative of Pakistan felt that in operative paragraph 3 a reference should be made to the availability of assistance through seminars, including seminars on economic and social rights. However, he did not press his proposal, on the understanding that it would be referred to in the Commission's report. The representative of Afghanistan noted that the revised draft did not contain a suggestion made by the representative of the Philippines and himself. However, he stated that he would not press for its inclusion at that stage, provided that the report made a reference to it. The text of the proposal to add a new operative paragraph 5 read:

*"Further requests the Secretary-General to submit, in the light of the views expressed and proposals made during the eighteenth session, suitable plans to carry out the possibilities for other effective measures for promoting human rights through advisory services and including training courses, providing lecturers, the holding of seminars on social rights, particularly in less developed countries, for consideration by the Commission at the nineteenth session."*

35. The sponsors of the revised draft proposal accepted an oral suggestion of the representative of Afghanistan that the words "in particular" in the third paragraph of the preamble (see paragraph 32 above), be replaced by the word "including". The



sponsors also accepted the oral amendment of the representative of Afghanistan to insert the words "and proposals" in operative paragraph 4 after the word "suggestions".

36. The revised joint draft resolution (E/CN.4/L.604/Rev.1) a) thus amended, was adopted unanimously.

37. The text of the resolution as adopted at the 707th meeting on 23 March 1962 is as follows :

**1 (XVIII). ADVISORY SERVICES IN THE FIELD  
OF HUMAN RIGHTS**

*The Commission on Human Rights,*

*Having considered* the report by the Secretary-General (E/CN.4/825 and Add.1) on advisory services in the field of human rights,

*Noting* the continued interest of Governments in the holding of seminars on human rights,

*Considering* that it is not yet possible to estimate the extent to which Governments wish to take advantage of the increased facilities now available to them for fellowships, and that Governments may not be aware of the scope of other forms of assistance available under the advisory services programme, including documentation on human rights,

*Having had* a preliminary exchange of views in regard to the suggestions made in the Secretary-General's report as to possible ways in which advisory services in this field might be extended,

1. *Commends* the Secretary-General for his report and approves the programme of seminars proposed therein ;

2. *Requests* the Secretary-General to draw the attention of Member Governments to the assistance available to them under the advisory services programme in relation to specific problems arising in the field of human rights, including documentation on human rights ;

3. *Invites* the Secretary-General to submit to the nineteenth session of the Commission a report on the extent to which advantage has been taken by Member Governments of the facilities available in the form of fellowships and of such assistance ;

4. *Invites* the Secretary-General to study further, in the light of the discussions at the eighteenth session of the Commission, the suggestions made in his report to the eighteenth session, together with all other suggestions and proposals made in the course of the discussion, as recorded in the report of the Commission, and to submit, for the consideration of the Commission at its nineteenth session, a further and full report on possible means of increasing the effectiveness of the programme of advisory services.

**III. STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST,  
DETENTION AND EXILE**

38. At its twelfth session, the Commission decided to undertake studies of specific human rights or groups of rights and, subject to the approval of the Economic and Social Council, selected as the subject for its first study the right of everyone to be free from arbitrary arrest, detention and exile. The Council, in resolution 624 B (XXII), approved the subject selected by the Commission.

39. The Commission established a Committee of four of its members to prepare the study. The Committee met under Messrs. Felixberto M. Serrano and Francisco A. Delgado, of the Philippines, who were elected as Chairman-Rapporteur. In 1961, the Committee decided to separate the two functions and Mr. B. W. W. Walke (Pakistan) was elected Rapporteur.

40. The study was to be prepared on the basis of published material and written statements, such material to be drawn from the following sources : (a) Governments of States Members of the United Nations and members of the specialized agencies ; (b) the Secretary-General ; (c) specialized agencies ; (d) non-governmental organizations in consultative status ; and (e) the writings of recognized scholars and scientists.

41. After several years of study, the Committee submitted its report (E/CN.4/813 and Corr.1) to the seventeenth session of the Commission. In resolution 2

(XVII), the Commission decided to transmit the report to the Governments of States Members of the United Nations and members of the specialized agencies for their comments, and requested the Committee to revise its report in the light of Governments' comments and of any additional information, especially information concerning new Member States. The Committee was further requested to include in its revised report draft principles on the right of everyone to be free from arbitrary arrest, detention and exile.

42. The Committee's report was accordingly revised (E/CN.4/826 and Corr.1 and 2) in the light of comments received from nineteen governments and of additional information. Draft principles on the right under study were submitted in part VI of the report. At the 735th meeting held on 12 April 1962, the report was introduced by Mr. Hortencio J. Brillantes (Philippines) on behalf of the Committee's Chairman.

43. The method of work followed by the Committee had already been explained in various progress reports (in particular in document E/CN.4/763). The Committee had endeavoured to prepare draft country monographs on the laws and practices relating to the right under study in each Member State or member of a specialized agency. Furthermore, the Committee had decided that as a matter of principle it would not make use in its study of any information on which

the Government concerned had not had an opportunity to comment. It therefore forwarded the draft monographs to the Governments concerned for verification and comment and revised them in the light of the observations received. Where no observations were received after several months, the Committee decided reluctantly to issue the monographs as conference room papers with an appropriate note indicating that the text had been forwarded to the Governments concerned. Altogether the Committee had prepared eighty-eight country-monographs which provided a basis for its study.

44. In its report, the Committee indicated the meanings of "arrest", "detention", and "exile". It was of the view that "arbitrary" meant more than "illegal", and that an arrest or detention was arbitrary if it was (a) on grounds or in accordance with procedures other than those established by law, or (b) under the provisions of a law the purpose of which was incompatible with the right to liberty and security of person (E/CN.4/826, paras. 23 to 30, article 1 of the draft principles). The report was divided into six parts.

45. Part I dealt with fundamental or constitutional principles relating to arrest, detention and exile. The fact that provisions concerning personal liberty were embodied in constitutions contributed to the protection of that liberty, since in most systems constitutions could be amended only in accordance with special procedures, and the courts were often directed to ensure that ordinary legislation conformed with the fundamental law. In part I, the Committee also considered some basic questions relating to the independence of the judiciary, since judges were vested with the greatest responsibility in matters relative to personal liberty.

46. Part II related to arrest and detention of persons accused of a criminal offence. This part was divided into four sections:

(a) Section A dealt with the grounds upon which, and the procedures according to which, a person suspected or accused of a criminal offence might be arrested or detained; duration and review of detention pending investigation and trial; and provisional release.

(b) The rights of an arrested or detained person were examined in section B: the right to be informed of his rights and obligations, and of the criminal offence; the right to communication; the right to obtain the assistance of counsel, to communicate with counsel, and to have him participate in the preliminary examination; the rights relating to interrogations, including protection of the arrested or detained person against treatment which tends to impair his freedom of action, memory and judgement at interrogations; and treatment in places of custody.

(c) Section C was devoted to a study of the remedies available to the arrested or detained person, and to various sanctions for the violation of his rights. Special attention was given to the procedures which were available to the arrested or detained person, or to other persons on his behalf, to terminate wrongful detention

and restore freedom: those included both regular appeals provided for in the code of criminal procedure and special remedies such as *habeas corpus* and *amparo*. Also dealt with in section C were penal and disciplinary sanctions, and compensation for wrongful arrest or detention.

(d) Section D dealt with arrest and detention under administrative penal law.

47. In part III, the Committee considered various cases of detention on grounds unconnected with criminal law: detention of persons of unsound mind, of aliens pending deportation, detention on grounds of contempt of court, detention for debt, etc.

48. Part IV dealt with arrest and detention in emergency or exceptional situations. The Committee noted that, under the emergency laws of many countries, the right of everyone to personal liberty may be more restricted and judicial remedies may be available to a lesser extent, than under ordinary laws.

49. In part V, the laws and practices relating to exile and to banishment of a person within his own country were examined.

50. Part IV of the report contained draft principles on the right of everyone to be free from arbitrary arrest and detention. The question of exile was not dealt with since this institution was in the process of disappearing. Also, the Committee had refrained from coming out categorically for the complete abolition of exile since, in certain cases at least, exile might constitute a relatively humane substitute for incarceration.

51. The Commission considered the report at its 735th meeting, on 12 April 1962. It was generally agreed that the report, as well as the draft principles, dealt with very important questions on which Governments should be requested to submit comment. In view of this consideration and in view of the lack of time, the Commission decided to limit its discussion to a draft resolution (E/CN.4/L.625) of a procedural character submitted by the representatives of Afghanistan, Austria, Denmark, El Salvador and Venezuela, which read as follows:

*"The Commission on Human Rights,*

*"Having taken note of the revised report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/826 and Corr.1 and 2), including draft principles concerning freedom from arbitrary arrest and detention,*

*"1. Expresses its appreciation to the Committee for the study which it has made;*

*"2. Decides to transmit the draft principles to States Members of the United Nations and its specialized agencies and to request them to submit comments thereon by 31 October 1962;*

*"3. Decides to consider the draft principles at its next session in the light of the comments of Governments.*

52. After a brief discussion the sponsors of the draft resolution agreed to revise the preamble to read: "*Having received* the revised report . . ."; to change operative paragraph 1 to read: "*Expresses its appreciation* to the Committee for its work"; and to replace the phrase "by October 1962" in operative paragraph 2 by "as soon as possible and not later than 30 November 1962".

53. Thus revised, the draft resolution was put to the vote. A separate vote was taken on the words "Members of the United Nations and its specialized agencies"; these words were adopted by 15 votes to 3, with 1 abstention. The revised draft resolution as a whole was adopted unanimously.

54. The text of the resolution as adopted at the 735th meeting on 12 April 1962 is as follows:

## 2 (XVIII). DRAFT PRINCIPLES ON FREEDOM FROM ARBITRARY ARREST AND DETENTION

### *The Commission on Human Rights,*

*Having received* the revised report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/826 and Corr.1 and 2), including draft principles concerning freedom from arbitrary arrest and detention,

1. *Expresses* its appreciation to the Committee for its work;

2. *Decides* to transmit the draft principles to States Members of the United Nations and its specialized agencies and to request them to submit comments as soon as possible and not later than 30 November 1962;

3. *Decides* to consider the draft principles at its next session in the light of the comments of Governments.

## IV. PERIODIC REPORTS ON HUMAN RIGHTS

55. The Economic and Social Council, in resolution 624 B (XXII), requested Governments of States Members of the United Nations and of the specialized agencies to report, every three years, on developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in their metropolitan areas and in Non-Self-Governing and Trust Territories. The Council requested the Secretary-General to prepare brief summaries, on a topical basis, of the reports received. It also invited the specialized agencies to submit, every three years, reports summarizing, on a topical basis, information received from their Member States. The Commission (twelfth session)<sup>3</sup> decided to consider, on the basis of the information summarized by the Secretary-General and the specialized agencies, general developments and progress achieved in human rights, and to transmit to the Council comments, conclusions and recommendations of an objective and general character in accordance with the Charter of the United Nations.

56. Under this system of periodic (triennial) reporting initiated in 1956, two series of reports have now been considered by the Commission. The first series covered the years 1954-1956 and forty-one reports were received.<sup>4</sup> The second series covered the years 1957-1959 and a total of sixty-seven reports was received from the following Governments: Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, China, Congo (Brazzaville), Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Republic of Korea, Laos, Lebanon, Luxembourg, Madagascar, Mali, Mauritania, Mexico,

Monaco, Morocco, the Netherlands, Nepal, Niger, Norway, Pakistan, Peru, the Philippines, Poland, Portugal, Romania, San Marino, Spain, Sudan, Switzerland, Thailand, Tunisia, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela and Yugoslavia.

57. The Commission considered the reports for the years 1957-1959 at both its seventeenth and eighteenth session. The summaries, on a topical basis, of the above sixty-seven reports<sup>5</sup> were contained in documents E/CN.4/810 and Corr.1 and Add.1 and 2. The summaries of reports received by the specialized agencies, in particular the ILO and UNESCO, were issued in documents E/CN.4/811 and Add.1 and 2, and Add.2/Corr.1.

58. At the seventeenth session,<sup>6</sup> in resolution 3 (XVII), the Commission, first, urged States Members of the United Nations and of the specialized agencies, which had not yet done so, to submit reports by 30 June 1961; secondly, requested the Secretary-General to draw the attention of States Members of the United Nations and members of the specialized agencies to the summaries of reports received, and to transmit these documents to the Commission on the Status of Women in response to its request, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for use, in particular, in connexion with its studies on the field of discrimination, and to non-governmental organizations in consultative status; thirdly, decided to appoint a Committee on Periodic Reports on Human Rights consisting of the representatives of Afghanistan, Austria, France, India, Panama and Poland; and fourthly, decided to consider the item further at its eighteenth session.

<sup>3</sup> *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, paras. 21-46.

<sup>4</sup> *Ibid.*, *Twenty-sixth Session, Supplement No. 8*, chapter II, paras. 16-30; and *Twenty-eighth Session, Supplement No. 8*, chapter VI, paras. 90-103.

<sup>5</sup> Summaries of fifty-eight of these reports were before the Commission at its seventeenth session.

<sup>6</sup> *Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 8*, chapter IV, paras. 51-73.

59. The Commission requested the Committee on Periodic Reports on Human Rights to meet one week immediately prior to the Commission's eighteenth session :

"(a) To examine the summaries of periodic reports for the years 1957-1959, including any additional information received in accordance with this resolution ;

"(b) To prepare, if in its opinion the available information is sufficient for this purpose, draft comments, conclusions and recommendations of an objective and general character as contemplated in resolution 1 (XII) of the Commission ;

"(c) To consider and make recommendations to the Commission on the procedure to be followed with respect to future periodic reports ;

"(d) To submit its report to the Commission at its eighteenth session."

#### *Committee on Periodic Reports on Human Rights*

60. The Committee on Periodic Reports on Human Rights met at United Nations Headquarters from 12 to 16 March and on 22 March 1962. It elected Mr. Felix Ermacora of Austria as its Chairman and Rapporteur.

61. In its report (E/CN.4/831) the Committee drew special attention to the developments outlined in paragraphs 11-166 of its report. The Committee was of the opinion that the reports contained sufficient information to enable it to present to the Commission draft comments, conclusions and recommendations of an objective and general character and prepared a draft resolution for consideration by the Commission. Opinion was divided as to whether paragraph 7 of the draft resolution for the Economic and Social Council should be addressed to "all States" or to "all States Members of the United Nations and of the specialized agencies". This matter was left for the Commission to decide. The text proposed by the Committee was as follows :

#### *"The Commission on Human Rights,*

*"Having considered the report of the Committee on Periodic Reports established by the Commission at its seventeenth session under resolution 3 (XVII),*

*"Bearing in mind that although the submission by Governments of periodic reports on human rights has not yet been sufficiently effective, these reports are nevertheless of value for the promotion of respect for and observance of human rights and fundamental freedoms,*

*"1. Takes note of the report of the Committee concerning the developments in human rights during the years 1957-59 ;*

*"2. Recommends the following draft resolution for adoption by the Economic and Social Council :*

#### *"The Economic and Social Council,*

*"1. Having considered the reports of the Commission on Human Rights and of the Committee on Periodic Reports concerning the developments in human rights during the years 1957-1959,*

*"2. Expresses its appreciation to all Governments and specialized agencies which submitted reports for the years 1957-1959 ;*

*"3. Notes that, although the situation in a number of countries and territories with regard to human rights and fundamental freedoms still continues to remain unsatisfactory both in the field of civil and political rights and in the field of social, economic and cultural rights, the reports contain useful information indicating that some progress was achieved in the protection of human rights during the years 1957-1959, especially with respect to certain of the rights enumerated in the Universal Declaration ;*

#### *"4. Notes in particular :*

*"(a) That the reports make little or no reference to the situation in respect of human rights and fundamental freedoms in Non-Self-Governing and Trust Territories ;*

*"(b) That the several constitutions or basic laws adopted during the period under review included provisions aimed at the protection of human rights ;*

*"(c) That the constitutions of several new States affirm the loyalty and attachment of the people to the ideals set forth in the Universal Declaration of Human Rights ;*

*"(d) That steps taken in Several States towards the elimination of discrimination included the enactment of legislation, the repeal of discriminatory laws, the enforcement of laws through the courts, the establishment of commissions to supervise the application of legislation, and the setting-up of committees or informal conciliatory bodies to promote better relations between different groups ;*

*"(e) That in several States a number of laws were adopted to improve the administration of justice, through the reform of judicial organization, the expediting of judicial process, the provision of remedial measures against wrongful administrative decisions, the extension of the rights of the accused in criminal proceedings and the encouragement of the rehabilitation of offenders as useful members of society ;*

*"(f) That many social security systems were expanded to cover more categories of persons and to provide greater protection against a variety of contingencies ;*

*"(g) That in several States educational facilities, whether at the primary, secondary, technical or vocational, or higher levels, were greatly extended and attempts made through legislative or other measures to make education available free of, or at reduced cost ;*

*"5. Believes that in order to meet the objectives set by the Commission in resolution 1 (XII) and the Council in resolution 624 B (XXII), and to promote respect for and observance of human rights and fundamental freedoms paying special attention to their implementation, a greater number of reports is required and more information should be given*

therein concerning the problems or difficulties which have been or may be encountered ;

“ ‘ 6. *Decides* to continue, in accordance with Economic and Social Council resolution 624 B (XXII), the submission by Governments of periodic reports on human rights, without prejudice to the adoption and ratification of the Covenants on human rights, including the measures of implementation provided therein ;

“ ‘ 7. *Urges* [all States or all States Members of the United Nations and the specialized agencies] to submit reports on developments in human rights in their metropolitan areas as well as in all dependent territories including Non-Self-Governing and Trust Territories concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence, in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August 1956 ;

“ ‘ 8. *Invites* the Governments to draw up their reports, keeping in mind resolution 728 B (XXVIII) of the Council and the suggestions referred to therein (E/3229, para. 96).’ ”

62. On the question of the procedure to be followed with respect to future periodic reports, the Committee was of the opinion that the present procedure should be continued. It was urged that Governments should submit reports as soon as possible in 1963, within a time-limit to be determined by the Commission. Suggestions were made that future reports should be studied and examined by a special body, to be established by the Commission ; that such a body should have wider terms of reference than the present Committee ; and that non-governmental organizations might be invited to submit comments and observations of an objective and general character. It was also said that the present reporting procedure should be reconsidered when the international Covenants on human rights came into force.

63. The Committee recommended that, in order to create a greater impact in the field of the protection and promotion of human rights, wide-spread publicity should be given to the periodic reports, and the Secretary-General was asked to submit a working paper to the Commission on this question.

#### *Discussion in the Commission*

64. The Commission considered the item Periodic Reports on Human Rights at the 730th-733rd meetings, held on 10 and 11 April 1962. It had before it, in addition to the summaries of periodic reports referred to in paragraph 57 above, and the report of the Committee on Periodic Reports (E/CN.4/831), a note by the Secretary-General (E/CN.4/L.619) prepared at the request of the Committee (see paragraph 63 above), a resolution adopted by the Commission on the Status of Women at its sixteenth session (E/CN.6/L.346), and a statement submitted by five non-governmental organizations (the International League for the Rights of Man, the International Council of Women, the Co-

ordinating Board of Jewish Organizations, the Women's International League for Peace and Freedom and the International Humanist and Ethical Union (E/CN.4/NGO/99)).

65. Oral statements were made during the debate by the observers from the Consultative Council of Jewish Organizations, the Friends World Committee for Consultation, International Catholic Press Union and the International Council of Women (E/CN.4/SR.730 and 732).

66. At the 731st meeting the representative of the Commission on the Status of Women presented the resolution which that Commission had adopted at its sixteenth session, when considering the summaries of periodic reports on human rights transmitted to it by the Commission on Human Rights in resolution 3 (XVII). The Commission on the Status of Women was of the view that the information contained in the periodic reports on matters affecting the status of women, especially as regards article 16 of the Universal Declaration of Human Rights, was not comprehensive enough. It expressed the hope that, in future, more information would be supplied on the application of the provision of the Universal Declaration that everyone is entitled to all the rights set forth without distinction to sex. It also expressed the hope that the periodic reports would be forwarded regularly to the Commission on the Status of Women.

67. In the debates in the Commission on Human Rights it was agreed that, while the reporting system might not yet have fully attained the objectives set by the Commission and the Council in 1956, it had nevertheless proved to be useful and valuable, and should be continued. Some expressed the view that the system should be continued as an interim measure until the international covenants on human rights came into force, and emphasized that the covenants would impose a legal obligation on States parties to submit reports.

68. It was noted with satisfaction that the number of reports received had increased from forty-one for the years 1954-1956 to sixty-seven for the years 1957-1959, but it was hoped that, in future, all Governments invited to submit reports would do so. It was emphasized that Governments should concentrate on reporting developments of particular significance and explaining why they were significant rather than attempting to report developments relating to all the rights enumerated in the Universal Declaration. If each reporting Government were to select and describe only the outstanding events in human rights, the reports as a whole would be of greater value to the Commission and to all Governments. It was also pointed out that more information was needed on the background of legislation enacted and on the difficulties and problems encountered as well as the progress achieved. Some members expressed the hope that more information would be supplied on developments in Non-Self-Governing and Trust Territories.

69. Members of the Commission noted with interest the general review of developments in human rights

during 1957-1959 which the Committee had included in paragraphs 11-166 of its report (E/CN.4/831), and the particular developments to which the Committee had drawn attention in paragraph 4 of the draft resolution it had prepared.

70. Several representatives commented that the establishment of the Committee had proved very useful. Suggestions were made that a similar body or a committee of experts might be used in future and that the terms of reference might be extended.

71. The question of inviting non-governmental organizations in consultative status to participate in the reporting system was discussed at some length. Some thought that the non-governmental organizations should be asked to provide information supplementing the reports by Governments. It was also suggested that they might comment on the summaries of the government reports. It was pointed out that the non-governmental organizations provided information for the various studies undertaken for the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was emphasized that comments by non-governmental organizations should be of an objective character: allegations of violations of human rights in individual countries would be inadmissible under Economic and Social Council resolution 454 (XIV). Some representatives felt that such proposals would tend to confer on the non-governmental organizations wider powers than were authorized under the existing arrangements for consultation established in Council resolution 288 B (X). It was argued that it would be improper to ask non-governmental organizations to evaluate information from Governments, and asking them to submit comments and observations on the summaries of the reports was tantamount to requesting them to evaluate the reports themselves. It was also pointed out that under existing arrangements non-governmental organizations could make oral and written statements on any item of the Commission's agenda.

72. There was some discussion of paragraph 7 of the draft resolution proposed by the Committee. Some representatives wished to request "all States" to submit reports, pointing out that there were States which were not yet members of the United Nations or the specialized agencies, but it could be anticipated that they would become members and should therefore be invited to participate in the reporting system. Other representatives, however, preferred to retain the wording "States Members of the United Nations and the specialized agencies" used in Council resolution 624 B (XXII). Some representatives opposed the inclusion of the words "and independence" in this paragraph; they pointed out that resolution 624 B (XXII) asked Governments to submit reports on the rights enumerated in the Universal Declaration and the right of peoples to self-determination but made no reference to "independence". Others argued that the words should be retained especially in view of the adoption by the General Assembly of resolution 1514 (XV) on the Declaration on the granting of independence to colonial countries and peoples.

*Amendments proposed to the draft resolution submitted by the Committee on Periodic Reports (paragraph 61 above) and voting thereon*

73. The four introductory paragraphs of the draft resolution submitted by the Committee were accepted without objection.

74. Paragraphs 1 and 2 of the draft resolution for the Council proposed by the Committee were accepted without objection.

75. Paragraph 3. Amendments were proposed by the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.631) to replace the words "Notes that, although" by "While aware that" and to insert after the words "economic and cultural rights" the words "notes, nevertheless, that". These were accepted without objection.

76. Paragraph 4 (a). An amendment by the United Kingdom (E/CN.4/L.631) to delete the words "or no" was accepted without objection.

77. Paragraph 5. An amendment by the United Kingdom (E/CN.4/L.631) to delete the words "paying special attention to their implementation" was accepted without objection.

78. Paragraph 6. A separate vote was taken at the request of the representative of Italy on the words "without prejudice to the adoption and ratification of the covenants on human rights, including the measures of implementation provided therein" and these words were rejected by 9 votes to 6, with 4 abstentions. The paragraph as amended — "Decides to continue, in accordance with Economic and Social Council resolution 624 B (XXII), the system of the communication by Governments of periodic reports on human rights" — was adopted by 16 votes to none, with 3 abstentions.

79. Paragraph 7. The addition of the words "Members of the United Nations and the specialized agencies" after "All States" was adopted by 11 votes to 3, with 5 abstentions. The words "and independence", voted on separately at the request of the representative of France, were retained by 10 votes to 4, with 5 abstentions.

80. Paragraph 8. An amendment was submitted by Italy and the Netherlands (E/CN.4/L.627) and orally revised during the discussion to read: "Requests Governments to take into full account, when drawing up their reports, the suggestions referred to in Council resolution 728 B (XXVIII)". An amendment to the same paragraph by the United Kingdom (E/CN.4/L.631) proposed the addition of the following: "and also the suggestion of the Committee on Periodic Reports (E/CN.4/831, para. 173) that Governments should concentrate on reporting developments of particular significance and explaining why they were significant, rather than attempting to report developments relating to all the rights enumerated in the Universal Declaration". Both amendments were accepted without objection.

81. An amendment by Afghanistan (E/CN.4/L.628) to insert the following additional paragraph between

paragraphs 7 and 8 of the text proposed by the Committee was accepted without objection: "*Requests* the Secretary-General to invite Governments to submit their reports as soon as possible and not later than 30 June of the year immediately following the period for which the reports are being made".

82. A further amendment by Afghanistan (E/CN.4/L.630) to add a new paragraph at the end of the draft resolution proposed by the Committee was also accepted without objection, after oral revision by the sponsor. The paragraph reads as follows: "*Invites* the specialized agencies to co-operate in carrying out the task undertaken by the Commission on Human Rights as indicated in resolution 624 B (XXII) of the Economic and Social Council".

83. The United States of America (E/CN.4/L.626) proposed the addition of the following paragraph at the end of the draft resolution proposed by the Committee: "*Invites* non-governmental organizations in consultative status to transmit hereafter to the Secretary-General every three years relevant information on developments in human rights called for under Economic and Social Council resolution 624 B (XXII)". This was subsequently withdrawn in favour of a proposal by Afghanistan reading in its revised form (E/CN.4/L.629/Rev.1) as follows: "*Invites* the non-governmental organizations in consultative relationship to submit comments and observations of an objective character on the situation in the field of human rights including the summaries of the periodic reports prepared by the Secretary-General during the consideration of the matter by the Commission on Human Rights." This was orally amended by India during the discussion to read as follows: "*Invites* the non-governmental organizations in consultative relationship to submit comments and observations of an objective character on the situation in the field of human rights to assist the Commission in its consideration of the summaries of periodic reports." This text was accepted without objection.

84. A further amendment was submitted by the United States of America (E/CN.4/L.626) to add a paragraph reading as follows: "*Requests* the Secretary-General to transmit hereafter the summaries of the triennial reports to the Commission on the Status of Women and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for their comments". The United States amendment was

accepted without objection. The representative of the Union of Soviet Socialist Republics introduced an amendment to substitute the words "for use" for the words "for their comments". However, he did not press for a vote on his amendment in view of assurances that the sense of the words "for their comments" would not permit the Sub-Commission or the Commission on the Status of Women to pass judgement on the actions of specific Governments.

85. The draft resolution submitted by the Committee, as a whole, as amended, was adopted by 17 votes to none, with 3 abstentions.

#### *Recommendations of the Commission*

86. The text of the resolution as adopted at the 733rd meeting on 11 April 1962 is as follows:

### 3 (XVIII). PERIODIC REPORTS ON HUMAN RIGHTS

#### *The Commission on Human Rights,*

*Having considered* the report of the Committee on Periodic Reports established by the Commission at its seventeenth session under resolution 3 (XVII),

*Bearing in mind* that although the submission by Governments of periodic reports on human rights has not yet been sufficiently effective, these reports are nevertheless of value for the promotion of respect for and observance of human rights and fundamental freedoms,

1. *Takes note* of the report (E/CN.4/831) of the Committee concerning the developments in human rights during the years 1957-1959,

2. *Recommends* the following draft resolution for adoption by the Economic and Social Council:

[*For the text of the draft resolution, see chapter XII, draft resolution I.*]

87. The Commission also agreed to recommend strongly to the Economic and Social Council that, in order to create a greater impact in the field of the protection and promotion of human rights, wide-spread publicity should be given, in an appropriate form, to the periodic reports submitted by Governments.

88. At its 735th meeting the Commission decided to include on the agenda of its next session the question of the procedure to be followed in respect of future periodic reports on human rights (see paragraph 311 below).

## V. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

89. At the 711th to 729th meetings, held on 27 to 30 March, 2 to 6 and 9 April 1962, the Commission examined item 6 of its agenda: "Prevention of discrimination and protection of minorities". The agenda item was divided into four parts: (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices, (b) Report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, (c) Membership of the Sub-Commission on Prevention of

Discrimination and Protection of Minorities, and (d) Freedom from Prejudice and Discrimination Year and Day.

### A. DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

90. At its sixteenth session in 1960 the Commission considered chapter V of the report of the twelfth session of the Sub-Commission on Prevention of



Discrimination and Protection of Minorities (E/CN.4/800), on the study of discrimination in the matter of religious rights and practices. In connexion with this chapter, it had before it the Study of Discrimination in the Matter of Religious Rights and Practices<sup>7</sup> drawn up by the Sub-Commission's Special Rapporteur, Mr. Arcot Krishnaswami (India), and the draft principles on freedom and non-discrimination in the matter of religious rights and practices prepared by the Sub-Commission (E/CN.4/800, para. 160, resolution 1 (XII), annex).

91. In resolution 4 (XVI) of 15 March 1960, the Commission noted the draft principles and requested the Secretary-General to transmit their text to the Governments of States Members of the United Nations and members of the specialized agencies so that they might submit their comments on the substance of the draft principles and the form in which such principles should be embodied. Such comments were to be submitted by 31 October 1960.

92. At its seventeenth session in 1961 the Commission decided to defer consideration of the draft principles to the eighteenth session.<sup>8</sup> In this connexion it was agreed that the Secretary-General should request those Member Governments which had not sent in comments on the draft principles to do so by September 1961.

93. The following fifty-three Governments replied to the request for comments: Burma, Canada, Ceylon, China, Denmark, Federation of Malaya, Finland, Ghana, Iraq, Japan, Jordan, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland and Yugoslavia (E/CN.4/809); Cambodia, Chile, Dominican Republic, Ecuador, Guatemala, Laos, Lebanon, Nicaragua, Republic of Viet-Nam and Venezuela (E/CN.4/809/Add.1); Austria and Federal Republic of Germany (E/CN.4/809/Add.2); Italy (E/CN.4/809/Add.3); Afghanistan, Australia, India and Poland (E/CN.4/809/Add.4); Luxembourg (E/CN.4/809/Add.5); Spain (E/CN.4/809/Add.6); Argentina and Panama (E/CN.4/809/Add.7); Greece, Pakistan, Philippines, Portugal, Republic of Korea, Somalia, South Africa, Thailand, the Union of Soviet Socialist Republics and the United States of America (E/CN.4/809/Add.8); Cameroun, France, Madagascar, Monaco, Switzerland and Upper Volta (E/CN.4/809/Add.9); and the Netherlands (E/CN.4/809/Add.10).

94. Comments were also received from three non-governmental organizations: the Co-ordinating Board of Jewish Organizations (E/CN.4/NGO/91); the Women's International League for Peace and Freedom (E/CN.4/NGO/98); and the International Humanist and Ethical Union (E/CN.4/NGO/95 and Add.1).

95. The Commission also had before it a working paper by the Secretary-General (E/CN.4/L.602) compiling amendments and new texts, relating to specified sections of the principles, proposed by Governments in documents E/CN.4/809/Add.1-9 mentioned above.

<sup>7</sup> United Nations publication, Sales No.: 60.XIV.2.

<sup>8</sup> Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 8, para. 9

96. The Commission agreed that amendments contained in the comments of Governments could be moved by members of the Commission as amendments during the discussion of the draft principles.

97. The Commission discussed the item at its eighteenth session at the 711th to 721st meetings held from 27 March to 3 April 1962.

98. The Commission first held a general debate on the substance of the draft principles and the form in which such principles should be embodied. It then proceeded to a detailed examination of the text of the draft principles in the light of the comments, suggestions and amendments placed before it.

99. The Commission was able to examine only part of the preamble of the draft principles in the time allotted to this item of the agenda. It deferred to the nineteenth session the consideration of the remainder of the text and the amendments thereto submitted by the representatives of Argentina (E/CN.4/L.607 and Add.1), the Ukrainian SSR (E/CN.4/L.615) and the USSR (E/CN.4/L.614).

#### *General debate on the substance of the draft principles*

100. In examining the substance of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, various members of the Commission referred to the *Study of Discrimination in the Matter of Religious Rights and Practices* drawn up by Mr. Arcot Krishnaswami (India), Special Rapporteur of the Sub-Commission. Tribute was paid to Mr. Krishnaswami for the thorough, objective, impartial and well-balanced study which he had prepared, and to the Sub-Commission for its formulation of draft principles on the basis of that study. It was recalled that the study had already been considered in detail by the Commission at its sixteenth session.<sup>9</sup>

101. Reference was also made to the comments received from Governments on the substance of the draft principles and the form in which such principles should be embodied. In their comments the Governments of the following countries stated that the draft principles were generally acceptable or satisfactory, subject to various reservations, or that they had no objections to them: Afghanistan, Cambodia, Cameroun, Ceylon, China, Denmark, Federation of Malaya, Finland, Ghana, Jordan, Laos, Madagascar, Pakistan, Panama, Philippines, Republics of Korea, Somalia, Thailand, the United States of America. The Governments of the following countries stated that the draft principles (or many of them) were in conformity with, or not in conflict with, their legislation: Australia, Chile, Dominican Republic, Iraq, Luxembourg, Nicaragua, Poland, Portugal and Sweden. The Governments of the following countries stated that they had no comment to make on the draft principles: Burma, Ecuador, Japan, Lebanon, Monaco, Republic of Viet-Nam, South Africa, Switzerland and Upper Volta. The Governments of the following countries suggested

<sup>9</sup> Ibid., Thirtieth Session, Supplement No. 8, paras. 150-174.



that the principles should be embodied in the form of a declaration: Finland, India, the Netherlands, United Kingdom of Great Britain and Northern Ireland, Thailand and Venezuela. The Governments of the following countries suggested that the principles should be embodied in a recommendation or resolution of the General Assembly or of the Economic and Social Council: Austria, Canada, Cameroun, Federal Republic of Germany, United States of America, Upper Volta and Yugoslavia. The Government of Pakistan suggested that the principles should be embodied in a convention. The Government of Norway suggested that they should be made part of the draft international covenants on human rights.

102. Before the Commission discussed the text of the draft principles in detail, the question of the form in which such principles should ultimately be embodied was raised. The Sub-Commission, in transmitting the draft principles to the Commission, had expressed the belief (resolution 1 A (XII)) that the adoption by the United Nations of recommendations to its Members, based upon these principles, would be a fitting culmination to its study.

103. There was wide support for the Sub-Commission's belief that the document to be prepared should ultimately take the form of a recommendation by the United Nations to its Members. There was also wide support for the view expressed by a number of Governments that the principles should be embodied in a declaration. While there was a suggestion that the document to be prepared should take the form of a convention, with which signatory States would be required to reconcile their laws, the general view was that it should be a declaration or recommendation of general principles rather than a legal instrument having binding force. The view was also expressed that such a declaration or recommendation, adopted by the Economic and Social Council or the General Assembly, would elaborate the principles proclaimed in article 18 of the Universal Declaration of Human Rights and would serve as a code of conduct and "a set of practical rules for coexistence" not only for Governments but also for non-governmental organizations and private individuals.

104. A formal proposal was made by Venezuela that the draft principles should be embodied in the form of a declaration of principles, having the same form as the Universal Declaration of Human Rights, which would ultimately be adopted and proclaimed by the General Assembly. Other members, however, suggested that a final decision on the form of the proposed instrument should be deferred until after the text had been agreed upon.

105. In this connexion the Secretariat was requested by the Commission to give an opinion regarding the difference between a declaration and a recommendation as far as the legal implications were concerned. In response to this request the Office of Legal Affairs of the Secretariat submitted to the Commission a memorandum on the use of the terms "declaration" and "recommendation" (E/CN.4/L.610), which contained the following paragraphs:

" . . .

" 3. In United Nations practice, a 'declaration' is a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated, such as the Declaration of Human Rights. A recommendation is less formal.

" 4. Apart from the distinction just indicated, there is probably no difference between a 'recommendation' and a 'declaration' in United Nations practice as far as strict legal principle is concerned. A 'declaration' or a 'recommendation' is adopted by resolution of a United Nations organ. As such it cannot be made binding upon Member States, in the sense that a treaty or convention is binding upon the parties to it, purely by the device of terming it a 'declaration' rather than a 'recommendation'. However, in view of the greater solemnity and significance of a 'declaration', it may be considered to impart, on behalf of the organ adopting it, a strong expectation that Members of the international community will abide by it. Consequently, in so far as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down rules binding upon States.

" 5. In conclusion, it may be said that in United Nations practice, a 'declaration' is a solemn instrument resorted to only in very rare cases relating to matters of major and lasting importance where maximum compliance is expected."

106. The representative of Venezuela did not insist upon his proposal being put to a vote since a decision as to the form in which the draft principles should be embodied was deferred. There was agreement in the Commission that a decision on this question should not be taken until the text of the draft principles had been adopted.

107. In the general debate on the substance of the draft principles, several members stressed the importance of the task which the Commission had undertaken. It was pointed out that the ultimate adoption of a declaration setting out such principles would constitute an important step forward in the promotion of fundamental human rights and in the creation of the conditions necessary for harmonious coexistence between individuals, groups, and nations. In this connexion it was recalled that frequently in the past recognition of the right to freedom of thought, conscience and religion had served as a starting point for the recognition of other human rights and freedoms; thus the Commission's work would have a certain symbolic as well as an intrinsic value.

108. The difficulties of the subject-matter were mentioned by several members. One view was that these difficulties stemmed mainly from the existence in the world of conflicting attitudes towards the question of freedom of thought, conscience and religion, and in part from the absolute character which religion had for the believer and the passions which it aroused. According to some members, religion was not merely an individual and a social phenomenon, but it also, by its very nature, pervaded all the thought, endeavours

and activities of its adherents. Moreover, there were many practical difficulties to be met in implementing any general principles relating to freedom of thought, conscience and religion.

109. Another view was that the difficulties stemmed from the fact that conditions concerning religion in different States varied in the extreme: in every State there were to be found not only followers of numerous religions or beliefs, among whom there were conflicting convictions, but also atheists, who maintained non-religious convictions. While religion had a sacred character for its followers, those who held non-religious beliefs were equally entitled to maintain their beliefs and to be protected against discrimination, since to them their convictions were no less sacred. It was thus necessary to establish a balance between those who professed a religion and those who did not. According to this view there could be no freedom of conscience in a State in which adherents of one religion or belief held a privileged position and there was discrimination against adherents of other religions or beliefs. Nor could there be freedom of conscience in a State in which there was discrimination against persons holding atheistic views. Separation of the Church and the State, and of the Church and the schools, was an essential guarantee of freedom of conscience. Where religion or belief was bound to the State, either officially or by ties of an ideological or economic nature, it was merely a weapon to be used by the State in carrying out its policy.

110. Members generally agreed that the Commission should not attempt to examine theoretical religious concepts, but should concentrate upon the elaboration of practical rules for freedom of religion and other beliefs which could be universally supported.

111. There was considerable discussion in the Commission of the meaning to be attributed to the word "belief", as used in the draft principles prepared by the Sub-Commission. Reference was made to the fact that in the footnote on page 1 of his *Study of Discrimination in the Matter of Religious Rights and Practices* Mr. Krishnaswami had stated that "In view of the difficulty of defining 'religion', the term 'religion or belief' is used... to include, in addition to various theistic creeds, such other beliefs as agnosticism, free thought, atheism and rationalism". During the discussion some members pointed out that the footnote expressed only the personal point of view of the Special Rapporteur and had no special significance. Other members supported the definition of the words "religion or belief" given in Mr. Krishnaswami's study. They pointed out that the use of these two words in the document to be drawn up would ensure freedom and non-discrimination both with respect to persons professing a religion and with respect to persons adhering to atheistic beliefs. It was also recalled that the term "religion or belief" had been used both in article 18 of the Universal Declaration of Human Rights and in article 18 of the draft Covenant on Civil and Political Rights.

112. In the view of some members the use of the term "religion or belief" to include not only those who

followed a religion but also those who held non-religious ethical beliefs was wrong in principle because it gave the impression that the two were equivalent, which was not so. In their opinion religion was much more than private prayers or public worship; it was at the basis of the whole conception of life of a religious man, permeating his thinking and his deeds in relation to his Creator, and having a profound influence upon other aspects of his life as an individual and in his bearing towards other people and towards society as a whole. They also stated that because of its unique and transcendent character and its comprehensive and pervasive nature, religion could not, in principle, be put on the same footing with agnosticism, free-thought, atheism and rationalism. On the other hand, it was pointed out that it was absurd to attempt to place religion above atheistic belief.

113. Other members, while recognizing the importance of distinguishing between religion and belief where individuals were concerned, were of the opinion that from the point of view of the State that distinction was irrelevant: the State should show the same tolerance with regard to both religion and non-religious beliefs although it should not permit freedom to be invoked to protect those who wished to attack and destroy religion. In their external manifestations, religious and non-religious beliefs should be respected equally. It was pointed out that the Sub-Commission clearly had intended the draft principles to prohibit all discrimination in matters of belief, whether religious or non-religious, as evidenced by the fact that it had used the expression "religion or belief" no less than twenty-three times, as well as by its enunciation, in paragraph 1 of part I of the draft principles, of the right of everyone to adhere or not to adhere to a religion or belief.

114. Several members strongly favoured the use of the term "religion or belief" throughout the principles, both as a matter of consistency and because the term "non-religious belief" might be interpreted as including political or other secular beliefs. In the opinion of others, the absence of the word "religion" made no difference, as the word "belief" should be interpreted in the broadest possible sense. One member felt that there was no need for the use systematically of the term "religion or belief" and in particular of the term "or belief" in certain of the draft principles, such as those having application exclusively to priests or ministers of religion.

115. Another issue which arose in the course of the general debate was that of the individual and social characteristics of religion. One view was that the draft principles were seriously defective in that they stressed mainly the freedom of the individual and did not adequately protect the rights of religious groups as such. It was maintained that the religious rights of individuals could not be guaranteed to the fullest extent unless the community character of religion was taken into account and the rights resulting therefrom were also guaranteed; such rights included, for example, the right of a religious community to organize its adherents in groups, the right of its central authorities to give directives of a binding nature on matters of

doctrine and worship, the right of religious leaders and individual adherents to communicate freely with groups in other countries, on a basis of reciprocity. Moreover, because of its transcendental nature and objectives, religion could not be limited to spiritual and ritual aims but had also to give guidance in all matters of public life involving moral issues. Some representatives pointed out that such an attitude towards the question discriminated against persons who were not adherents of the predominant religion and also against persons holding atheistic opinions. The same representatives did not agree with the contention that religion had a transcendental nature and objectives. It was pointed out that in a class society religion was an instrument in the hands of the State which enabled it to achieve class objectives. Another view was that the fact that the draft principles dealt mainly with individual rights was both understandable and correct, since there were probably no principles which could be applied universally to relations between the State and religion. In this connexion several members pointed out that the special status which a religion or a Church enjoyed in a given country should not be regarded as discriminatory, provided that freedom of religion and religious practices was duly respected; while others maintained that the exercise of freedom of conscience required the separation of Church and State and of school and Church.

116. Some members maintained that the draft principles should emphasize that the profession of a particular religion must not be used for political ends or to increase tension between States. In particular, the Church should not be permitted to interfere in political life or to take advantage of its following among the population to exert pressure on the State, to have rival Churches expelled, to incite believers to religious hatred, or to be used in the struggle against persons who adhere to non-religious progressive convictions. Some members, however, pointed out that such an emphasis in the principles might give States which practised intolerance an additional weapon, and that an individual's political activities should not be restricted merely because his political views derived from his religious or non-religious beliefs.

117. Several members of the Commission and two representatives of non-governmental organizations suggested additional ideas for inclusion in the draft principles. Among the suggestions made were that provisions should be added on equality of all before the law regardless of their religious or other beliefs and on the right of conscientious objection as such. It was also suggested by one member that provisions should be included on what might be called "protective" discrimination with regard to some groups or classes of society which had been seriously underprivileged in the past and required favoured treatment in order to attain equality. Another view was that discriminatory practices, even if they were called "protective", could never be justified. It was also suggested that a provision should be added stating explicitly that the principles were not in any way intended to limit the scope of article 18 of the Universal Declaration of Human Rights.

## Preamble

118. The preamble was discussed at the 715th to 721st meetings, held on 29 and 30 March and 2 and 3 April 1962. As prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the preamble read as follows (E/CN.4/800, resolution 1 (XII) annex):

### "Preamble"

"Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and fundamental freedoms, and have taken a stand against all forms of discrimination, including discrimination on the ground of religion or belief,

"Whereas the principle of non-discrimination and the right to freedom of thought, conscience and religion have been proclaimed in the Universal Declaration of Human Rights,

"Whereas the disregard of human rights and fundamental freedoms and in particular of the right to freedom of thought, conscience and religion has brought in the past untold sorrow to mankind,

"Whereas it is therefore the duty of Governments, organizations and private persons to promote through education, as well as through other means, respect for the dignity of man and a spirit of understanding, tolerance and friendship among all religious and racial groups, as well as among all nations,

"Whereas the efforts of Governments, organizations and private persons to eradicate discrimination in respect of the right to freedom of thought, conscience and religion should be supported by elaborating the provisions relating to these freedoms with a view to ensuring their protection and furtherance,

"Now therefore the following provisions are proclaimed to promote the freedom of thought, conscience and religion and the eradication of discrimination on the ground of religion or belief."

119. In its paragraph by paragraph examination of the preamble, the Commission considered suggestions and amendments proposed by its members (see also paragraph 96 above). It deferred a decision on the title to be given to the instrument until after the text had been agreed upon.

### First and second paragraphs of the preamble

120. The Commission considered the first and second paragraphs of the preamble together. In the first paragraph, the representative of Afghanistan proposed the deletion of the words "or belief". The representative of Austria proposed that if those words were to be omitted the entire phrase, reading "including discrimination on the ground of religion or belief," should be deleted; however, he later withdrew this proposal.

121. Some members preferred the paragraph as originally drafted, others supported the Afghanistan amendment, while still others supported the Austrian suggestion. Several efforts were made to reach a compromise formula. One suggestion was that the

word "belief" should be replaced by "conviction". Another was that the term "religion or religious belief" should be used. Still another was to quote the relevant texts of the Charter directly. Objections were, however, raised to each of these suggestions.

122. The representative of Afghanistan suggested, with a view to reconciling the different views which had been put forward, that the first two paragraphs should be combined into a single paragraph reading as follows :

*"Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and fundamental freedoms, and have taken a stand against all forms of discrimination, including discrimination on the ground of religion or belief, and the principles of non-discrimination and the right to freedom of thought, conscience and religion have been proclaimed in the Universal Declaration of Human Rights,"*

This formula, however, did not prove to be generally acceptable.

123. The representative of the Union of Soviet Socialist Republics proposed that the words "including discrimination on the ground of religion or belief" should be deleted from the first paragraph and that the words "or belief" should be added after the word "religion" in the second paragraph. In addition, he proposed deletion of the conjunction "and" before "religion" in order to make the text grammatically correct and to put the four concepts—thought, conscience, religion and belief—on an equal footing. In order to meet an objection to the resulting text, he accepted a revised formulation suggested orally by the representative of India, as follows :

*"Whereas the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief have been proclaimed in the Universal Declaration of Human Rights,"*

124. This wording of the second paragraph together with the deletion from the first paragraph of the clause "including discrimination on the ground of religion or belief," met with unanimous agreement in the Commission.

### *Third paragraph*

125. Argentina proposed (E/CN.4/L.607) the deletion of the third paragraph of the preamble and the insertion of a new third paragraph reading :

*"Whereas freedom to practise religion, since it is, for anyone who professes it, the fundamental element in his conception of the world, must be fully guaranteed,"*

126. The Netherlands proposed (E/CN.4/809/Add.10) deletion of the words "in the past".

127. There was little support for the proposal to delete the paragraph, and consequently it was not pressed to a vote. Instead the representative of Argentina agreed to move his proposed text as a new paragraph to be included in the preamble (see paragraph 129). The proposal to delete the words "in

the past" was widely supported. The suggestion was made by the representative of India that the words "great suffering" might be used instead of "untold sorrow". This suggestion was accepted by the Commission. The representative of Austria proposed to replace the words "has brought" by the word "brings", but withdrew this proposal in the light of the discussion which took place.

128. There was unanimous agreement in the Commission that the third paragraph should read :

*"Whereas the disregard of human rights and fundamental freedoms and in particular of the right to freedom of thought, conscience and religion has brought great suffering to mankind,"*

### *Proposals for additional paragraphs*

129. During the examination of the new paragraph of the preamble proposed by Argentina (see paragraphs 125 and 127), several suggestions were made. The representative of Venezuela wished the new paragraph to be brought into line with the text of the second paragraph as adopted; he suggested that it should be amended to refer to "religion or belief," and the expression "profess or practise" should be used instead of "practise". The representative of Afghanistan suggested that the words "since it is" and the words "the fundamental element in his conception of the world" should be deleted. The representative of Argentina accepted the proposal to include the words "or belief", but could not accept the deletion suggested by the representative of Afghanistan.

130. The representative of Venezuela proposed orally that the Argentine text should be re-worded as follows :

*"Whereas religion or belief are, for those who profess them, the fundamental element in their conception of the world, freedom to profess and practise them must be fully guaranteed,"*

131. The representative of Afghanistan also proposed orally a re-wording of the Argentine amendment as follows :

*"Whereas religion, for anyone who professes it, is a fundamental element in his conception of life, his freedom to practise religion or to manifest belief should be fully respected,"*

132. These proposed texts were acceptable to the representative of Argentina. However, some members objected to the text proposed by the representative of Afghanistan both because it contained a philosophical judgement or evaluation of religion which they considered to be entirely out of place in the instrument which the Commission was preparing and because it appeared to single out those professing religious beliefs for special privilege and to ignore those who held non-religious beliefs.

133. It was suggested by the representative of the Union of Soviet Socialist Republics that the non-controversial parts of the amendment might be retained in some such wording as :

"Whereas, for anyone who professes a religion or adheres to other beliefs, full freedom must be guaranteed,".

However, even those approving this suggestion felt that the adoption of such a text was unnecessary because it would contain little of substance that did not appear elsewhere in the draft principles.

134. The Commission considered the Argentine amendment, as revised by the sub-amendment of Afghanistan, at some length. It was pointed out that the meaning of the term "to manifest belief" was not clear, that there did not seem to be any logical connexion between the premises stated in the first part of the paragraph and the conclusion drawn in the second part, and that the text appeared to guarantee freedom to practise a religion or to manifest a belief only to those for whom religion was a fundamental element of life. Moreover, it was pointed out that any belief—and not only religious faith—could constitute for one who professed it the fundamental element in his conception of life, a fact which was not reflected in the text.

135. The representative of the Philippines suggested orally that the paragraph in question should be replaced by the following text:

"Whereas, in consequence of the principle of non-discrimination and the right to the freedoms mentioned above, it is essential that the freedom to manifest religion or belief as a fundamental element in life, either by worship, observance, practice or teaching, be fully respected,".

This suggestion, however, was not supported by other members.

136. Another suggestion, put forward by the representative of the United Kingdom, was that the paragraph should read as follows:

"Whereas there can be no freedom of religion or belief without freedom to manifest religion or belief in teaching, practice, worship and observance,".

While this suggestion had some support, it was objected to on the ground that it eliminated an important element from the Argentine amendment, namely, the words "a fundamental element in his conception of life".

137. The representative of Italy proposed that the balance of the Argentine amendment as sub-amended by the proposed text of the representative of Afghanistan (see paragraph 131 above) should be re-established by replacing the word "or" by the words "as well as". The representative of the Netherlands suggested that the words "and guaranteed" should be added after the word "respected". The representative of the United Kingdom proposed that the word "his" after the words "conception of life" should be replaced by the words "and therefore". These sub-amendments were accepted by the representative of Argentina.

138. The paragraph, as amended, was adopted by 12 votes in favour and 4 against, with 4 abstentions. It read as follows:

"Whereas religion, for anyone who professes it, is a fundamental element in his conception of life,

and therefore freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed."

139. The representative of Argentina further proposed (E/CN.4/L.607) the insertion in the preamble of the following additional paragraph:

"Whereas religion is also of a social nature and freedom of religion applies equally to a religious society as such,".

In view of the text which had been adopted by the Commission after examination of the first additional paragraph proposed by Argentina, the word "also" was deleted by the sponsor as being no longer necessary.

140. While some members supported the Argentine proposal, others questioned the meaning of the statement that "religion is of a social nature," and of the term "religious society as such".

141. In support of the amendment, it was pointed out that as long as religion was considered as being a purely personal matter, individuals who professed a religion "in community with others" could not be guaranteed the full enjoyment of their religious rights. Freedom of religion implied *inter alia* the possibility freely to establish and to organize religious communities and the possibility for the leaders of such communities to instruct believers in matters of doctrine and worship. This in turn implied that those leaders should be able to communicate freely with religious communities and co-religionists in other countries, provided that this right of free communication was granted on a basis of complete reciprocity. Others pointed out that freedom of conscience could be guaranteed in practice only in a society in which religion was a private matter for every citizen.

142. With reference to the statement that "religion is of a social nature", some members felt that any discussion of the nature of religion was wholly outside the terms of reference of the Commission. Moreover, even if the Commission possessed any competence in this field, they could not accept the statement as formulated. In some countries, they recalled, mere recognition of the social nature of religion had given rise to serious conflict. Furthermore, some religions had no established church and no priests or religious leaders; thus the statement that "religion is of a social nature" was not true in all cases.

143. The meaning of the term "religious society as such" was not clear to some members. It was suggested that if it referred to religious associations, institutions and charitable bodies, that should be explicitly stated. Another view was that there was no religious society as such: in each country society was made up of people professing one of various religions or adhering to atheistic views.

144. In order to facilitate the Commission's work, the representative of Argentina agreed to a suggestion that he attempt to re-draft the paragraph, taking into account the comments which had been made. Subsequently, the representative of Argentina submitted a new text to replace paragraph 3 of its amendment, as follows:

"Whereas religion has individual and social characteristics and freedom of religion must apply equally to both."

However, the Commission was not able to examine the proposed additional paragraph in the time allotted for consideration of the agenda item.

145. At the 720th meeting the Union of Soviet Socialist Republics proposed (E/CN.4/L.611) the insertion in the preamble of the following additional paragraph:

"Whereas freedom of atheistic convictions is of exceptional importance to the persons holding them and, together with the right of their expression, should therefore be respected and guaranteed,"

146. The representative of the Union of Soviet Socialist Republics explained that the proposed new paragraph was intended to restore the balance of the text of the preamble, which had been upset by the adoption at the 719th meeting of a paragraph which dealt exclusively with religion and persons professing religious beliefs. He recalled that, according to the Charter and the Universal Declaration of Human Rights, and also in the opinion of the Sub-Commission, freedom to manifest convictions should be guaranteed equally to persons professing religious beliefs and those professing non-religious beliefs. The views of persons professing non-religious beliefs were as sacred to them as religious beliefs were to the adherents of religions, and indeed men had given their lives to defend non-religious beliefs.

147. The Commission was not able to examine the proposed additional paragraph in the time allotted for consideration of the agenda item.

#### *Fourth paragraph*

148. The United Kingdom proposed (E/CN.4/809) that the fourth paragraph of the preamble should be revised to read:

"Whereas it is therefore the duty of Governments, organizations and private persons to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship among all religious and racial groups,"

The representative of the United Kingdom explained that in his Government's opinion the paragraph would be more effective if it were concentrated on the matter in hand; deletion of the phrases "respect for the dignity of man" and "as well as among all nations" was proposed only because the concepts to which they referred were not closely connected with freedom and non-discrimination in the matter of religious rights and practices.

149. The sponsor of the amendment accepted an Afghanistan sub-amendment, to delete the words "and racial" on the ground that the question of racial discrimination was not relevant in a document concerned with religious rights.

150. Objection was raised by some members to deletion of the reference to "respect for the dignity of man", as that concept was considered to include

respect for the right to hold all kinds of religious opinion, as well as atheistic beliefs. Objection was also raised to deletion of the reference to racial groups and nations, on the ground that the remaining text might give the impression that it was the duty of Governments and others to promote understanding and tolerance only among religious groups and not between religious groups and those which did not profess any religion.

151. The representative of the United Kingdom orally modified his amendment by replacing the words "among all religious groups" by the words "in matters of religion and belief". The United Kingdom representative accepted a further modification of his amendment suggested by the representative of Afghanistan. As revised, the text read as follows:

"Whereas it is essential that Governments, organizations and private persons should strive to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship in matters of religion or belief,"

152. The representative of the Ukrainian SSR proposed, as a sub-amendment to the United Kingdom amendment, that the words "in matters of religion or belief" should be replaced by the words "among all groups professing a religion or holding non-religious beliefs". Some members of the Commission objected to this text. In their view it seemed to imply that a spirit of understanding, tolerance and friendship should prevail only between groups professing a religion, on the one hand, and groups holding non-religious beliefs, on the other; whereas in reality it was important for such a spirit to prevail among various religious groups and also among religious and non-religious groups. Moreover, it was pointed out that if the Ukrainian text were to be adopted, it might be argued that the word "non-religious" had been inserted before the word "beliefs" because everywhere else in the texts "beliefs" was used in a different sense, and consequently referred to religious beliefs only.

153. The representative of Poland suggested that the word "non-religious" in the sub-amendment should be replaced by "other". This suggestion was accepted by the representative of the Ukrainian SSR.

154. The representative of Italy pointed out that the revised text still did not resolve the difficulty, since it retained the distinction between groups professing a religion and groups holding other beliefs. At the suggestion of the representatives of India and Italy, the sponsor of the sub-amendment further modified it so that the final phrase read: "among all persons and groups who profess different religions or hold different other beliefs".

155. A separate vote was taken on the word "other" in the Ukrainian sub-amendment. This word was rejected by 11 votes to 4, with 5 abstentions. The remainder of the sub-amendment was rejected by 8 votes to 7, with 5 abstentions. The United Kingdom amendment was adopted by 17 votes in favour and 3 against.



156. The representative of the Union of Soviet Socialist Republics made a statement to the effect that the text adopted had no practical meaning, since one could not seek to promote a spirit of understanding, tolerance and friendship in matters of beliefs which were very often irreconcilable.

*Further consideration of the draft principles on freedom and non-discrimination in the matter of religious rights and practices*

157. The Commission concluded its examination of the draft principles on freedom and non-discrimination in the matter of religious rights and practices at the close of its 721st meeting, this being the time-limit which had been proposed by its Bureau. At its 735th meeting the Commission adopted a draft resolution proposed by the representative of the Philippines to continue consideration of the draft principles at its nineteenth session (see paragraph 307 below).

**Text of the paragraphs of the preamble adopted by the Commission**

158. The text of the paragraphs of the preamble adopted by the Commission at the 716th, 717th, 719th and 721st meetings, held on 30 March, 2 and 3 April 1962, reads as follows (the order of the paragraphs has not been decided upon):

*" Preamble*

*"Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and fundamental freedoms, and have taken a stand against all forms of discrimination ;*

*"Whereas the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief have been proclaimed in the Universal Declaration of Human Rights ;*

*"Whereas the disregard of human rights and fundamental freedoms and in particular of the right to freedom of thought, conscience and religion has brought great suffering to mankind ;*

*"Whereas religion, for anyone who professes it, is a fundamental element in his conception of life, and therefore freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed ;*

*"Whereas it is essential that Governments, organizations and private persons strive to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship in matters of religion and belief."*

**B. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (FOURTEENTH SESSION)**

159. At the 714th and 722nd to 726th meetings, held on 29 March and 4 to 6 April 1962, the Commission considered the report of the fourteenth session of

the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/830).

160. The discussion in the Commission related mainly to chapter V of the Sub-Commission's report, entitled "Study of discrimination in the matter of political rights". There was also some discussion relating to chapter IX of the report "Future work of the Sub-Commission". The Commission examined chapter IV of the report, "Communications relating to the prevention of discrimination and the protection of minorities" in connexion with item 9 of its agenda (see paragraph 286 below).

161. In chapter VI of its report "Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country" the Sub-Commission indicated that a draft report on this subject (E/CN.4/Sub.2/L.234) had been submitted by its Special Rapporteur, Mr. José D. Ingles, and that the Sub-Commission, after an exchange of views, had invited Mr. Ingles, in resolution 3 (XIV), to complete his final report in time for it to be considered by the Sub-Commission at its fifteenth session. In view of the provisional nature of the draft report, the Commission refrained from any detailed discussion of it or of chapter VI of the Sub-Commission's report.

**Study of discrimination in the matter of political rights**

162. At the 714th and 722nd to 723rd meetings, held on 29 March and 4 April 1962, the Commission examined chapter V of the Sub-Commission's report, "Study of discrimination in the matter of political rights". In connexion with this chapter, it had before it the study (E/CN.4/Sub.2/213) drawn up by the Sub-Commission's Special Rapporteur, Mr. Hernán Santa Cruz (Chile). The study had been prepared in accordance with resolution 1 (XIII) of the Sub-Commission (E/CN.4/815, para. 95), and the general directives governing studies of discrimination approved by the Sub-Commission and the Commission on Human Rights.<sup>10</sup>

163. On the invitation of the Commission (714th meeting), Mr. Santa Cruz was present and participated in the Commission's meeting when his study, and the relevant chapter of the Sub-Commission's report, were under discussion.

164. In an introductory statement at the 714th meeting, Mr. Santa Cruz pointed out that the study constituted the third in the series of studies of discrimination which had been prepared by the Sub-Commission and submitted to the Commission, the first having been the *Study of Discrimination in Education*,<sup>11</sup> which the Commission had received in 1957 ; and the second having been the *Study of Discrimination in the Matter of Religious Rights and Practices*, which the Commission had received in 1960. The Sub-Commission had initiated the study of discrimination in the matter

<sup>10</sup> *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7, para. 377.*

<sup>11</sup> *United Nations publication, Sales No.: 57.XIV.3.*

of political rights in 1956, and had appointed him as its Special Rapporteur. It had directed him to follow the same general procedure as had been followed in the case of the earlier studies of discrimination. Under these instructions the Special Rapporteur had collected, analysed and verified material from various sources, including Governments, specialized agencies, the Secretary-General, non-governmental organizations, and the writings of recognized scholars and scientists. He had prepared a series of eighty-eight draft "country monographs", each of which had been transmitted to the Government of the country concerned for comment and supplementary data. The information in the country monographs, revised in the light of the comments received from the respective Governments, had served as a basis for a draft report (E/CN.4/Sub.2/L.217), which had been examined by the Sub-Commission at its thirteenth session; and subsequently for the final study, which the Sub-Commission, after consideration at its fourteenth session, had transmitted to the Commission.

165. In the study, Mr. Santa Cruz explained, he had endeavoured to approach the question of discrimination in the matter of political rights in a constructive spirit, to state the facts as he had found them in the documentation available to him, and to evaluate those facts in the light of his understanding of public freedom and of the concept of a democratic society as set out in the Universal Declaration of Human Rights. He had stressed, in particular, the close relationship between political rights on the one hand, and economic, social and cultural rights on the other, and had pointed out that the exercise of political rights was one of the best means of ensuring the effective protection of economic, social and cultural rights, and vice versa.

166. He had been obliged to point out, in the study, that the rate of progress in the recognition and enjoyment of political rights was not yet fast enough and that millions of people still were subjected to discrimination on grounds such as race, sex, language and religion and were thereby deprived of some or all of their political rights. Retrograde tendencies had resulted, in some countries and areas, from an imbalance between the enjoyment of civil and political rights and the enjoyment of economic, social and cultural rights, an imbalance working to the detriment of one or the other group of rights. Nevertheless, on balance, the progress which had been achieved outweighed the setbacks and the favourable trend undoubtedly would be strengthened by the emergence of dependent territories into freedom and independence, the raising of levels of living in the developing areas, and the propagation of the idea that the economic emancipation of peoples and individuals was entirely compatible with the full exercise of political freedoms.

167. Mr. Santa Cruz added that, like other Special Rapporteurs who had prepared studies for the Sub-Commission, he had endeavoured to set out in his final report a series of general principles elaborating upon the principles enunciated in the Universal Declaration of Human Rights. He had dealt in particular with articles 2 and 21 of that instrument. He

had confined himself to what he considered to be a minimum list of essential political rights without which it would be impossible, in his view, even to speak of political freedom. The Sub-Commission, after examining his proposals, had unanimously adopted ten principles — an accomplishment which in his view, considering the diversity of the economic, political and social systems represented in the Sub-Commission and the difficulties which had been encountered when article 21 of the Declaration had been drafted in 1948, represented one of the most important advances yet made in the field of political rights. He suggested that the time was ripe to take the decision to embody these principles in an international convention, a task of great importance and urgency which only the Commission was competent to undertake.

168. Various members of the Commission expressed their views on the study. Those views are summarized in the records of the 722nd and 723rd meetings.

169. The representative of the Commission on the Status of Women, Mme. Marie-Hélène Lefauchaux (France), also participated in the discussion of the study. Her statements are summarized in the records of the 722nd and 723rd meetings. The Commission on the Status of Women had considered the Sub-Commission's general principles on freedom and non-discrimination in the matter of political rights at its sixteenth session, held at United Nations Headquarters from 19 March to 6 April 1962, and had reached a wide measure of agreement regarding certain amendments to the principles (E/CN.6/L.336). She expressed the hope that if the Sub-Commission's principles were to be sent to Governments for their observations, the suggestions of the Commission on the Status of Women could be forwarded at the same time.

170. In addition, the Commission heard statements by the representatives of the World Federation of Trade Unions and the International Federation of Women Lawyers. These statements are summarized in document E/CN.4/SR.722.

#### *General appraisal of the study*

171. In part A of resolution 1 (XIV), the Sub-Commission had expressed its deep appreciation to the Special Rapporteur for his valuable and devoted work on the study, and had expressed its gratitude to the States Members of the United Nations, the specialized agencies, the Commission on the Status of Women and the non-governmental organizations concerned, for their collaboration. The Sub-Commission had transmitted the Special Rapporteur's report to the Commission on Human Rights, together with the summary records of the discussion at its fourteenth session (E/CN.4/Sub.2/SR.343-365) for its early consideration. It had also transmitted to the Commission a series of draft principles, which it had prepared on the basis of proposals for action submitted to it by the Special Rapporteur, in the belief that the formulation of international and regional instruments based upon these principles and their adoption by States Members of the United Nations would be a fitting culmination to the study. Finally,



it had decided to retain the subject of discrimination in the matter of political rights as an item on its agenda, in order that it might keep in touch with the efforts made to eradicate such discrimination.

172. Members of the Commission were unanimous in expressing to Mr. Santa Cruz their appreciation of the valuable work which he had performed in his capacity as Special Rapporteur of the Sub-Commission. In their view the Special Rapporteur had produced, under difficult circumstances, a study of unusual excellence dealing with a complex subject. The study was comprehensive, scholarly, constructive, and above all, objective in its approach; and could well be expected to serve as the basis for further action by the competent organs of the United Nations.

*Action to be taken on the study*

173. In part B of resolution 1 (XIV), the Sub-Commission had submitted a draft resolution for the Economic and Social Council by which the Council, after expressing its belief that the most effective way of combating discrimination in the matter of political rights was through energetic and sustained educational effort on an international scale, and that the triennial reporting procedure of the Commission on Human Rights provided a suitable framework within which Governments could report progress in combating such discrimination, would request the Secretary-General (a) to print and give wide circulation to the study on discrimination in the matter of political rights, and (b) to arrange for the preparation by the Special Rapporteur, or under his supervision, of a popular version of the study, so that this version might be published and used widely throughout the world, particularly in universities, schools and other educational institutions, to combat such discrimination.

174. The draft resolution also requested the Council to urge the Governments of States Members of the United Nations and of the specialized agencies to take into consideration the information and conclusions contained in the study; to be guided by the principles drawn up by the Sub-Commission in that connexion, after their final approval; and to continue and, if necessary, to accentuate their educational efforts designed to eliminate all discrimination in the matter of political rights.

175. The Commission accepted as a basis for its discussion a draft resolution submitted by Poland (E/CN.4/L.613). After this draft resolution, as amended, had been adopted, those portions of the Sub-Commission's draft resolution not dealt with in the Polish text were examined and adopted in a modified form.

176. In the Polish draft resolution it was proposed that the Commission should express its appreciation to the Sub-Commission and to the Special Rapporteur for their valuable work on the study of discrimination in the matter of political rights, and request the Secretary-General to transmit to Governments of all States the text of the draft general principles on freedom and non-discrimination in the matter of political rights so that they might submit, not later than 31 October 1962,

their comments on the substance of the draft general principles and the form in which such principles should be embodied. It was further proposed that the Commission should decide to include the question in the provisional agenda of its nineteenth session.

177. The representative of Poland, in explanation of his proposal, stated that while his delegation was prepared to consider the general principles immediately, it would be better to send them first to Governments for comments, as had been done with the draft principles on freedom and non-discrimination in the matter of religious rights and practices. This view was supported by other members of the Commission.

178. Three amendments to the Polish draft resolution were proposed orally by the representative of the United States of America: first, the insertion of the words "Members of the United Nations and of the specialized agencies" after the word "States"; second, the insertion, immediately thereafter, of the words "and to non-governmental organizations in consultative status"; and third, the insertion of the words, "as well as the suggestions made by the Commission on the Status of Women (E/CN.6/L.336)" after the words "political rights".

179. One representative, commenting on the words "all States" in operative paragraph 2 of the Polish draft resolution and on the proposed amendment to those words, expressed the view that in the light of the provisions contained in Article 2, paragraph 6, of the Charter there was no major obstacle in the way of sending the study to all States, whether or not they were Members of the United Nations or the specialized agencies.

180. The representative of Afghanistan suggested that Governments should be invited to comment not only on the text of the general principles but also on the study itself, if they so wished. He proposed orally that the words "the report of the Special Rapporteur (E/CN.4/Sub.2/213) and" should be added after the word "States". The representative of Poland, while having no objection in principle to the suggestion, pointed out that whereas the general principles had been adopted by the Sub-Commission and proposed standards of conduct for Governments, the study was the work of the Special Rapporteur in his personal capacity and contained no proposals for submission to Governments.

181. The representative of Poland accepted the United States amendments relating to non-governmental organizations and the Commission on the Status of Women, but could not accept the amendment to insert the words "Members of the United Nations and of the specialized agencies" after the word "States". He also accepted suggestions put forward by the representatives of France and India, changing the opening word in the first paragraph of the preamble of his draft resolution from "Noting" to "Recalling", modifying the reference to the summary records of the discussion in the Sub-Commission which appeared in the second paragraph of the preamble to read "the report of the fourteenth session of the Sub-Commission", in view of the fact that the Commission had

not been able to examine in detail the summary records which had been transmitted to it; and changing the word "submit" in the second operative paragraph to "communicate".

182. The United States amendment to insert the words "Members of the United Nations and of the specialized agencies" after the word "States" in the second operative paragraph was adopted by 13 votes in favour and 3 against, with 4 abstentions.

183. The Polish draft resolution, as amended, was adopted unanimously.

184. The text of the resolution as adopted at the 723rd meeting on 4 April 1962, is as follows:

#### 4 (XVIII). DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

##### *The Commission on Human Rights,*

*Recalling* resolution 1 (XIV) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the study of discrimination in the matter of political rights,

*Having examined* the final report (E/CN.4/Sub.2/213) presented by the Special Rapporteur together with the report of the fourteenth session of the Sub-Commission,

*Having considered* the draft general principles on freedom and non-discrimination in the matter of political rights drawn up by the Sub-Commission,

*Considering* that the importance of the question calls for a thorough study of the draft general principles on freedom and non-discrimination in the matter of political rights, as well as consideration of the views of Governments of States on the matter,

1. *Expresses its appreciation* to the Sub-Commission and the Special Rapporteur for their valuable work on the study of discrimination in the matter of political rights;

2. *Requests* the Secretary-General to transmit to Governments of all States Members of the United Nations and of the specialized agencies and to non-governmental organizations in consultative status the report of the Special Rapporteur (E/CN.4/Sub.2/213) and the text of the draft general principles on freedom and non-discrimination in the matter of political rights as well as the suggestions made by the Commission on the Status of Women (E/CN.6/L.336) so that they may communicate, not later than 31 October 1962, their comments on the substance of the draft general principles and the form in which such principles should be embodied;

3. *Decides* to include this question in the provisional agenda of the nineteenth session of the Commission.

185. With reference to the draft resolution which the Sub-Commission had requested the Commission to ask the Economic and Social Council to adopt, in part B of resolution 1 (XIV), the representative of France submitted a series of amendments (E/CN.4/L.621).

186. In the preamble, France proposed the insertion of the following paragraph after the second paragraph:

*"Taking into account* the important contribution made by the study submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its fourteenth session, by its Special Rapporteur, Mr. Hernán Santa Cruz,".

187. In the operative part, it was proposed that the Commission should (a) insert a new paragraph 1 and renumber the succeeding paragraphs accordingly, the new paragraph to read: *"Expresses its appreciation* to the Special Rapporteur, Mr. Hernán Santa Cruz, for his valuable study"; (b) amend paragraph 2 (a) to read "to print and circulate as widely as possible the study prepared by the Special Rapporteur"; (c) insert the words "in due course" in paragraph 2 (b) after the words "the preparation"; and (d) amend the new paragraph 3 to read: *"Urges* all States to continue and if necessary to intensify their educational efforts designed to eliminate all discrimination in the matter of political rights".

188. The sponsor of these amendments explained that his purpose was to harmonize the Sub-Commission's draft resolution with the text of resolution 772 C (XXX), which the Economic and Social Council had adopted with respect to the Study of Discrimination in the Matter of Religious Rights and Practices, to take into account the fact that the Commission had not yet been able to make a detailed examination of the draft principles on freedom and non-discrimination in the matter of political rights, and to accord to Mr. Santa Cruz treatment equal to that which had been given his predecessors.

189. The representative of the Union of Soviet Socialist Republics orally proposed that a new first paragraph should be added to the preamble of the draft resolution, reading as follows:

*"Considering* the need for adoption of legislation and other necessary measures for the complete eradication of discrimination in the matter of political rights where such discrimination still exists,".

However, in the light of the explanations given to the effect that this idea was implied in the text, and at the request of the representative of Afghanistan, he did not press his proposal on condition that the records reflected that his purpose in proposing the text was to show that in the view of his delegation the aim which all nations should pursue was the complete eradication of discrimination in the matter of political rights.

190. There was some discussion in the Commission concerning the Sub-Commission's proposal that the Secretary-General should arrange for the preparation by the Special Rapporteur, or under his supervision, of a popular version of the Study of Discrimination in the Matter of Political Rights. The view expressed by some members, that it would be premature to prepare a popular version of the study before a final decision had been taken on the general principles, was endorsed by the Special Rapporteur himself, who explained that in his view the popular version should

be envisaged as a kind of explanatory document to facilitate the understanding of the principles. The precise import of the French amendment, to add "in due course" to the text of the proposal, was questioned by some members. As a result of the discussion paragraph 2 (b) of the draft resolution of the Sub-Commission containing the proposal for a popular version of the study was omitted, and the representative of France orally revised the French amendment. He proposed the replacement of paragraph 2 (a) and (b) by a new paragraph 2 reading as follows: "*Requests* the Secretary-General to print and circulate as widely as possible the study prepared by the Special Rapporteur."

191. In the light of the views expressed in the Commission, the first paragraph of the preamble of the draft resolution proposed by the Sub-Commission was revised by substituting the words "*Considering* that one of the most effective ways", for the words "*Believing* that the most effective way", and by deleting the words "energetic and sustained". The second preambular paragraph was amended by adding the words "achieved and difficulties encountered" after the word "progress". The French amendments to the operative paragraphs, as modified during the discussion, were adopted unanimously. The Sub-Commission's draft resolution, as amended, was adopted unanimously.

192. The text of the resolution as adopted at the 725th meeting on 5 April 1962 is as follows:

#### 5 (XVIII). STUDY OF DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

##### *The Commission on Human Rights*

*Recommends* that the Economic and Social Council adopt the following draft resolution:

[For the text of the draft resolution, see chapter XII, draft resolution II.]

##### **Future work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities**

193. At its fourteenth session the Sub-Commission, considering that it had completed its work on the study of discrimination in the matter of political rights and that it probably would have before it at its fifteenth session the final report of the Special Rapporteur on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and recalling document E/CN.4/Sub.2/125 on the position of persons born out of wedlock and resolution D on the same subject, which it had adopted at its fourth session, decided, in resolution 5 (XIV), to undertake a study on the matter of discrimination against persons born out of wedlock. The Sub-Commission appointed Mr. V. V. Saario, one of its members, to carry out the study, and requested the Commission on Human Rights to recommend to the Economic and Social Council the adoption

of a resolution approving the decision to undertake a study on this subject.

194. In addition, the Sub-Commission, expressing the desire to keep in touch with measures being taken against discrimination in all its forms and to take, when necessary, further action against those forms of discrimination which have already been the subject of studies, decided to put on its agenda as a regular item at its future sessions the subject: "Review of further developments in the fields which have already been the subject of study of inquiry initiated by the Sub-Commission."

195. Finally, the Sub-Commission, believing that the question of its future work deserved more comprehensive and detailed consideration than was possible at the fourteenth session, resolved to put on the agenda of its fifteenth session as the first main item: "Consideration of the future work of the Sub-Commission."

196. The question of the future work of the Sub-Commission was examined by the Commission at its 725th and 726th meetings, on 5 and 6 April 1962. In this connexion it had before it the draft resolution intended for adoption by the Economic and Social Council, which had been formulated by the Sub-Commission, and a draft resolution submitted by the representative of Austria (E/CN.4/L.618).

##### **Study of discrimination against persons born out of wedlock**

197. There was general agreement in the Commission that the Sub-Commission should be authorized to proceed with the study of discrimination against persons born out of wedlock, although some members expressed the view that other United Nations organs might be as well qualified to deal with this question, and that there were more important questions demanding the immediate attention of the Sub-Commission. In this connexion the representative of the Commission on the Status of Women indicated that her Commission had never dealt directly with the problem of persons born out of wedlock, but had only considered the rights and obligations of the father and mother with regard to the child.

198. In the course of the discussion it was pointed out that the Commission had approved, at its ninth (1953) session, two subjects for studies which the Sub-Commission had not yet undertaken — namely, discrimination in respect of residence and movement and discrimination in respect of the right to choose a spouse and in the enjoyment of family rights. However, it was recalled that the Council had not endorsed the recommendation that such studies should be undertaken.

199. It was also pointed out that if the proposal of the Sub-Commission were not to be accepted by the Commission, there would be a gap in the Sub-Commission's series of studies of particular aspects of discrimination and these might come to a stand-still after its fifteenth session. As regards the possibility of duplication of the work of other United Nations bodies, it was suggested that the Sub-Commission

would no doubt make a preliminary survey of the question, on the basis of which it could formulate proposals as to the way in which the co-operation of other bodies could be obtained.

200. The draft resolution submitted by the Sub-Commission for ultimate approval by the Economic and Social Council (E/CN.4/830, resolution 5 (XIV), paragraph 4), was adopted by 19 votes to none, with one abstention.

201. The text of the resolution as adopted at the 725th meeting on 5 April 1962 is as follows :

6 (XVIII). STUDY OF DISCRIMINATION AGAINST PERSONS  
BORN OUT OF WEDLOCK <sup>12</sup>

*The Commission on Human Rights*

*Recommends* to the Economic and Social Council the adoption of the following draft resolution :

[For the text of the draft resolution, see chapter XII, draft resolution III.]

**Study concerning the use of their own language  
by persons belonging to linguistic groups**

202. At the 725th meeting the representative of Austria proposed (E/CN.4/L.618) that the Commission should adopt a draft resolution reading as follows :

*"The Commission on Human Rights,*

*"Recalling* General Assembly resolution 217 C (III), on the fate of minorities, and 532 B (VI), on the continuance of work, within the framework of the United Nations, relating to the protection of minorities,

*"Noting* article 25 of the draft Covenant on Civil and Political Rights and, in particular, the provision therein that persons belonging to linguistic minorities shall not be denied the right to use their own language,

*"Suggests* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should undertake a study concerning the use of their own language by persons belonging to linguistic groups, as referred to in article 25 of the draft Covenant on Civil and Political Rights."

203. The sponsor of the proposal explained that in the view of his delegation the Sub-Commission should deal further with the question of the protection of minorities. The question was one which fell within its terms of reference, and in resolution 217 C (III) the General Assembly had requested that a thorough study of the problem of minorities should be made. Moreover, when article 25 of the draft Covenant on Civil and Political Rights had been adopted by the Third Committee of the General Assembly, many members had said that that article was one of the most important in the entire draft. Unfortunately, the article contained no more than a statement of elementary rights, and did not provide for the protection

of minority groups as such. Indeed, it only prohibited the adoption of discriminatory measures against individual members of such groups.

204. The Commission and the Sub-Commission should therefore take the measures necessary to ensure that the rights of minorities were given more effective protection. The Commission, in particular, might resume the discussion of the general principles which should govern the protection of minorities, which it had abandoned at its tenth session. It might also try to overcome the difficulties which it had encountered over the past seventeen years and which had prevented it from proposing more positive provisions than those in article 25. The substance of the Austrian proposal was not new. The Secretary-General had proposed, in his draft outline of an international bill of rights (E/CN.4/AC.1/3), that individuals belonging to linguistic groups should have the right to use their own language before the courts and other authorities and organs of the State and in the press and in public assembly. That proposal had been supported by the representative of France in the Commission (E/CN.4/AC.1/W.2/Rev.1), by the drafting committee of the Commission (E/CN.4/21 and E/CN.4/AC.1/SR.25), and by the delegation of the Union of Soviet Socialist Republics.<sup>13</sup> At its ninth session the Commission had before it a proposal by the Soviet Union (E/CN.4/L.222) and a Yugoslav proposal (E/CN.4/L.225) concerning the right of linguistic groups to use their own languages. In these circumstances it seemed necessary to clarify the meaning of the words "to use their own language" which appear in article 25 of the draft Covenant on Civil and Political Rights. This, in the opinion of the Austrian delegation, could best be done through a global study similar to others which had been undertaken by the Sub-Commission, and by the preparation of a set of draft principles based upon that study.

205. While some members supported the proposal, others expressed doubts about the need for such a study and asked for clarification of the meaning of the word "language" and of the term "persons belonging to linguistic groups" as used in the draft resolution. It was pointed out that in almost every country there are groups of people, some large but many very small, whose members do not use the majority or the official language. In addition, in many countries there are elements using dialects which do not have the characteristics of a true language. One member pointed out that in this context the term "dialect" should not be taken as synonymous with "language". It was contended that the question of protecting the rights of such individuals and groups was an extremely complex one, and measures for this purpose appeared in the Charter, the Universal Declaration of Human Rights, and the draft covenant on civil and political rights. It was maintained that the Austrian proposal regarding the protection of minorities which the General Assembly had recognized in resolution 217 C (III) to be a "complex and delicate question which has special aspects in each State in which it arises", was unlikely

<sup>12</sup> The financial implications of this resolution are set out in annex II A of this report.

<sup>13</sup> *Official Records of the Economic and Social Council, Seventh Session, Supplement No. 2.*

to yield useful results, and indeed might only serve to encourage linguistic separatist movements.

206. Some members felt that there was no real need for the study proposed by Austria, but pledged their support for any recommendation to Governments that they should take practical and effective action to protect the right of persons belonging to linguistic groups to use their own language. Others proposed that since the Sub-Commission would have to review its entire programme of future work at its fifteenth session, the draft resolution might be transmitted to it for further consideration. Still others suggested that consideration of the proposal, either by the Commission or by the Sub-Commission, should be deferred to 1963.

207. The representative of the Philippines orally submitted a procedural motion in the following terms :

*"The Commission on Human Rights,*

*"Having considered the draft resolution presented by the representative of Austria (E/CN.4/L.618), which relates to the future work of the sub-Commission on Prevention of Discrimination and Protection of Minorities,*

*"Decides to transmit the said draft resolution, together with the summary records of the discussion in the Commission (E/CN.4/SR.725 and 726), for the consideration of the Sub-Commission when it reviews its programme of future work."*

208. The motion was rejected by 8 votes to 6, with 7 abstentions.

209. The representative of Austria orally submitted a procedural motion in the following terms :

*"The Commission on Human Rights*

*"Decides to defer further consideration of the draft resolution of Austria (E/CN.4/L.618) to its nineteenth session."*

210. This motion was also rejected by 7 votes to 1, with 13 abstentions.

211. The representative of Austria, considering it necessary that the Commission should take a clear position on its work relating to the protection of minorities, requested that the Austrian proposal be put to the vote paragraph by paragraph, and by roll-call. The first and second paragraphs of the preamble were rejected in roll-call votes by 7 votes to 4, with 10 abstentions. The voting on each paragraph was as follows :

*In favour : Afghanistan, Austria, Philippines, Venezuela.*

*Against : France, Italy, Netherlands, Panama, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.*

*Abstaining : Argentina, China, Denmark, El Salvador, India, Lebanon, Pakistan, Poland, Ukrainian SSR, Union of Soviet Socialist Republics.*

212. The operative paragraph of the draft resolution was rejected in a roll-call vote by 9 votes to 2, with 10 abstentions. The voting was as follows :

*In favour : Afghanistan, Austria.*

*Against : Argentina, France, Italy, Netherlands, Panama, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.*

*Abstaining : China, Denmark, El Salvador, India, Lebanon, Pakistan, Philippines, Poland, Ukrainian SSR, Union of Soviet Socialist Republics.*

213. Thus, in accordance with rule 59 of the rules of procedure of the functional commissions, the Austrian draft resolution as a whole was considered to have been rejected.

#### **Other suggestions relating to the future work of the Sub-Commission**

214. During the discussion in the Commission on the future work of the Sub-Commission several members endorsed the decision of the Sub-Commission to review periodically developments in fields which had already been the subject of study or inquiry initiated by the Sub-Commission. The suggestion was made that the Sub-Commission might consider the desirability of selecting one basic subject for a thorough review each year.

215. One representative drew the Commission's attention to the suggestion concerning future work (E/CN.4/Sub.2/NGO/26) which had been submitted to the Sub-Commission by the International League for the Rights of Man, and in particular to the suggestion that it would be useful to undertake a study of discrimination in respect of the right set out in article 10 of the Universal Declaration of Human Rights which provides that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

216. Some representatives expressed the view that discrimination against persons born out of wedlock was not the most important or urgent problem which the Sub-Commission could study, and hoped that the Sub-Commission might at its next session suggest a study of discrimination in respect of the right to social security set out in article 22 of the Declaration, or of discrimination in respect of the rights proclaimed in articles 24 and 25.

#### **Duration of the next session of the Sub-Commission**

217. The Sub-Commission decided at its 377th meeting to request the Economic and Social Council, through the Commission on Human Rights, to arrange for its fifteenth session to be of four weeks' duration, in order to enable it to consider fully the items on the agenda of that session (E/CN.4/830, para. 231). Some members of the Commission indicated that they could not support the request because of its financial implications, while some saw no particular need for the fifteenth session of the Sub-Commission to continue longer than the normal three-week period. The Commission decided at its 726th meeting not to endorse the Sub-Commission's request.

## Final action on the report of the Sub-Commission

218. A draft resolution on the report of the fourteenth session of the Sub-Commission, submitted orally by the representative of the Philippines, was adopted unanimously.

219. The text of the resolution as adopted at the 726th meeting on 6 April 1962 is as follows :

### 7 (XVIII). REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (FOURTEENTH SESSION)

#### *The Commission on Human Rights*

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) (E/CN.4/830).

### C. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

220. At its first session (in January and February 1947) the Commission decided, amongst other things :

“(a) That the Sub-Commission be composed of twelve persons selected by the Commission in consultation with the Secretary-General and subject to the consent of the Governments of which the persons are nationals ;

“(b) That not more than one person be selected from any single country.”<sup>14</sup>

221. At its fifteenth session the Commission, in resolution 11 (XV), decided, unless otherwise determined by the Economic and Social Council, to increase the membership of the Sub-Commission from twelve to fourteen. The Council, in resolution 728 E (XXVIII) of 30 July 1959, approved the decision of the Commission.

222. At its eighteenth session the Commission considered the question of the membership of the Sub-Commission at the 725th meeting, held on 5 April 1962. It was generally agreed that, since the term of office of the present members expires on 31 December 1962, it would be desirable to elect new members ; and that the term of office of the new members should be three years, ending 31 December 1965.

223. From the list of candidates nominated by States Members of the United Nations (E/CN.4/821 and Add.1-9), the Commission elected fourteen persons as members of the Sub-Commission, subject to the consent of their Governments, for a period of three years beginning 1 January 1963. The persons elected at the 725th meeting on 5 April 1962 were :

Mr. Morris Abram (United States of America) ;

Mr. Mohamed Ahmed Abu Rannat (Sudan) ;

Mr. Charles D. Ammoun (Lebanon) ;

Mr. Peter Calvocoressi (United Kingdom of Great Britain and Northern Ireland) ;

Mr. Francesco Capotorti (Italy) ;

Mr. Gabino Fraga (Mexico) ;

Mr. José D. Ingles (Philippines) ;

Mr. Boris S. Ivanov (Union of Soviet Socialist Republics) ;

Mr. Pierre Juvigny (France) ;

Mr. Wojciech Ketrzinski (Poland) ;

Mr. Arcot Krishnaswami (India) ;

Mr. Franz Matsch (Austria) ;

Mr. Vieno Voitto Saario (Finland) ;

Mr. Hernán Santa Cruz (Chile).

### D. FREEDOM FROM PREJUDICE AND DISCRIMINATION YEAR AND DAY

224. At its seventeenth session in 1960 the Commission, in resolution 6 (XVII), submitted to the Economic and Social Council a draft resolution by which the General Assembly would (1) request all States to observe a Freedom from Prejudice and Discrimination Year in the near future, and thereafter to observe a Freedom from Prejudice and Discrimination Day every year ; and (2) urge all States and interested organizations to organize, promote and participate actively in this observance on a national basis through effective means such as posters, films, radio and television programmes, and other available educational media.<sup>15</sup> The Commission, at the same time, requested the Secretary-General to invite States Members of the United Nations and members of the specialized agencies to make comments, if any, on the draft resolution, such comment to be submitted to the Council prior to its thirty-second session.

225. At its thirty-second session the Council considered the draft resolution in the light of the comments of the Governments of Australia, Brazil, Cambodia, Canada, China, Congo (Leopoldville), Ghana, Hungary, India, Lebanon, Netherlands, New Zealand, Norway, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America.<sup>16</sup> Some members of the Council were in favour of the Commission's proposal for a special year and a special day for combating prejudice and discrimination. Others questioned the desirability of such a proposal. Two amendments were proposed. One was to the effect that Governments should be invited, in arranging in the near future for the observance either of Human Rights Day or of United Nations Day, to lay special emphasis both on the causes and on the importance of the elimination of racial prejudice and national and

<sup>15</sup> *Ibid.*, Thirty-second Session, Supplement No. 8, chapter V, paras. 125-139 and chapter XIII, draft resolution III.

<sup>16</sup> *Ibid.*, Thirty-second Session, Annexes, agenda items 2 and 5, document E/3491 and Add.1-4.

<sup>14</sup> *Official Records of the Economic and Social Council, Fourth Session, Supplement No. 3*, para. 20.



religious intolerance.<sup>17</sup> The other was to the effect that Governments should be invited to make arrangements for the observance of a Human Rights Year and to lay special emphasis in the organization of such a year, both on the causes and on the importance of the elimination of racial prejudice and national and religious intolerance.<sup>18</sup>

226. As there was no general agreement on the matter, the Council decided, in resolution 826 C (XXXII), to defer consideration of the draft resolution on Freedom from Prejudice and Discrimination Year and Day; to request the Secretary-General to send to the Governments of States Members of the United Nations and members of the specialized agencies the relevant records of the meetings<sup>19</sup> and the relevant documents of the thirty-second session, inviting them to transmit any observations which they might wish to offer on the subject before 31 December 1961; and to request the Secretary-General to transmit the Governments' replies to the Commission on Human Rights at its next session with a view to its considering the matter and making such recommendations as it might deem fit to the Council at its thirty-fourth session.

227. At its eighteenth session the Commission had before it the comments which had been received pursuant to Economic and Social Council resolution 826 C (XXXII) from the Governments of Bulgaria, Chile, Cyprus, Federal Republic of Germany, France, Guatemala, New Zealand, Norway, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and Yugoslavia (E/CN.4/824/Add.1); Jordan and Spain (E/CN.4/824/Add.2); Afghanistan, Austria, China, Ecuador, Netherlands, Philippines, Portugal and Sweden (E/CN.4/824/Add.3); Burma and Byelorussian SSR (E/CN.4/824/Add.4); and Lebanon (E/CN.4/824/Add.5). The Commission also had before it a statement on Freedom from Prejudice and Discrimination Year and Day (E/CN.4/NGO/96) submitted by the World Jewish Congress.

228. The Commission considered this item of its agenda at the 727th to 729th meetings, held on 6 and 9 April 1962.

229. A draft resolution on Freedom from Prejudice and Discrimination Year and Day was submitted to the Commission by the United Kingdom (E/CN.4/L.620), which read as follows:

*The Commission on Human Rights,*

*Having considered* the comments of Governments (E/CN.4/824/Add.1-5) on this subject,

*Requests* the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

*"The General Assembly,*

*"Recalling* the purpose of the Charter of the United Nations for promoting and encouraging respect for human rights and fundamental freedoms

for all without distinction as to race, sex, language or religion,

*"Recalling further* the Universal Declaration of Human Rights upholding the equality and dignity of all human beings,

*"Remembering* that the Declaration of the Rights of the Child recognizes that growing generations should be protected from practices which may foster racial, religious and any other form of discrimination,

*"Believing* that racial prejudice and national and religious intolerance are a danger to world peace,

*"Realizing* that urgent and universal educational measures are necessary to educate public opinion in this regard to eliminate such prejudice and discrimination,

*"Considering* that constant efforts to eliminate racial prejudice and national and religious intolerance are needed to promote social progress and better standards of life in larger freedom,

*"1. Invites* all States, in arranging in the near future for the observance either of Human Rights Day or of United Nations Day, to lay special emphasis both on the causes, and on the importance of the elimination of, racial prejudice and national and religious intolerance;

*"2. Urges* all States and interested organizations to organize, promote and participate on a national basis in any action directed to the above end through effective means such as posters, films, radio and television programmes, and other available educational media."

230. Members who supported the United Kingdom proposal maintained that the recommendation which the Commission had made to the Council in 1961, in resolution 6 (XVII), had not been a practical one. Observance of a Freedom from Prejudice and Discrimination Year would be a difficult if not impossible task in many countries. In some areas, where prejudice and discrimination were relatively unknown, such an observance was unnecessary and if carried out might unduly alarm the people or bring out latent prejudices. Should the observance be a failure, this might also have serious repercussions. The Commission's recommendation had been vague as to how States should conduct the observance over the full period of a year, and had not established any goal which could be attained within a year. Nor had it included any suggestion as to how the progress achieved could be assessed at the end of the observance. The United Kingdom proposal, on the other hand, was one which could be wisely accepted and implemented, and which would place the problem of combating prejudice and discrimination in its proper perspective as an integral part of the human rights programme of the United Nations.

231. Members who opposed the United Kingdom draft resolution emphasized the great political and practical value of a world-wide observance of Freedom from Prejudice and Discrimination Year. Some representatives pointed out that the proposal that a special year and day should not be observed was intended to nullify the recommendation which the Commission

<sup>17</sup> *Ibid.*, agenda item 15, document E/3537, para. 3 (c).

<sup>18</sup> *Ibid.*, para. 3 (e).

<sup>19</sup> E/AC.7/SR.443-447, and *Official Records of the Economic and Social Council, Thirty-second Session*, 1174th meeting.

had already made to the Economic and Social Council, and had been put forward out of fear that the proposed observance would draw attention to the unsatisfactory situation existing in many countries and territories where racial discrimination subsisted. Moreover, it was pointed out that the United Kingdom proposal was essentially the same as the one which that Government had placed before the Economic and Social Council at its thirty-second session, and that its consideration by the Commission did not in any way change the situation in the Council, which had only deferred action to its thirty-fourth session on the draft resolution submitted to it by the Commission.

232. Several members of the Commission submitted amendments to the preamble and operative paragraph 1 of the United Kingdom proposal.

#### *Amendments to the preamble*

233. The Union of Soviet Socialist Republics proposed (E/CN.4/L.622) the insertion of the following new paragraph between the third and fourth paragraphs of the preamble of the draft resolution to be submitted to the General Assembly :

*"Recalling that the Declaration on the granting of independence to colonial countries and peoples stresses the need to put an end to colonialism and all practices of segregation and discrimination,".*

234. The Ukrainian SSR proposed (E/CN.4/L.623) that the words "urgent and universal educational measures are necessary" in the penultimate paragraph of the preamble be replaced by the words "urgent legislative and other measures, including universal educational measures, are necessary".

#### *Amendments to operative paragraph 1*

235. Lebanon proposed (E/CN.4/824/Add.5) that operative paragraph 1 of the draft General Assembly resolution should be amended to read as follows :

*"1. Invites all States Members of the United Nations and members of the specialized agencies to make the necessary arrangements to observe in the near future an annual Human Rights Week which would replace the annual Human Rights Day, and to lay emphasis in the organization of this week on the causes of racial prejudice and national and religious intolerance (or on one of these, depending upon the particular needs of the States directly concerned) and on the importance of eradicating them."*

In connexion with this proposal the representative of Lebanon explained that the Human Rights Week which his Government envisaged would in no way detract from Human Rights Day ; the week would follow the observance of Human Rights Day.

236. The Ukrainian SSR proposed (E/CN.4/L.623) that operative paragraph 1 of the draft General Assembly resolution should be deleted and replaced by a new paragraph reading as follows :

*"1. Requests all States and specialized agencies to celebrate 1963 as Freedom from Prejudice and*

*Discrimination Year, and subsequently to observe an annual Freedom from Prejudice and Discrimination Day."*

237. The representative of India stated that in 1961 the Commission had approved resolution 6 (XVII) entitled "Freedom from Prejudice and Discrimination Year and Day" for this purpose, and the Economic and Social Council had deferred consideration thereof and had invited the Commission to consider and make recommendations on the matter in the light of comments of Governments. Some members shared this view and it was their understanding that the Commission still had before it resolution 6 (XVII). The Commission also had before it document E/CN.4/824 prepared by the Secretary-General and the first thing the Commission was required to do was to take action on that document. Since some doubts had been expressed in the Commission and elsewhere that it might not be possible for some Governments to sustain the tempo of propaganda against prejudice and discrimination for a whole year, for the sake of unanimity the representative of India would suggest that the Commission on Human Rights, having considered resolution 826 C (XXXII) of the Economic and Social Council, again recommend its resolution 6 (XVII) to the Council for transmission to and adoption by the General Assembly with the modification that the word "Year" appearing therein be changed to "Week". This suggestion, in his view, should be acceptable to all and could be included in the report of the Commission on Human Rights to the Economic and Social Council. Some representatives took the view that resolution 6 (XVII) of the Commission was still before the Economic and Social Council but not before the Commission on Human Rights.

238. The United States representative proposed orally, in an attempt to reconcile the different views, that operative paragraph 1 of the draft General Assembly resolution be revised as follows :

*"1. Invites all States to arrange in the near future for the observance of a Human Rights Week for the elimination of prejudice and discrimination and thereafter to observe a Human Rights Day every year."*

The United States representative said that if this were to be adopted a consequential change in the title of the resolution would have to be made.

239. The representative of Afghanistan suggested orally that operative paragraph 1 of the draft General Assembly resolution should be revised to read :

*"1. Invites all States to arrange, in the near future, for the observance of a United Nations Week, and thereafter for the observance of a Day, for the elimination of racial prejudice and discrimination and national and religious intolerance."*

The representative of the Union of Soviet Socialist Republics submitted this text to the Commission as a formal proposal.

240. There was considerable discussion in the Commission as to the substance of the various proposals,



and as to the procedure to be followed in dealing with them. From this discussion it was evident that there was unanimity in respect of the need to eliminate racial prejudice and discrimination and national and religious intolerance. However, it was pointed out that a "Year" would be both too long and impractical, and it was generally agreed that a "Week" would be more appropriate for the purpose.

241. In support of the Indian proposal, it was pointed out that no Government had opposed the Commission's recommendation of 1961, in resolution 6 (XVII), for the observance of a Freedom from Prejudice and Discrimination Year in the near future, and thereafter of a Freedom from Prejudice and Discrimination Day every year. Some Governments had, however, expressed the views that a year might be too long a period in which to sustain an educational drive of this type. The Indian proposal, that the word "Year" appearing in the Commission's recommendation, should be changed to "Week", was designed to meet this view. Bearing in mind the continued existence and manifestation of racial prejudice and discrimination and national and religious intolerance in various parts of the world, the United Nations should take action on the question at once rather than lapse into the complacency which had preceded the tragic events of recent years.

242. In opposition to the Indian proposal it was stated that the Council had not asked the Commission to revise resolution 6 (XVII), but had requested it to consider the matter and to make recommendations as it might deem fit. The Commission had received an insufficient number of observations from Governments to support the proposed revision. Several Governments had expressed the view that any such observance would be inappropriate or ineffective. Eleven of the twenty-six Governments which had submitted their observations had expressed support of the position put

forward in the United Kingdom proposal. Moreover, certain representatives declared that the French and Spanish version of the title "Freedom from Prejudice and Discrimination Week" was vague and might lead to misunderstanding. Certain representatives also stated that similar objections arose to the title in the English language.

243. Some members felt that the Commission should make no further recommendation to the Economic and Social Council unless a compromise proposal, satisfactory to all, could be adopted. In their view the recommendation which the Commission had made in resolution 6 (XVII), and which was still before the Council for action, was the best which could be achieved, and should be maintained and supported. They suggested that while 1963 would be a suitable year for a world-wide campaign against racial prejudice and discrimination and religious and national intolerance, they would leave these details to the General Assembly.

244. Neither the oral proposal submitted by the United States of America, nor that submitted by Afghanistan, was put to the vote. At this juncture, the representative of the Union of Soviet Socialist Republics adopted as its own a suggestion of Afghanistan that the Commission should recommend to the Council the transmittal of the same resolution proposed by the Commission in 1961 with the understanding that the word "Year" be replaced by the word "Week" wherever it occurred.

245. After some discussion, the USSR proposal was not put to the vote because, on the motion of the representative of Austria, under rule 45 of the rules of procedure, the Commission decided, at the 729th meeting, on 9 April 1962, by 17 votes to 1, with 2 abstentions, to adjourn the debate on item 6 (d) of its agenda.

## VI. FREEDOM OF INFORMATION

246. In 1958 the General Assembly, in resolution 1313 A (XIII), expressed the hope that the Economic and Social Council would formulate "a programme of concrete action and measures on the international plane which could be undertaken for the development of information enterprises in under-developed countries, with an evaluation of the material, financial and professional requirements and resources for the implementation of this programme". It, moreover, invited the Council to request the Commission on Human Rights "to give particular attention to procedures by which constant review of the problems of providing technical assistance to under-developed countries in the field of information may be assured" and invited the United Nations Educational, Scientific and Cultural Organization and other specialized agencies as appropriate to formulate "concrete proposals to assist in meeting the needs of less developed countries in building up adequate media of information". At the same time, the Assembly, in resolution 1313 B (XIII), recommended

that all Member States, as a contribution to building peace and confidence, should encourage better mutual understanding by taking "practical measures, in co-operation with the programmes of the United Nations and its specialized agencies, to open their countries to greater freedom of communications by : (a) facilitating access to United Nations information programmes ; (b) supporting the activities of United Nations information centres ; (c) facilitating the free flow of accurate information through all media".

247. The Economic and Social Council, in 1959, in resolution 718 (XXVII), requested UNESCO to undertake, within the scope of its programme, "a survey of the problems of providing technical assistance to under-developed countries" in the field of information. Furthermore, noting with approval the decision of the Commission on Human Rights to review developments affecting freedom of information (including the problems of providing technical assistance to under-developed

countries in the field of information) as a regular item on its agenda, the Council requested the Secretary-General to facilitate the Commission's reviews "by providing an annual report on developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information, on the basis of material furnished by the United Nations Educational, Scientific and Cultural Organization and other interested specialized agencies, as well as any other information available". It also requested the Secretary-General to prepare "a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954, including in particular: (i) the news sources to which peoples have access; (ii) the extent to which they receive news of the United Nations and its specialized agencies and their work for peace; and (iii) developments in the facilities for the free flow of accurate and undistorted information into and out of under-developed countries".

248. UNESCO submitted its report on development of information media in under-developed countries<sup>20</sup> to the Commission at its seventeenth session and to the Council at its thirty-first session. The Council, in its resolution 819 A (XXXI), *inter alia*, drew to the attention of Member States certain possibilities of action and international co-operation in this matter, and also requested UNESCO to prepare "a further report containing specific recommendations to the Commission . . . on additional concrete measures that might be undertaken through international co-operation to meet the difficulties with which less developed countries are confronted . . ."

249. The report on developments in the field of freedom of information since 1954<sup>21</sup> was also before the Council at its thirty-first session. Noting the importance of the findings and conclusions contained in the report, and noting further that a relatively small number of countries and non-governmental organizations had contributed information, the Council, in resolution 819 B (XXXI), requested the Secretary-General to circulate the report to Member States, to interested specialized agencies and to non-governmental organizations in consultative status for their comments and any additional information which they might consider pertinent; and requested the Commission to consider the report at its eighteenth session.

#### *Documentation before the Commission*

250. The Commission at its eighteenth session thus had before it:

(a) The report on developments in the field of freedom of information since 1954 (E/3443) and comments thereon by Governments and specialized agencies (E/3443/Add.1). This report contained chapters dealing with the role of the United Nations in the sphere of freedom of information; the concept of freedom of information; and questions such as facilities for and

obstacles to the free flow of information, the content and quality of the information received, and the extent to which peoples receive news of the United Nations and its specialized agencies and their work for peace. It also contained a note on the interrelationship, in the field of freedom of information, of political, economic, social (including educational) and other factors;

(b) The first annual report on freedom of information (E/CN.4/822 and Add.1 and 2). This document covered developments in the field of freedom of information in 1960 and the first half of 1961 and contained statements submitted by Governments; texts of, or extracts from, laws, regulations, executive decrees or orders; and summaries of judicial decisions. It also included information submitted by UNESCO on the provision of technical assistance to less developed countries, as well as statements by the Food and Agriculture Organization of the United Nations (FAO), the International Telecommunication Union (ITU) and the Universal Postal Union (UPU);

(c) A report by UNESCO on international co-operation to assist development of information media in less developed countries (E/CN.4/820 and Add.1 and 2). This report indicated kinds of international assistance which might be available in the initial phase of the development programme of a country and possible sources for financing such programmes; as well as recommendations indicating how the various forms of international assistance described might be applied to the development of different media of information. Appended to this report were summaries of the reports of a meeting on development of news agencies in Asia and the Far East (held at Bangkok, 19 to 22 December 1961) and of a meeting of experts on development of information media in Africa (held at UNESCO headquarters, Paris, 24 January to 6 February 1962).

#### *Action taken by the Commission at its eighteenth session*

251. The Commission dealt with the question of freedom of information at its 728th, 734th and 735th meetings, held on 9 and 12 April 1962.

252. At its 728th meeting, the Commission heard the representative of UNESCO present UNESCO's report on international co-operation to assist development of information media in less developed countries (E/CN.4/820 and Add.1 and 2). He stressed, *inter alia*, that the survey undertaken by UNESCO in response to the request of the United Nations had shown 70 per cent of the world's population to be lacking adequate information media; that there existed a clear relationship between the expansion and improvement of information media and economic and social development generally; and that information media could make a contribution towards educational advancement. First priority in a development programme might be assigned to the expansion of broadcasting services, since radio communication was able to overcome obstacles of distance and of illiteracy. Other items of priority were the development of national news agencies and of the printed press.

<sup>20</sup> *Official Records of the Economic and Social Council, Thirty-first Session, Annexes*, agenda item 10 (part I), document E/3437 and Add.1.

<sup>21</sup> *Ibid.*, agenda item 10 (part II), document E/3443.

253. The representative of UNESCO mentioned that the Commission had previously expressed its concurrence in the idea that the development of mass communication could best be promoted at this stage by national committees created for this purpose; UNESCO suggested that such committees might include members from government departments concerned with information, education and communications, the various branches of the information profession as well as the public or "consumer". The committees, while they would be concerned with all phases of the development programme, should give priority to the establishment of institutions for training professional and technical information personnel.

254. The representative of UNESCO stated that the cost of bringing the less developed regions up to the minimum requirements, which were estimated by UNESCO to be ten copies of a daily newspaper, five radio receivers and two cinema seats for every hundred persons, might be estimated, with all due reservations, at \$3.4 million. This figure covered capital investment and an initial planning and training programme. It did not include recurring annual costs for the operation of the information media concerned. Nor did it provide for the full-scale introduction of television.

255. The United Nations could make a decisive contribution to this development by providing experts and international or regional training facilities and by offering fellowships to assist in building up professional skills on the national level. Experience had shown regional projects to yield particularly good results in this specialized field. The three United Nations regional commissions concerned had endorsed the programme set out in UNESCO's survey. The representative of UNESCO pointed to the United Nations Development Decade as an auspicious time for action.

256. A suggestion was made by the representative of India that the International Development Association might, in consultation with UNESCO, study the possibility of establishing an international coupon scheme which would enable information media in less developed countries to equip themselves with essential material from other countries despite foreign exchange difficulties.

257. The representative of Pakistan invited the attention of the Commission to the desirability of establishing a sub-committee of experts on freedom of information for the purpose of formulating a programme of concrete action for the development of information enterprises in the less developed countries, but in view of the lack of time did not make any formal proposal to this effect at this session of the Commission.

258. The representative of the Philippines suggested that the most effective way of following up the survey conducted by UNESCO would be to establish pilot projects in each of the regions of Asia, Africa and Latin America to meet such particular needs of the region as seemed to be most urgent. In establishing these pilot projects UNESCO should collaborate with the United Nations, the Special Fund, the regional

economic commissions and professional non-governmental organizations interested in the development of information media.

259. At the 734th meeting, the representatives of Afghanistan, Argentina, Denmark, the Netherlands, the United States of America and Venezuela submitted a draft resolution (E/CN.4/L.624), reading as follows:

*"The Commission on Human Rights*

*"Recommends that the following draft resolution be adopted by the Economic and Social Council:*

*"The Economic and Social Council,*

*"Recalling that General Assembly resolution 1313 (XIII) of 12 December 1958 requested the Economic and Social Council to formulate a "programme of concrete action and measures on the international plane which could be undertaken for the development of information enterprises in under-developed countries, with an evaluation of the material, financial and professional requirements and resources for the implementation of this programme",*

*"Recalling that Council resolution 718 (XXVII) of 24 April 1959 requested the United Nations Educational, Scientific and Cultural Organization to undertake a survey designed to provide the elements for the programme of concrete action desired by the General Assembly,*

*"Noting with satisfaction the completion of the survey which has been carried out by means of a series of regional meetings in Asia, Africa and Latin America,*

*"Expressing the concern that the survey discloses 70 per cent of the population of the world to be lacking in adequate information facilities and to be thus denied effective enjoyment of the rights to information,*

*"Considering that the information media have an important part to play in education and in economic and social progress generally,*

*"1. Invites the Governments concerned to include adequate provision in their economic plans for the development of national information media;*

*"2. Reiterates the invitation contained in Council resolution 819 A (XXXI) of 28 April 1961 to the Technical Assistance Board, the Special Fund, the specialized agencies concerned, the regional economic commissions and other public and private agencies and institutions to assist, as appropriate, the less developed countries in developing and strengthening their national information media;*

*"3. Requests the United Nations Educational, Scientific and Cultural Organization to continue to further the programme for development of information media and in particular to keep up to date as far as possible its survey on this subject and to report thereon as appropriate to the Commission on Human Rights and the Economic and Social Council;*

*"4. Transmits to the General Assembly, in accordance with its requests, a programme of concrete action for development of the information media as*

contained in the reports<sup>22</sup> on the survey carried out by the United Nations Educational, Scientific and Cultural Organization ;

“ 5. *Recommends* that the General Assembly take this programme into account in connexion with the United Nations Development Decade.”

260. At the same meeting, the Commission decided owing to lack of time to postpone to its nineteenth session consideration of the report on developments in the field of freedom of information since 1954 and of the annual report on freedom of information, 1960-1961, and to confine itself to consideration of the six-power draft resolution (E/CN.4/L.624) dealing with the report on international co-operation to assist in the development of information media in less developed countries. A number of delegations expressed deep regret that the Commission lacked the time to deal with the other two equally important reports.

261. The members of the Commission expressed appreciation of the work done by UNESCO. It was pointed out that UNESCO was eminently qualified for the task it had undertaken and that its report was the result of a survey carried out by means of a series of regional meetings in Asia, Africa and Latin America which had been attended by numerous experts in the field.

262. The six-power draft resolution was found satisfactory by many members of the Commission. It was pointed out that to develop national information media meant to provide the means for exercising the right to information and to facilitate the free flow of ideas.

263. Suggestions for changes in the draft resolution were made by the Union of Soviet Socialist Republics, India and the Ukrainian Soviet Socialist Republic. No formal amendments were introduced.

264. The representative of the Soviet Union suggested that the words “national, independent” should be inserted before “information media” in paragraphs 3 and 4 of the draft resolution. He stated that unless the principle of national, independent information media were safeguarded, assistance from abroad might result in the domination of the information media by foreign interests and monopolies, to the detriment of the developing country. In reply to this, some of the sponsors of the draft resolution explained that a reference to “developing and strengthening national information media”, based on Council resolution 819 A (XXXI), was made in paragraph 2 and bore witness to their intentions in the matter ; but that paragraphs 3 and 4, referring to action that might be requested of UNESCO and of General Assembly, respectively, were worded so as to facilitate measures whose adoption, for technical or other reasons, was more practical or appropriate on a scale broader than the national. The representative of the Soviet Union did not submit his suggestions as a formal amendment in view of expla-

nations given to him by the sponsors, who indicated that the draft resolution was intended to cover independent national information media, free from foreign influence.

265. The representative of India pointed out that in the third paragraph of the preamble of the draft resolution the Council was to note with satisfaction “the completion” of the UNESCO survey, while in operative paragraph 3 UNESCO was asked “to keep [its survey] up to date”. It was stated in reply that the paragraph of the preamble referred to the documents submitted by UNESCO to the United Nations while paragraph 3 referred to its continuing programme for the development of information media. However, to remove an apparent discrepancy the paragraph of the preamble was changed to read “*Notes with satisfaction the survey . . .*”

266. The second point made by the representative of India was that the wording in operative paragraph 4 should be changed since the UNESCO reports which the Economic and Social Council would be forwarding to the General Assembly did not actually constitute “a programme” of concrete action but rather the “basis” or the “elements” of such a programme. The suggestion was accepted by the sponsors and the paragraph was changed to read : “*Transmits* to the General Assembly, in accordance with its request, the reports on the survey carried out by the United Nations Educational, Scientific and Cultural Organization as the basis of a programme of concrete action for development of the information media in less developed countries.”

267. The third point made by the representative of India was that the draft resolution should encourage, as did Council resolution 819 A (XXXI), the co-operation of the Governments of more developed countries with less developed countries. This suggestion was accepted by the sponsors and paragraph 5 was re-drafted to read :

“*Recommends* that the General Assembly

“(a) Take this programme into account in connexion with the United Nations Development Decade ; and

“(b) Invite the Governments of the more developed countries to co-operate with less developed countries with a view to meeting the urgent needs of the less developed countries in connexion with this programme for the development of independent national information media, with due regard for the culture of each country.”

268. The representative of the Ukrainian SSR suggested the insertion, in the last paragraph of the preamble of the draft resolution, of the word “national” before “information media”. He further suggested that the paragraph should indicate the role which information media might play in strengthening independence of the less developed countries and in strengthening friendly relations between peoples, to which reference was made in General Assembly resolution 1189 B (XII). However, he did not insist on his

<sup>22</sup> *Official Records of the Economic and Social Council, Thirty-first Session, Annexes, agenda item 10 (part I), document E/3437 and Add.1 ; see also E/CN.4/820 and Add.1 and 2.*

suggestion but wished his views to be reflected in the report of the Commission.

269. At its 735th meeting, on 12 April 1962, the Commission voted on the six-power draft resolution (E/CN.4/L.624) with the changes, accepted by the sponsors, mentioned in paragraphs 265 to 267 above. It was adopted unanimously.

270. The text of the resolution as adopted at the 735th meeting on 12 April 1962 is as follows :

## VII. NATIONAL ADVISORY COMMITTEES ON HUMAN RIGHTS

271. At its second session in 1946, the Economic and Social Council, upon the recommendation of the "nuclear" Commission on Human Rights, adopted resolution 9 (II) by which it invited States Members of the United Nations "to consider the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights".

272. The question of the establishment of such committees was not considered again by the Commission until its sixteenth session in 1960. The inclusion of the item in its agenda was proposed by its former Chairman, Mr. R. S. S. Gunewardene, who stated (E/CN.4/791) that national advisory committees on human rights, properly instituted and consisting of prominent personalities, would be of great assistance to Governments in advising regarding standards of human rights and in solving national or local human rights problems. The organization and structure of such committees might differ from country to country; they might be official, semi-official or purely unofficial bodies. Their functions which could vary from country to country might be, *inter alia*, to "(1) study current problems of human rights on the national or local level and make recommendations to the Government thereon; (2) advise the Government on any matters, legislative or administrative, relating to the observance of human rights; (3) hold annual or periodic conferences or seminars on human rights; (4) make annual or periodic surveys on the observance of human rights; and (5) assist the Government in preparing periodic reports on human rights to the United Nations and making studies on specific rights or groups of rights."

273. As a result of its discussion of the question, the Commission approved a resolution on the subject upon which the Council based its resolution 772 B (XXX) of 25 July 1960. In that resolution the Council, recognizing the importance of the contribution which could be made towards the promotion of respect for and observance of human rights by bodies representing, in each country, informed opinion on questions relating to human rights, invited Governments of States Members of the United Nations and of the specialized agencies to favour, in such manner as may be appropriate, the formation of such bodies which might take the form, *inter alia*, of local human rights committees

8 (XVIII). INTERNATIONAL CO-OPERATION TO ASSIST IN THE DEVELOPMENT OF INFORMATION MEDIA IN LESS DEVELOPED COUNTRIES

### *The Commission on Human Rights*

*Recommends* that the following draft resolution be adopted by the Economic and Social Council :

[For the text of the draft resolution, see chapter XII, draft resolution IV.]

or national advisory committees on human rights; or to encourage such bodies where they already existed. The Council further invited these Governments, with a view to the exchange of information and experience in regard to the functions of such bodies, including the nature and extent of their contact with Governments, "to communicate to the Secretary-General all relevant information on this subject in order that the Secretary-General may prepare a report to be circulated to Governments and submitted to the Commission on Human Rights at its eighteenth session".

274. In accordance with the Council's resolution, the Secretary-General submitted a report to the Commission (E/CN.4/828 and Add.1) which reproduced the information he had received from the following twenty-one Governments: Argentina, Austria, Cambodia, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Finland, France, India, Iraq, Italy, Republic of Korea, Lebanon, Pakistan, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America. The Commission also had before it a statement on national advisory committees on human rights submitted by the Co-ordinating Board of Jewish Organizations, a non-governmental organization in Category B consultative status (E/CN.4/NGO/97).

275. The Commission discussed the item on national advisory committees on human rights at the 707th to 710th meetings held on 23, 26 and 27 March 1962.

276. Several members expressed disappointment at the fact that relatively few Governments had submitted information in response to Council resolution 772 B (XXX). It was evident from the replies received, as well as from the discussion in the Commission, that Governments held widely diverse views on the question of national advisory committees. Some attached the greatest importance to the role played by legislative, judicial and other existing governmental institutions, by the press and by non-governmental organizations in safeguarding human rights, and saw no special need for establishing national advisory committees on human rights. Certain members recalled that the main aim of the Council's resolution was to promote respect for and observance of human rights; the establishment of national advisory committees was merely suggested as one possible means of achieving that end. It was emphasized by one member that the activity of such

committees could have positive significance only if it was really designed to ensure respect for human rights and if the Government of the country concerned, for its part, took all necessary legislative and other steps to ensure respect for human rights. Moreover, in a number of countries there was no need for the establishment of additional committees, since there already existed various state and public organizations which acted in defence of human rights more effectively and comprehensively than would the committees recommended in the Economic and Social Council resolution. Other members pointed out that the main problem was not to find out by what constitutional, legislative or other means respect for human rights was ensured in various countries, but whether it would be useful for a particular State to establish or encourage the formation of local human rights committees or national advisory committees on human rights. It was noted, from some of the replies received from Governments, that there seemed to exist a certain amount of confusion as to the type of bodies which were envisaged under Council resolution 772 B (XXX). The view was expressed that "national advisory committees" meant bodies set up within a particular country for the purpose of advising the Government of that country on human rights problems; such bodies should not be governmental organs, or, if they were, their functions should be purely advisory.

277. A variety of views were expressed regarding the functions which the bodies envisaged by the Council might perform and the nature and extent of their contacts with Governments. One member expressed the view that the true function of such bodies was to act as spokesmen of informed public opinion vis-à-vis the Government; in this sense they should be more appropriately called "local or national committees in the field of human rights" rather than "national advisory committees". Certain members pointed out that these bodies could have a dual role: the first, an advisory role, would consist in presenting opinions and proposals to appropriate governmental organs in matters relating to human rights, while the second, a more general role, would involve informing the public about human rights. In some countries, the Commission was told, the national advisory committees not only had the functions of advising the Government and educating public opinion, but also took effective steps in the event of any violation of human rights. Some members also pointed out that national advisory committees could co-ordinate the activities of national groups and bodies already active in the field of human rights, as well as establish contacts with national committees in other countries for the purpose of promoting respect for, and observance of, the rights proclaimed in the Universal Declaration of Human Rights.

278. In the light of the general discussion, the representatives of Austria, France, Lebanon and Turkey submitted a draft resolution (E/CN.4/L.606) which read as follows:

*"The Commission on Human Rights*

*"Recommends to the Economic and Social Council the following draft resolution:*

*"The Economic and Social Council,*

*"Recalling resolutions 9 (II) and 772 B (XXX) of 21 June 1946 and 25 July 1960 respectively concerning national advisory committees on human rights,*

*"Having examined the report of the Secretary-General (E/CN.4/828 and Add.1),*

*"1. Expresses its satisfaction at the fact that a number of Governments have submitted reports on the activities of national advisory committees on human rights and of similar bodies;*

*"2. Decides to transmit the Secretary-General's report to the Governments of all States Members of the United Nations and of the specialized agencies;*

*"3. Recommends to these Governments, if they have not already done so, to promote the creation of the bodies mentioned in Economic and Social Council 772 B (XXX). These bodies could, for instance, study questions relating to human rights, examine the situation on the national level, give advice to the Government, and help to create public opinion favouring respect for human rights."*

279. While the purport of the draft resolution met with the general approval of the members of the Commission, certain points gave rise to discussion. It was suggested that, in operative paragraph 1, the expression "Notes" would be more appropriate than "*Expresses its satisfaction*", as the number of Governments which had responded to the Council's request was rather small. However, it was explained that since many of the replies contained useful and interesting information, an expression of satisfaction would not be inappropriate.

280. Regarding operative paragraph 2, some members maintained that the Secretary-General's report should be transmitted to the Governments of "all States" rather than just to those of States Members of the United Nations and of the specialized agencies. Human rights should be promoted in all countries. Moreover, the expression "all States" had already been used in a number of resolutions adopted by the Commission at its past sessions. On the other hand, it was pointed out that the Secretary-General could transmit reports only to States which were Members of the United Nations or of the specialized agencies. Another objection to the wording of operative paragraph 2 was that it was unnecessary for the Council to "decide" to transmit the report to Governments as such action was implicit in resolution 772 B (XXX). It was felt that a "request" to the Secretary-General to transmit the report to Governments would be more appropriate. A suggestion was also made that any information on the subject which the Secretary-General might subsequently receive should also be transmitted to Governments.

281. Objections were also raised concerning the wording of the first sentence of operative paragraph 3 in that it went further than Council resolution 772 B (XXX) which merely invited Governments to "favour the formation" of bodies representing informed opinion on questions relating to human rights. The proposed



formulation ("to promote the creation of the bodies mentioned in Economic and Social Council resolution 772 B (XXX)") did not give sufficient freedom of action to Governments. Governments should themselves decide what action they should take in the light of their own needs and situation. The deletion of the words "if they have not already done so" was also suggested by some members. It was pointed out that, in line with resolution 772 B (XXX), the Council should not concern itself only with the formation of national advisory committees and similar bodies, but also with the encouragement of such bodies where they already existed.

282. Some members thought that the second sentence of operative paragraph 3 should be deleted and that the Council might instead draw the attention of Governments to the discussions in the Commission on the matter. However, other members felt that it would be useful to give Governments some examples of the tasks that might be entrusted to national advisory committees.

283. The original sponsors, together with the representatives of Argentina, Italy and the Netherlands, submitted a revised draft resolution (E/CN.4/L.606/

Rev.1) which took into account the various suggestions made in the course of the debate. This revised text, as further orally modified by the sponsors (E/CN.4/SR.710), was put to a vote at the 710th meeting on 27 March.

284. After an amendment by the representative of Poland to delete from operative paragraph 2 the words "Members of the United Nations and of the specialized agencies" was rejected by 15 votes to 5, with no abstentions, the revised draft resolution was unanimously adopted by the Commission.

285. The text of the resolution as adopted at the 710th meeting on 27 March 1962 is as follows:

#### 9 (XVIII) NATIONAL ADVISORY COMMITTEES ON HUMAN RIGHTS

##### *The Commission on Human Rights*

*Recommends* to the Economic and Social Council the following draft resolution:

*[For the text of the draft resolution, see chapter XII, draft resolution V.]*

### VIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

286. On 12 April 1962 the Commission held a private meeting to consider item 9 of its agenda, "Communications concerning human rights". The Commission had before it a non-confidential list of communications (E/CN.4/CR.31), a confidential list of communications (H.R. Communications List No. 12 and Corr.1), replies of Governments (H.R. Communications Nos. 225-259) and a confidential document of a statistical nature (H.R. Communications/Stat.3). It also had before it chapter IV of the report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/830) on communications relating to the prevention of discrimination and the protection of minorities.

287. At its 735th meeting on the same day, the Commission considered a note by the Secretary-General (E/CN.4/819) on communications concerning human rights. The note indicated certain difficulties which arose in the application of Economic and Social Council resolution 728 F (XXVIII). It was pointed out, *inter alia*, that many of those who wrote to the United Nations alleging violations of human rights did so without having any knowledge that their communications might be forwarded to the authorities against whom they were lodging complaints. The Secretary-General had drawn the attention of the Council at its thirty-second session to these difficulties and suggested that the following procedure might be applied:

"The Secretariat would write to the author and explain the United Nations procedure for dealing with communications on human rights: (1) indicating, as required by paragraph (d) of resolution 728 F

(XXVIII), that the Commission on Human Rights has no power to take any action in regard to any complaint concerning human rights; (2) asking the author, not only whether he has any objection to his name being divulged, but also whether he wishes the procedure to be applied; and (3) informing the author that if he does not reply, his communication will merely be filed by the Secretariat and thus neither be forwarded to the Government concerned, nor summarized in the confidential list of communications prepared for the Commission on Human Rights."<sup>23</sup>

288. In the Council a brief exchange of views took place. No objection was raised to points (1) and (2) of the suggestions; some reservation was expressed with respect to point (3). It was agreed that the matter should be referred to the Commission on Human Rights.

289. The Commission had a brief discussion of the Secretary-General's note. A suggestion was made that point (3) of the Secretary-General's suggestions might be changed to read: "(3) informing the author that if he does not reply, his communication will not be forwarded to the Government concerned but will merely be summarized in the confidential list of communications prepared for the Commission on Human Rights". Another suggestion was that when a communication was not forwarded to the Government, that fact should be clearly indicated in the confidential list.

<sup>23</sup> Official Records of the Economic and Social Council, Thirty-second Session, Annexes, agenda item 15, document E/3494, para. 7.

290. On the other hand, it was pointed out that in paragraph 2 (e) of Council resolution 728 F (XXVIII), the Secretary-General was requested "to furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in sub-paragraph (b)

above"; and it was said that this requirement could not be altered without an amendment of the Council's resolution.

291. It was agreed that the Secretary-General's note deserved careful consideration. The Commission, without objection, agreed to take up the matter at a later date.

## **IX. REVIEW OF THE HUMAN RIGHTS PROGRAMME : CONTROL AND LIMITATION OF DOCUMENTATION**

292. At its 735th meeting on 12 April 1962, the Commission reviewed the programme of human rights. In a note (E/CN.4/823) on this item, the Secretary-General drew attention to resolution 772 A (XXX) of the Economic and Social Council, by which the Commission was requested "to include in its future reports a separate section outlining the work programme in human rights approved by it and the anticipated time schedule for this programme". He also drew attention to a note (E/CN.4/808/Add.1) on control and limitation of documentation.

### **GUIDE TO NATIONAL LEGAL INSTITUTIONS AND PROCEDURES FOR THE PROTECTION OR PROMOTION OF HUMAN RIGHTS**

293. A draft resolution submitted by the representatives of Denmark, Lebanon, Pakistan, Philippines and Turkey (E/CN.4/L.616) read as follows :

*"The Commission on Human Rights*

*"Recommends that the Economic and Social Council adopt the following draft resolution :*

*"The Economic and Social Council,*

*"Recognizing that the experience of nations in the protection or promotion of human rights may be profitably shared,*

*"Recognizing that the preparation of a guide to national legal institutions and procedures for the protection or promotion of human rights would be useful,*

*"Requests the Secretary-General to prepare and publish, in instalments if necessary, a guide to national legal institutions and procedures for the protection or promotion of human rights."*

294. Introducing the draft resolution on behalf of the co-sponsors, the representative of Turkey stated that it would be highly useful if the Secretariat were to prepare and publish a guide to the various existing national legal institutions and procedures for the protection or promotion of human rights. Such a guide, which would be in the nature of a compilation and analysis, would be arranged not according to rights but according to the legal methods and techniques which had been adopted in the various States, especially those which were applicable to rights in general or to a wide range of rights. The guide would be a

technical manual, which would draw to the attention of Governments wishing to create or improve their own constitutional or legislative apparatus for the protection or promotion of human rights the various existing models which had been tested in some countries and were available for adoption in others, subject to any adaptation to local circumstances which might be felt desirable. The continuing emergence of new independent States made this a particularly useful time to publish such a guide.

295. Among the topics which the representative of Turkey suggested for inclusion in the guide were the following : (a) various problems arising out of the inclusion of bills of rights in constitutions, namely : the technical aspects of the drafting of articles on rights and of the limitations to be placed thereon ; the legal relationship between constitutional provisions on human rights on the one hand and ordinary laws on the other ; the distinction drawn in some constitutions between "Fundamental Rights" and "Directive Principles" ; and the possibility of making the amendment of human rights provisions subject to a more difficult procedure than that applicable to the rest of the constitution ; (b) judicial review of legislation, with a view to establishing its constitutionality or otherwise, and machinery established in some States for determining the constitutionality of draft legislation before its passage into law ; (c) bodies set up by law to combat discrimination in, for instance, employment or the provision of public amenities or services ; (d) civil rights commissions ; (e) legal procedures and judicial remedies such as the *recours pour excès de pouvoir*, *habeas corpus* and *amparo* ; (f) the individual's access to courts and his assurance of a fair hearing of his case ; (g) provisions for the right of petition ; (h) the office of the *Ombudsman* ; (i) the office of the Procurator General ; and (j) the legal responsibility of the State and its servants for the violation of rights, especially in relation to the extent to which a citizen is able to claim damages for injuries suffered by him.

296. No such work had ever previously been produced within the United Nations. The sponsors of the draft resolution had envisaged that the guide might be published in instalments if necessary : if some part were completed in advance of the others, the Secretary-General should not be prevented from making it available as soon as possible.



297. It was felt by most speakers that the guide would be of considerable value since there was much to be gained from an exchange of experience in relation to the matters envisaged for treatment therein.

298. While no speaker opposed the draft resolution, several expressed misgivings concerning its financial implications (set out in document E/CN.4/L.616/Add.1 and see annex II B of this report). Others felt that the usefulness of the guide would outweigh the cost involved in its preparation and printing.

299. The draft resolution was adopted by 15 votes in favour, with none against and 4 abstentions.

300. The text of the resolution as adopted at the 735th meeting on 12 April 1962 is as follows :

10 (XVIII). GUIDE TO NATIONAL LEGAL INSTITUTIONS  
AND PROCEDURES FOR THE PROTECTION OR PROMOTION  
OF HUMAN RIGHTS

*The Commission on Human Rights*

*Recommends* that the Economic and Social Council adopt the following draft resolution :

[For the text of the draft resolution, see chapter XII, draft resolution VI.]

**MEASURES TO BE TAKEN FOR THE SPEEDIEST  
IMPLEMENTATION OF UNITED NATIONS DECISIONS  
CONCERNING FUNDAMENTAL HUMAN RIGHTS  
AND FREEDOMS**

301. The representative of the Ukrainian Soviet Socialist Republic submitted a draft resolution (E/CN.4/L.632), which read as follows :

*"The Commission on Human Rights,*

*"Recalling* that one of the purposes of the United Nations expressed in the Charter is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion ;

*"Mindful* of the importance of the Universal Declaration of Human Rights in securing universal and effective recognition and observance of fundamental human rights and freedoms,

*"Considering* that the Declaration on the granting of independence to colonial countries and peoples states that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the United Nations Charter and is an impediment to the promotion of world peace and co-operation,

*"Mindful* also of other decisions of the United Nations concerning fundamental human rights and freedoms,

*"1. Decides* to include in the provisional for its nineteenth session an item entitled 'Measures to be taken for the speediest implementation of United Nations decisions concerning fundamental human rights and freedoms' ;

*"2. Requests* the Acting Secretary-General to prepare a survey of United Nations decisions concerning fundamental human rights and freedoms."

302. In presenting the draft resolution, the representative of the Ukrainian SSR stated that the United Nations had adopted a number of very important declarations and resolutions on human rights and fundamental freedoms, including the Universal Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and the Declaration of the Rights of the Child. However, he pointed out, the situation remained unsatisfactory in parts of the world, both in the field of civil and political rights and in the field of economic, social and cultural rights. The time had come for the United Nations to make a survey of all its decisions concerning human rights and fundamental freedoms and to take measures for the speediest implementation of those decisions. A complete survey of the United Nations decisions would enable the Commission to examine the human rights situation as a whole and to consider and recommend appropriate and effective measures, within the framework of the United Nations Charter, which would enable all peoples and nations to enjoy human rights and fundamental freedoms.

303. The draft resolution was put to the vote ; it was rejected, the vote being 6 in favour, 8 against, with 4 abstentions. After the vote some representatives regretted the failure of the Commission to adopt the resolution which, according to their view, would have constituted a significant development in the Commission's programme of work.

**DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES**

304. The representative of the Philippines submitted a draft resolution (E/CN.4/L.612), which read as follows :

*"The Commission on Human Rights,*

*"Considering* that the draft principles on freedom and non-discrimination in the matter of religious rights and practices were submitted to it in 1960 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

*"Considering further* that the Commission has been unable to complete the examination of the draft principles at its eighteenth session,

*"Considering finally* that it is desirable to have sufficient time at its next session to complete the examination of the draft principles as well as other items on its agenda,

*"1. Decides* to continue consideration of the draft principles at its nineteenth session ; and

*"2. Requests* the Economic and Social Council to provide for the nineteenth session of the Commission to last for at least six weeks."

305. In presenting the draft resolution, the representative of the Philippines stated that the Commission

would have a very heavy agenda at its nineteenth session. In addition to the draft principles on freedom and non-discrimination in the matter of religious rights and practices, there were draft principles on freedom and non-discrimination in the matter of political rights, draft principles on freedom from arbitrary arrest and detention, and the various reports on freedom of information—items which could not be adequately considered in a four-week session. The representative of the Philippines proposed therefore that the nineteenth session of the Commission should last for at least six weeks.

306. The opinion of the Commission was divided as to the advisability or desirability of having a six-week session. After an exchange of views, the sponsor of the draft resolution withdrew the third paragraph of the preamble and operative paragraph 2. The draft resolution, with the deletion of those two paragraphs, was adopted unanimously.

307. The text of the resolution as adopted at the 735th meeting on 12 April 1962 is as follows :

11 (XVIII). DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

*The Commission on Human Rights,*

*Considering* that the draft principles on freedom and non-discrimination in the matter of religious rights and practices were submitted to it in 1960 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

*Considering further* that the Commission has been unable to complete the examination of the draft principles at its eighteenth session,

*Decides* to continue consideration of the draft principles at its nineteenth session.

*Other suggestions*

308. The representative of Denmark drew attention to the fact that, although the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted in 1956, slavery and the slave trade had not been entirely abolished. He expressed the hope that the Economic and Social Council at its thirty-fourth session would take appropriate measures to end slavery and the slave trade.

309. The representative of Denmark further drew attention to the Secretary-General's note (E/CN.4/829) on the question of an international court of human rights and expressed the hope that the question would be considered by the Commission at a future session.

310. The representative of Venezuela shared the views of the representative of Denmark.

311. The representative of Austria proposed that the question of the "procedure to be followed in respect of future periodic reports on human rights" (chapter IV of the report of the Committee on

Periodic Reports on Human Rights (E/CN.4/831)) be placed on the agenda of the nineteenth session of the Commission. This proposal was adopted by 13 votes to none, with 5 abstentions.

312. The representative of France suggested that the Secretary-General prepare a succinct memorandum containing ideas and suggestions for a development decade in the field of human rights. Such a memorandum, he said, would assist the Commission in 1963 in considering its future work programme.

*Work programme*

313. At its 737th meeting on 14 April 1962, the Commission agreed to set forth in its report the following work programme :

*A. Advisory services in the field of human rights*

Three human rights seminars for 1962 : a seminar on freedom of information, 20 February-5 March, at New Delhi ; a seminar on the status of women in family law, in May, at Tokyo ; a seminar on judicial and other remedies against the abuse of administrative authority, with special emphasis on the role of parliamentary institutions, in June, at Stockholm.

Three human rights seminars for 1963 : a seminar on the role of the police in the protection of human rights, in Australia ; a seminar on human rights in developing countries, in Senegal ; a seminar on the status of women in family law, in Colombia.

About ten fellowships will be granted in 1962.

The Secretary-General is requested to prepare a report on means of increasing the effectiveness of the programme of advisory services.

*B. Periodic reports on human rights*

Early in 1963 Governments will be requested to submit reports on human rights covering the years 1960-1962. A summary of the periodic reports will be submitted to the Commission at its 1964 session.

The Commission at its nineteenth session will consider the procedure to be followed in respect of future periodic reports.

*C. Studies on specific rights or groups of rights*

1. Study on the right of everyone to be free from arbitrary arrest, detention and exile.

The Commission will consider at its nineteenth session the report on the right of everyone to be free from arbitrary arrest, detention and exile and the draft principles concerning freedom from arbitrary arrest and detention, in the light of the comments of Governments.

2. The right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests.

The Commission will consider a preliminary report on this subject.

*D. Studies on discrimination*

1. Draft principles on freedom and non-discrimination in the matter of religious rights and practices.

The Commission will continue to consider these draft principles.

2. Draft principles on freedom and non-discrimination in the matter of political rights.

The Commission will consider these draft principles.

E. *Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities*

The Sub-Commission is expected to submit, *inter alia*, a final report on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

F. *Freedom of information*

The Commission will consider the report on development in the field of freedom of information since 1954, and the annual reports on freedom of information covering the years 1960-1961 and 1961-1962, respectively.

UNESCO will submit a report on development of information media, as appropriate, to the Commission on Human Rights and to the Economic and Social Council.

G. *Yearbook on Human Rights*

The 1959 *Yearbook* will appear in the very near future in English and later in the year in French; the 1960 *Yearbook* will go to press in English and French in the course of 1962; material for the 1961 *Yearbook* is being collected.

H. *A guide to national legal institutions and procedures for the protection or promotion of human rights*

The Secretary-General is requested to prepare and publish, in instalments if necessary, such a guide.

I. *Communications concerning human rights*

The Secretary-General will prepare a confidential list and non-confidential list of communications and a confidential document of a statistical nature and will issue replies of Governments to communications as confidential documents.

## X. PLACE OF MEETING OF NEXT SESSION OF THE COMMISSION

314. At its 735th and 736th meetings, held on 12 and 13 April 1962, the Commission discussed the place of meeting of its next session. The representative of France proposed that the Commission recommend to the Economic and Social Council to decide that the nineteenth session of the Commission should be held in Geneva. This proposal was adopted by 15 votes to 1, with 3 abstentions.

## XI. ADOPTION OF THE REPORT

315. The Commission considered the draft report of its eighteenth session (E/CN.4/L.617 and Add.1-7) at its 736th and 737th meetings on 13 and 14 April 1962. The report was adopted unanimously.

## XII. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

### I

#### Periodic reports on human rights<sup>24</sup>

*The Economic and Social Council,*

1. *Having considered* the reports of the Commission on Human Rights and of the Committee on Periodic Reports concerning the developments in human rights during the years 1957-1959,

2. *Expresses its appreciation* to all Governments and specialized agencies which submitted reports for the years 1957-1959;

3. *While aware* that the situation in a number of countries and territories with regard to human rights and fundamental freedoms still continues to remain unsatisfactory both in the field of civil and political rights and in the field of social, economic and cultural rights, notes, nevertheless, that the reports contain useful information indicating that some progress was achieved in the protection of human rights during the years 1957-1959, especially with respect to certain of the rights enumerated in the Universal Declaration;

#### 4. *Notes in particular:*

(a) that the reports make little reference to the situation in respect of human rights and fundamental freedoms in Non-Self-Governing and Trust Territories;

(b) that the several constitutions or basic laws adopted during the period under review included provisions aimed at the protection of human rights;

(c) that the constitutions of several new States affirm the loyalty and attachment of the people to the ideals set forth in the Universal Declaration of Human Rights;

(d) that steps taken in several States towards the elimination of discrimination included the enactment of legislation, the repeal of discriminatory laws, the enforcement of laws through the courts, the establishment of commissions to supervise the application of legislation, and the setting-up of committees or informal conciliatory bodies to promote better relations between different groups;

(e) that in several States a number of laws were adopted to improve the administration of justice, through the reform of judicial organization, the expediting of judicial process, the provision of remedial measures against wrongful administrative decisions, the extension of the rights of the accused in criminal

<sup>24</sup> See paragraph 86.

proceedings and the encouragement of the rehabilitation of offenders as useful members of society ;

(f) that many social security systems were expanded to cover more categories of persons and to provide greater protection against a variety of contingencies ;

(g) that in several States educational facilities, whether at the primary, secondary, technical or vocational, or higher levels, were greatly extended and attempts made through legislative or other measures to make education available free of, or at reduced cost ;

5. *Believes* that in order to meet the objectives set by the Commission in resolution 1 (XII) and the Council in resolution 624 B (XXII), and to promote respect for and observance of human rights and fundamental freedoms, a greater number of reports is required and more information should be given therein concerning the problems of difficulties which have been or may be encountered ;

6. *Decides* to continue, in accordance with Economic and Social Council resolution 624 B (XXII), the system of the communication by Governments of periodic reports on human rights ;

7. *Urges* all States Members of the United Nations and the specialized agencies to submit, in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August 1956, reports on developments in human rights in their metropolitan areas as well as in all dependent territories including Non-Self-Governing and Trust Territories concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence ;

8. *Requests* the Secretary-General to invite Governments to submit their reports as soon as possible and not later than 30 June of the year immediately following the period for which the reports are being made ;

9. *Requests* Governments to take into full account, when drawing up their reports, the suggestions referred to in Council resolution 728 B (XXVIII) and also the suggestion of the Committee on Periodic Reports (E/CN.4/831, para. 173) that Governments should concentrate on reporting developments of particular significance and explaining why they were significant, rather than attempting to report developments relating to all the rights enumerated in the Universal Declaration ;

10. *Invites* the specialized agencies to co-operate in carrying out the task undertaken by the Commission on Human Rights as indicated in resolution 624 B (XXII) of the Economic and Social Council ;

11. *Invites* the non-governmental organizations in consultative relationship to submit comments and observations of an objective character on the situation in the field of human rights to assist the Commission in its consideration of the summaries of periodic reports ;

12. *Requests* the Secretary-General to transmit hereafter the summaries of the triennial reports to the Commission on the Status of Women and to the Sub-

Commission on Prevention of Discrimination and Protection of Minorities for their comments.

## II

### Study of discrimination in the matter of political rights <sup>25</sup>

*The Economic and Social Council,*

*Considering* that one of the most effective ways of combating discrimination in the matter of political rights is through educational efforts on an international scale,

*Considering* that the Commission on Human Rights' triennial reporting procedure provides a suitable framework within which Governments can report progress achieved and difficulties encountered in combating such discrimination,

*Taking into account* the important contribution made by the study submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its fourteenth session, by its special rapporteur,

1. *Expresses its appreciation* to the Special Rapporteur, Mr. Hernán Santa Cruz, for his valuable study ;

2. *Requests* the Secretary-General to print and circulate as widely as possible the study prepared by the Special Rapporteur ;

3. *Urges* all States to continue and if necessary to intensify their educational efforts designed to eliminate all discrimination in the matter of political rights.

## III

### Study of discrimination against persons born out of wedlock <sup>26</sup>

*The Economic and Social Council*

*Approves* the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study on discrimination against persons born out of wedlock and to appoint a Special Rapporteur to carry out this study.

## IV

### International co-operation to assist in the development of information media in less developed countries <sup>27</sup>

*The Economic and Social Council,*

*Recalling* that General Assembly resolution 1313 (XIII) of 12 December 1958 requested the Economic and Social Council to formulate a "programme of concrete action and measures on the international plane

<sup>25</sup> See paragraph 192.

<sup>26</sup> See paragraph 201 and annex II A.

<sup>27</sup> See paragraph 270.

which could be undertaken for the development of information enterprises in under-developed countries, with an evaluation of the material, financial and professional requirements and resources for the implementation of this programme",

*Recalling* that Council resolution 718 (XXVII) of 24 April 1959 requested the United Nations Educational, Scientific and Cultural Organization to undertake a survey designed to provide the elements for the programme of concrete action desired by the General Assembly,

*Noting with satisfaction* the survey which has been carried out by means of a series of regional meetings in Asia, Africa and Latin America,

*Expressing its concern* that the survey discloses 70 per cent of the population of the world to be lacking in adequate information facilities and to be thus denied effective enjoyment of the right to information,

*Considering* that the information media have an important part to play in education and in economic and social progress generally,

1. *Invites* the Governments concerned to include adequate provision in their economic plans for the development of national information media;

2. *Reiterates* the invitation contained in Council resolution 819 A (XXXI) of 28 April 1961 to the Technical Assistance Board, the Special Fund, the specialized agencies concerned, the regional economic commissions and other public and private agencies and institutions to assist, as appropriate, the less developed countries in developing and strengthening their national information media;

3. *Requests* the United Nations Educational, Scientific and Cultural Organization to continue to further the programme for development of information media and in particular to keep up to date as far as possible its survey on this subject and to report thereon as appropriate to the Commission on Human Rights and the Economic and Social Council;

4. *Transmits* to the General Assembly, in accordance with its requests, the reports<sup>28</sup> on the survey carried out by the United Nations Educational, Scientific and Cultural Organization as the basis of a programme of concrete action for development of the information media in less developed countries;

5. *Recommends* that the General Assembly

(a) Take this programme into account in connexion with the United Nations Development Decade; and

(b) Invite the Governments of the more developed countries to co-operate with less developed countries with a view to meeting the urgent needs of the less developed countries in connexion with this programme for the development of independent national information media, with due regard for the culture of each country.

<sup>28</sup> *Official Records of the Economic and Social Council, Thirty-first Session, Annexes, agenda item 10 (part I), document E/3437 and Add.1; see also E/CN.4/820 and Add.1 and 2.*

## V

### National advisory committees on human rights<sup>29</sup>

*The Economic and Social Council,*

*Recalling* resolutions 9 (II) and 772 B (XXX) of 26 June 1946 and 21 June 1960 respectively concerning national and local advisory committees on human rights,

*Having examined* the report of the Secretary-General (E/CN.4/828 and Add.1),

1. *Expresses its satisfaction* at the fact that a number of Governments have submitted reports on the activities of national advisory committees on human rights and of similar bodies;

2. *Requests* the Secretary-General to transmit his report, as also any information which may reach him at a later date, to the Governments of all States Members of the United Nations and of the specialized agencies;

3. *Invites again* the said Governments to favour, in the light of conditions in their countries, the formation of the bodies referred to in resolution 772 B (XXX) of the Economic and Social Council and to encourage the activities of those already in existence. Such bodies could, for example, study questions relating to human rights, consider the situation as it exists nationally, offer advice to the Government and assist in the formation of a public opinion in favour of respect for human rights.

## VI

### Guide to national legal institutions and procedures for the protection or promotion of human rights<sup>30</sup>

*The Economic and Social Council,*

*Recognizing* that the experience of nations in the protection or promotion of human rights may be profitably shared,

*Recognizing* that the preparation of a guide to national legal institutions and procedures for the protection or promotion of human rights would be useful,

*Requests* the Secretary-General to prepare and publish, in instalments if necessary, a guide to national legal institutions and procedures for the protection or promotion of human rights.

## VII

### Report of the Commission on Human Rights

*The Economic and Social Council*

*Takes note* of the report of the Commission on Human Rights (eighteenth session).<sup>31</sup>

<sup>29</sup> See paragraph 285.

<sup>30</sup> See paragraph 300 and annex II B.

<sup>31</sup> *Official Records of the Economic and Social Council, Thirty-fourth Session, Supplement No. 8.*

## ANNEXES

### Annex I

#### List of documents before the Commission on Human Rights at its eighteenth session

##### DOCUMENTS ISSUED IN THE GENERAL SERIES

- E/3443 and Add.1 — Report on developments in the fields of freedom of information since 1954.
- E/CN.4/800 — Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session) to the Commission on Human Rights.
- E/CN.4/809 and Add.1-10 — Note by the Secretary-General on draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/810 and Corr.1 and E/CN.4/810/Add.1-3 — Summary prepared by the Secretary-General on periodic reports on human rights.
- E/CN.4/811 and Add.1 and 2 and E/CN.4/811/Add.2/Corr.1 — Reports by the specialized agencies on periodic reports on human rights.
- E/CN.4/818 and Corr.1 — Provisional agenda of the eighteenth session of the Commission on Human Rights.
- E/CN.4/819 — Note by the Secretary-General on communications concerning human rights.
- E/CN.4/820 and Add.1 and 2 — Report by the Acting Director-General of UNESCO on international co-operation to assist development of information media in less developed countries.
- E/CN.4/821 and Add.1-9 — Note by the Secretary-General on membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- E/CN.4/822 and Add.1 and 2 — Annual report by the Secretary-General on freedom of information, 1960-1961.
- E/CN.4/823 — Note by the Secretary-General on review of the human rights programme and control and limitation of documentation.
- E/CN.4/824 and Add.1-5 — Note by the Secretary-General on Freedom from Prejudice and Discrimination Year and Day.
- E/CN.4/825 and Add.1 — Report by the Secretary-General on advisory services in the field of human rights.
- E/CN.4/826 and Corr.1 and 2 — Report of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile.
- E/CN.4/827 — Note by the Secretary-General on freedom of information.
- E/CN.4/828 and Add.1-4 — Report of the Secretary-General on national advisory committees on human rights.
- E/CN.4/829 — Note by the Secretary-General on the International Court of Human Rights.
- E/CN.4/830 — Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) to the Commission on Human Rights.

- E/CN.4/831 — Report of the Committee on Periodic Reports.
- E/CN.4/832 — Report of the Commission on Human Rights (eighteenth session).
- E/CN.4/CR.31 — Non-confidential list of communications dealing with the principles involved in the promotion of universal respect for, and observance of, human rights, received by the United Nations from 1 December 1960 to 30 November 1961, prepared by the Secretary-General.
- E/CN.4/SR.702-737 — Summary records of the meetings of the Commission at its eighteenth session.
- E/CN.4/Sub.2/200/Rev.1 (Sales No.: 60.XIV.2) — Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study of discrimination in the matter of religious rights and practices.
- ECN.4/Sub.2/213 — Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study of discrimination in the matter of political rights.

##### DOCUMENTS ISSUED IN THE LIMITED SERIES

- E/CN.4/L.602 — Working paper by the Secretary-General on draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/L.603 — Note by the Secretary-General on the seminar on freedom of information held in New Delhi from 20 February to 5 March 1962.
- E/CN.4/L.604 — Argentina, India, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution on advisory services in the field of human rights.
- E/CN.4/L.604/Rev.1 — Argentina, India, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: revised draft resolution on advisory services in the field of human rights.
- E/CN.4/L.605 — Text of resolution adopted by the Commission at its 707th meeting on 23 March 1962 on advisory services in the field of human rights.
- E/CN.4/L.606 — Austria, France, Lebanon and Turkey: draft resolution on national advisory committees on human rights.
- E/CN.4/L.606/Rev.1 — Argentina, Austria, France, Italy, Lebanon, Netherlands and Turkey: revised draft resolution on national advisory committees on human rights.
- E/CN.4/L.607 and Add.1 — Argentina: amendments to the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, para. 160).

E/CN.4/L.608 — Text of resolution adopted by the Commission at its 710th meeting on 27 March 1962 on national advisory committees on human rights.

E/CN.4/L.609 — Texts of paragraphs of the preamble of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, adopted by the Commission at its 716th, 717th, 719th and 721st meetings on 30 March and 2 and 3 April 1962.

E/CN.4/L.610 — Memorandum by the Office of Legal Affairs on the use of the terms "declaration" and "recommendation".

E/CN.4/L.611 and Corr.1 — Union of Soviet Socialist Republics: amendment to the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, para. 160).

E/CN.4/L.612 — Philippines: draft resolution on draft principles on freedom and non-discrimination in the matter of religious rights and practices.

E/CN.4/L.613 — Poland: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) relating to the study of discrimination in the matter of political rights (E/CN.4/Sub.2/213).

E/CN.4/L.614 — Union of Soviet Socialist Republics: amendments to the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, para. 160).

E/CN.4/L.615 — Ukrainian Soviet Socialist Republic: amendments to the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, para. 160).

E/CN.4/L.616 — Denmark, Lebanon, Pakistan, Philippines and Turkey: draft resolution on review of the human rights programme and control and limitation of documentation.

E/CN.4/L.616/Add.1 — Financial implications of the draft resolution contained in document E/CN.4/L.616.

E/CN.4/L.617 and Add.1-7 — Draft report of the Commission on Human Rights (eighteenth session) to the Economic and Social Council.

E/CN.4/L.618 — Austria: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) relating to future work of the Sub-Commission.

E/CN.4/L.619 — Note by the Secretary-General on periodic reports on human rights.

E/CN.4/L.620 — United Kingdom of Great Britain and Northern Ireland: draft resolution on Freedom from Prejudice and Discrimination Year and Day.

E/CN.4/L.621 — France: amendments to draft resolution 1 B (XIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/830, para. 159) relating to the study of discrimination in the matter of political rights.

E/CN.4/L.622 — Union of Soviet Socialist Republics: amendment to the draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.620) on Freedom from Prejudice and Discrimination Year and Day.

E/CN.4/L.623 — Ukrainian Soviet Socialist Republic: amendments to the draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.620) on Freedom from Prejudice and Discrimination Year and Day.

E/CN.4/624 — Afghanistan, Argentina, Denmark, Netherlands, United States of America and Venezuela: draft resolution

on the report on international co-operation to assist in the development of information media in less developed countries.

E/CN.4/L.625 — Afghanistan, Austria, Denmark, El Salvador and Venezuela: draft resolution on the study of the right of everyone to be free from arbitrary arrest, detention and exile.

E/CN.4/L.626 — United States of America: amendments to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.627 — Italy and Netherlands: amendment to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.628 — Afghanistan: amendment to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.629 and E/CN.4/L.629/Rev.1 — Afghanistan: sub-amendment to amendments of the United States of America (E/CN.4/L.626) to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.630 — Afghanistan: amendment to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.631 — United Kingdom of Great Britain and Northern Ireland: amendments to the draft resolution submitted by the Committee on Periodic Reports on Human Rights (E/CN.4/831, para. 177).

E/CN.4/L.632 — Ukrainian Soviet Socialist Republic: draft resolution on review of the human rights programme.

E/CN.6/L.336 — Suggestions of the Commission on the Status of Women relating to the study of discrimination in the matter of political rights.

E/CN.6/L.346 — Resolution of the Commission on the Status of Women relating to periodic reports on human rights.

#### DOCUMENTS ISSUED IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES

E/CN.4/NGO/95 and Add.1 — Statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Register of the Secretary-General, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.

E/CN.4/NGO/96 — Statement submitted by the World Jewish Congress, a non-governmental organization having consultative status in category B, on Freedom from Prejudice and Discrimination Year and Day.

E/CN.4/NGO/97 — Statement submitted by the Co-ordinating Board of Jewish Organizations, a non-governmental organization having consultative status in category B, on national advisory committees on human rights.

E/CN.4/NGO/98 — Statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization having consultative status in category B, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.

E/CN.4/NGO/99 — Statement submitted by the Co-ordinating Board of Jewish Organizations, the International Council of Women, the International League for the Rights of Man, the Women's International League for Peace and Freedom, non-governmental organizations having consultative status in category B, and the International Humanist and Ethical Union, a non-governmental organization on the Register of the Secretary-General, on periodic reports on human rights.



Financial implications of decisions taken by the Commission at its eighteenth session

A. STUDY OF DISCRIMINATION AGAINST PERSONS  
BORN OUT OF WEDLOCK <sup>a</sup>

1. The Economic and Social Council is requested to approve the decision of the Sub-Commission to undertake a study on discrimination against persons born out of wedlock and the appointment of a Special Rapporteur. The work of Mr. V. V. Saario (Finland) in carrying out the study will require a round-trip to Headquarters with a three-week stay in 1962 to prepare a preliminary study and report; and a further trip with a four-week stay to prepare the final report in 1964. No fee will be payable to the Special Rapporteur, whose travel and subsistence costs will amount to a total of \$7,200 in the years 1962-1964.

2. In his annual budget estimates the Secretary-General normally includes provision for two Special Rapporteurs and on the assumption that the General Assembly would approve such provision in 1963 and 1964 the costs arising in these years can be met.

3. In so far as 1962 is concerned, the Secretary-General expects that he will be able to absorb the additional costs of Mr. Saario's travel and subsistence in the total appropriations available.

B. GUIDE TO NATIONAL LEGAL INSTITUTIONS AND PROCEDURES  
FOR THE PROTECTION OR PROMOTION OF HUMAN RIGHTS <sup>b</sup>

4. Draft resolution VI in chapter XII requests the Secretary-General to prepare and publish, in instalments if necessary, a guide to national legal institutions and procedures for the protection or promotion of human rights.

<sup>a</sup> See chapter XII, draft resolution III, and paragraph 201. This note by the Secretary-General was originally circulated to the Commission in document E/CN.4/830, annex I C.

<sup>b</sup> See chapter XII, draft resolution VI and paragraph 300. This note by the Secretary-General was originally circulated to the Commission in document E/CN.4/L.616/Add.1.

5. The preparation of such a guide would entail a substantial amount of research in that the material to be analysed would have to be culled from many sources, including the data submitted by Members Governments for the *Yearbook on Human Rights* and documentation submitted to the various Human Rights seminars, held under the Advisory Services Programme. Having regard to the fact that the draft resolution does not set any deadline for the publication of the guide, the Secretary-General feels that, with the addition of a professional officer (P-3) and one secretary (G-3) to the strength of the Division of Human Rights, the first part of the guide could be got ready for publication in 1964. The salary and related costs of these two posts for a full twelve months is \$20,600.

6. Following the precedent of the *Yearbook on Human Rights*, the Secretary-General would assume that the guide would be published in English and French only, thereby permitting not only the easy use of material (in both languages) already available in the *Yearbook*, but also the speedier preparation of the guide itself. Assuming further that the guide, whether published in a single volume or in instalments, will not exceed 400 printed pages in length (in a 6" x 9" format), the printing costs would be approximately \$3,200 for the English version (2,500 copies) and \$2,600 for the French version (750 copies), if published in one volume, and somewhat higher if published in instalments. As already indicated, it is not expected that by 1964 more than a part of the guide could be got ready for printing. The printing costs in 1964 would then depend upon the length of the manuscript, and it is not possible at this time to hazard any estimate of these costs.

7. Should the proposal be adopted, the additional amounts required for 1963 will be included in the statement of revised estimates for 1963 which the Secretary-General will submit to the General Assembly in the autumn of 1962. The requirements for future years would be included in the Secretary-General's initial budget estimates for the years in question in the normal way.

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