

**SEMINAR
ON
HUMAN RIGHTS
IN DEVELOPING
COUNTRIES**



KABUL, AFGHANISTAN

12-25 May 1964

UNITED NATIONS

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**ORGANIZED BY THE UNITED NATIONS
IN CO-OPERATION WITH THE GOVERNMENT OF AFGHANISTAN**

UNITED NATIONS, New York, 1964



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I. INTRODUCTION

A. Organization of the seminar

1. At the invitation of the Royal Government of Afghanistan, and pursuant to General Assembly resolution 926 (X) and Economic and Social Council resolution 605 (XXI), the Secretary-General of the United Nations organized in Kabul, Afghanistan, a seminar on human rights in developing countries. All countries and territories within the geographic scope of the Economic Commission for Asia and the Far East were invited by the United Nations to nominate participants.
2. The seminar was held at Kabul University from 12 to 25 May 1964.
3. The participants and alternate participants at the seminar were as follows:

Afghanistan

Participants: Mr. Zalmay Mahmud-Ghazi, Director-General, United Nations and International Affairs Department, Ministry of Foreign Affairs; Professor Abdul Hakim Ziai, Deputy Minister of Education; Professor Hamidullah, Dean of the Faculty of Law, University of Kabul; Mr. Hamid Kayumi, Lecturer of the Faculty of Economics, University of Kabul; Mr. Sabahuddin Kushkaki, Chief, Bakhter News Agency; Mr. Baki Yussofzai, Governor of Maidan-Wardak Province; Mr. Fazl R. Farid, Lecturer of the Faculty of Law, University of Kabul.

Alternate participants: Mr. Khaled Roshan, Deputy Minister of Press and Information; Mr. Mussa Shafik, Deputy Minister of Justice; Mr. A.G. Ravan Farhadi, Counsellor, Royal Afghan Embassy in Washington, D.C.; Mr. Khalil Ahmad Abawi, Lecturer of the Faculty of Law, University of Kabul; Mr. Mahmud Habibi, Chief of Broadcasting, Radio Afghanistan; Mrs. Saleha Faruk Etemadi, President, Welfare Institute; Mr. Abdul W. Kayumi, Chargé de cours at the Faculty of Economics, University of Kabul.

Australia

Participant: Mr. John R. Kerr, Q.C., Vice-President of the Law Council of Australia.

Alternate participant: Mr. A. Farran, Third Secretary, Australian High Commissioner's Office, Karachi.

Brunei

Participant: Pengiran Abdul Momin bin Pengiran Haji Ismail, District Officer, Kuala Belait.

Alternate participant: Mr. Abidin bin Abdul Rashid, Officer of the Brunei Administrative Service.

China

Participant: Mr. Mousheng Lin, Adviser of the Permanent Mission of the Republic of China to the United Nations.

India

Participant: Mrs. M. Chandrasekhar, Deputy Minister, Ministry of Home Affairs.

Alternate participant: Mr. J.N. Dhamija, Ambassador of India to Afghanistan.

Indonesia

Participant: Mr. Kahrudin Yunus, Ministry of Higher Education.

Iran

Participant: Mr. Ahmand Matine-Daftary, Professor of Civil and International Law.

Alternate participant: Mr. Jamshid Ashrafi, Senior Economist and Deputy Director of the Industry, Mining and Power Division, Plan Organization.

Japan

Participant: Mr. Shintaro Fukushima, President, Japan Times.

Alternate participant: Mr. Yasuyuki Ikeda, Chief of General Affairs Section, Civil Liberties Bureau, Ministry of Justice.

Republic of Korea

Participant: Mr. Chyun Shik Park, Professor of Constitutional Law, Seoul National University.

Malaysia

Participant: Mr. J.E.B. Ambrose, Chief Education Officer.

Mongolian People's Republic

Participant: Mr. Demiddavag, Deputy Chief of Department, Ministry of Foreign Affairs.

Alternate participant: Mr. G. Nyamdo, Secretary, Ministry of Foreign Affairs.

Nepal

Participant: Mr. Bined Prasad Dhital, Joint Secretary, Ministry of Law and Justice.

New Zealand

Participant: Mr. Bruce Edgar Souter, Deputy Secretary, Maori Affairs.

Pakistan

Participant: Mr. Khwaja Shahabuddin, Former Cabinet Minister.

Thailand

Participant: Mr. Chalaw Vanaputi, Inspector-General, Ministry of Interior.

Republic of Viet-Nam

Participant: Mr. Nguyen-Huy-Chieu, Chargé de cours, Faculty of Law, Saigon.

4. The following observers from Governments of Member States attended the seminar:

Afghanistan

Mr. S. Hashmatullah, Member of the Afghan National Assembly;
Mr. Abdul Latif, Member of the Kabul Municipal Co-operation;
Mr. Said Khalil, Director of Kabul Times.

Union of Soviet Socialist Republics

Mr. Vladimir Stepanovich Fedosov, First Secretary, Soviet Embassy in Afghanistan.

United States of America

Mrs. Marietta P. Tree, Representative of the United States of America on the Commission on Human Rights.

5. The following specialized agencies were represented at the seminar: Food and Agriculture Organization of the United Nations (FAO): Mr. S.K. Dey; International Labour Organisation (ILO): Mr. N. Valticos; United Nations Educational, Scientific and Cultural Organization (UNESCO): Mr. A.B. Graham; World Health Organization (WHO): Dr. D.P. Nath.

6. The United Nations Technical Assistance Board was represented by Mr. Sixten Heppling.

7. The following non-governmental organizations in consultative relationship with the Economic and Social Council were represented at the seminar: Category A: World Federation of United Nations Associations: Mrs. Ila Pal Chaudhri; Category B: All India Women's Conference: Srimati Kamala Devi Chatopadyaya; Associated Country Women of the World: Mrs. Anila Dey; International Commission of Jurists: Mr. I. Purshottam Trikamdas; International Council of Women: Mrs. Mary Craig Schuller; International Federation of Business and Professional Women: Mrs. Beatrice Meneses; International Federation of Women in Legal Careers: Mme. M. Ernst-Henrion; International Federation of Women Lawyers: Mrs. M.P. Shroff; World Confederation of Organizations of the Teaching Profession: Mr. E.W. Franklin; Register: Open Door International: Mrs. Greta Engkvist.

8. The following holders of United Nations fellowships in the field of human rights attended the seminar: Mr. Fazel Rabbi Farid (Afghanistan); Mr. Abdul Hamid Kayumi (Afghanistan); Mr. Umed Singh Chowdhry (India); Mr. Sattar Ali-i-Booyeh (Iran).

9. The Secretary-General of the United Nations was represented by Mr. John P. Humphrey, Director of the Division of Human Rights, United Nations Secretariat. Mr. Pedro L. Yap acted as Secretary of the seminar.

10. Mr. Zalmay Mohamud-Ghazi, Director-General of the United Nations and International Affairs Department, Ministry of Foreign Affairs, acted as Liaison Officer between the United Nations and the Royal Afghan Government. He was assisted by Mr. Abdul Samad Ghaus, Mr. Razak Abidi and Mr. Ali M. Zakarya of the Ministry of Foreign Affairs.

B. Opening of the seminar and election of officers

11. At the opening meeting on 12 May 1964, a message from His Majesty, King Mohammed Zahir Shah, was read to the seminar. His Excellency Ali Ahmad Popal, Deputy Prime Minister of the Royal Government of Afghanistan, Mr. John P. Humphrey, representing the Secretary-General of the United Nations, and Dr. Mohammed Osman Anwari, President of Kabul University, addressed the seminar.

12. The following officers were elected unanimously:

Mr. Zalmay Mohamud-Ghazi	(Afghanistan)	Chairman
Mr. J.H. Kerr	(Australia))
Mrs. M. Chandrasekhar	(India))
Mr. Ahmad Matine-Daftary	(Iran))
Mr. Shintaro Fukushima	(Japan))
Mr. Ts. Demiddavag	(Mongolia))
Mr. Khwaja Shahabuddin	(Pakistan))
Mr. B.E. Souter	(New Zealand)	Rapporteur

C. Agenda

13. The agenda of the seminar was as follows:

I. Are there any problems which are particular to developing countries as regards the promotion of human rights? The purpose of the seminar is to give the participants an opportunity to explore this question and, in the event of their arriving at an affirmative answer, to examine these problems with a view to their solution.

II. The seminar may choose to conduct its discussion under the following broad headings:

1. (a) Economic and social planning and other aspects of collective effort: their importance in developing countries and the human rights problems arising therefrom;
- (b) The role of education.

2. The extent to which economic progress is a factor in promoting human rights in developing countries.
3. The need to use to the full the potential contributions of all persons and groups to the life of the community.

D. Documentation

14. The following background papers were prepared for the seminar:

Background Paper A - "Human Rights in Developing Countries with Special Reference to Japan", by Mr. Shintaro Fukushima, Publisher of the Japan Times, Tokyo.

Background Paper B - "The Promotion of Human Rights in Developing Countries", by Mr. A.G. Ravan Farhadi, Counsellor of Embassy, Former Lecturer in the Faculty of Law and Political Science of the University of Kabul.

Background Paper C - "Human Rights in Developing Countries", by the International Labour Office.

15. Participants submitted the working papers listed below:

WP/1	by Mr. Chalaw Vanaputi	(Thailand)
WP/2	by Mr. J.E.B. Ambrose	(Malaysia)
WP/3	by Mr. John R. Kerr, Q.C.	(Australia)
WP/4	by Mrs. M. Chandrasekhar	(India)
WP/5	by Mr. Abdul Hamid Kayumi	(Afghanistan)
WP/6	by Mr. Sabahuddin Kushkaki	(Afghanistan)
WP/7	by Mr. Baqui Yusufzai	(Afghanistan)
WP/8	by Mr. Binod Prasad Dhital	(Nepal)
WP/9	by Mr. Fazel Rabbi Farid	(Afghanistan)
WP/10	by Mr. Abdul Hakim Ziai	(Afghanistan)
WP/11	by Mr. Khwaja Shahabuddin	(Pakistan)
WP/12	by Mr. Kahrudin Yunus	(Indonesia)

16. Working papers were also submitted by Mr. S.K. Dey of FAO.

E. Ceremonies

17. On 12 May 1964, the Representative of the Secretary-General, Mr. John P. Humphrey, laid a wreath on behalf of the seminar on the tomb of the late King Mohammed Nadir Shah.

18. The Seminar planted an oriental-plant tree (platanus-orientalus) in the campus of Kabul University on 19 May 1964.

II. TOPICS DISCUSSED

GENERAL DISCUSSION

19. The seminar devoted its second to fourth meetings, and also part of the meetings allocated for the consideration of sections 1 to 4 of the Plan of Work, which was eventually adopted (see paragraph 30 below) to a general discussion on human rights in developing countries. All speakers agreed that the subject of human rights in developing countries was of paramount importance, as the promotion of those rights contributed significantly to the maintenance of freedom, justice and peace in the world. It was generally agreed that the promotion of human rights in developing countries presented certain problems which were peculiar to such countries, and also that the security of a Government is aided by ensuring that human rights are respected.

20. Certain speakers were of the opinion that the extent to which human rights could be promoted was to some extent dependent upon the standard of living and the level of economic development, although it was agreed that the rights in principle should be accepted immediately. It was their view that there could be no meaningful exercise of many human rights in a country where economic resources were scarce and the bulk of the population lived on the margin of subsistence. In such cases, the primary duty of the State was to promote the economic growth of the country and to raise the standard of living of the population. To that end, it was necessary for developing countries to embark upon a programme of economic planning. Several speakers considered that the Seminar should primarily devote its attention to a study of the interrelationship between the carrying out of development plans and the promotion of human rights.

21. According to certain speakers, the implementation of the plans might at times lead to restrictions upon the exercise of certain human rights. In this connexion, it was felt that the concept of the "welfare state" was of particular importance to developing countries. It was the aim of the "welfare state" to look after the interests of the entire population in such matters as health, education and housing, and the State accordingly needed the necessary powers to implement its plans in such matters, even though, in the process of doing so, the rights of individuals or groups might be temporarily affected.

22. Other speakers, while fully admitting the necessity for economic planning in developing countries, felt that the State should never lose sight of the fact that the purpose of such planning should be to benefit the individual. They expressed the view that the State should be careful to ensure that, in discharging its functions, it did not infringe upon basic human rights. The more human dignity was respected, the more successfully and speedily could development plans be carried out. In this connexion, some speakers were of the opinion that, in order to be successful, economic planning should, in its methods, follow democratic principles and elicit the full understanding and co-operation of the people, both at the national and at the local levels. It was explained that, in various countries, development plans were drawn up in full consultation with a great number of interested persons and groups; and that significant results had been obtained through community development methods and the decentralization of development

efforts to the level of villages. It was, in the view of those speakers, quite possible to follow such democratic methods without weakening the discipline and sense of collective effort which were the other - equally important - prerequisites of successful economic planning in developing countries.

23. It was stressed by several speakers that the developed countries had the basic responsibility to share their resources and expertise with developing countries, as had been fully recognized by the United Nations, in particular in General Assembly resolution 1710 (XVI) on the United Nations Development Decade, and at the recently held Conference on Trade and Development (Geneva, 1964).

24. Several speakers wished to draw a clear distinction between two categories of human rights: civil and political rights on the one hand, and economic, social and cultural rights on the other. They reminded the seminar that the General Assembly of the United Nations had recognized such a distinction and that different methods of national application and of international implementation and control had been proposed in the draft Covenant on Civil and Political Rights and in the draft Covenant on Economic, Social and Cultural Rights. Civil and political rights were regarded as "legal rights" which, subject to a few exceptions, could be implemented immediately, while economic, social and cultural rights were generally considered as "programmatic rights" to be implemented by means of progressive measures. It was thus recognized that developing countries faced many practical problems particularly with regard to the implementation of economic, social and cultural rights.

25. After some discussion, it was the consensus of opinion at the seminar that most of the civil rights mentioned in sections 1 to 4 of the Plan of Work which was subsequently adopted (see paragraph 30 below) could and should be recognized and implemented immediately, as the need for economic planning did not in general justify any curtailment of those rights nor any delay in their implementation. As will be mentioned later, some reservations were expressed for various reasons, however, particularly as regards the recognition of the right of the child to live before birth from the moment of conception (section 2(b) of the Plan of Work) and as regards certain aspects of liberty of movement (section 3 (c)) of the Plan of Work).

26. While agreeing that all or most civil rights should be guaranteed immediately, several speakers expressed the view that the laws which recognized human rights were not always effectively applied in developing countries. In enumerating the various factors which were likely to prevent or delay the promotion of human rights in developing countries, emphasis was placed by certain speakers upon mass illiteracy or, to say the least, the lack of education in various developing countries. These factors were, according to those speakers, not only an obstacle to social and economic progress but also a hindrance to the full understanding of the meaning of human rights in general. It was also stressed that human rights could not be fully implemented where there did not exist a stable system of government and a body of competent public officials discharging their duties with fairness and impartiality. In various developing countries, there was a scarcity of competent and efficient public officials, owing partly to lack of proper education and training and partly to unsatisfactory working conditions and low salaries in the public service. Some speakers noted, furthermore, that the prevalence in certain countries of an authoritarian attitude on the part of the parents, school teachers and the Administration tended to inhibit the development

of a spirit of free criticism and to prevent the peoples from claiming or respecting human rights. Other speakers wondered whether the Governments of some developing countries did not show perhaps an excessive concern for the internal and external security of the State, and whether such concepts were not at times invoked to motivate unnecessary restrictions on human rights. It was agreed by several speakers that, in order to remedy such shortcomings, the Governments of developing countries should endeavour to give better training to public officials, make a spirit of service prevail in the Administration over feelings of superiority, and try to increase the remuneration and improve the working conditions of public officials.

27. Certain speakers drew attention to the need which existed, in their view, for establishing special machinery to ensure the full implementation of, and respect for, human rights by the Administration. Mention was made of some such institutions which, it was said, had proved very successful in that respect on the national plane, in particular the Civil Liberties Commissioners and Bureau in one country and the Parliamentary Commissioner ("Ombudsman") in another country. The Civil Liberties Commissioners were democratically selected, being appointed by the Minister of Justice upon the nomination of the mayors and village headmen. The Commissioners and Bureau investigated numerous allegations of infringements of human rights, either upon complaints by individuals or on their own initiative. They acted essentially through persuasion; their advices to officials carried great weight and were generally accepted. The Parliamentary Commissioner - an institution which originated in certain Scandinavian countries - was appointed by Parliament and, likewise, resorted mainly to persuasion in his efforts to prevent or remedy unfair or unreasonable administrative action. In the rare cases where his advices were rejected by public officials, he could report his findings and recommendations to Parliament in a published document.

28. Some speakers also referred to the possibility of establishing implementation machinery on the international plane - as had been done under the European Convention for the Protection of Human Rights and Fundamental Freedoms - and expressed the view that such international procedures would in no way infringe upon the sovereignty of the State.

29. During the discussion it was proposed by one speaker that, with a view to preventing the discussion from dealing only with generalities rather than with specific problems, the rights to be considered might be divided into nine groups for the purpose of the discussion. He accordingly proposed the following plan of work:

30. In the case of each group of human rights the following points are to be studied:

- (1) Problems and obstacles particular to developing countries as regards the promotion of each group of rights;
- (2) Suggestions for overcoming the obstacles.

SECTION 1

General

- (a) Absence of discrimination (especially racial discrimination)

- (b) Freedom of thought, conscience and religion
- (c) Right of peoples to self-determination; right of nations to sovereignty over their natural resources
- (d) Limitations of human rights (to be determined by law)

SECTION 2

- (a) Right to life; prevention of genocide
- (b) Is there a right of the child to live before birth from the moment of conception?

SECTION 3

- (a) Liberty and security of person
- (b) Inhuman or degrading treatment; treatment of persons deprived of their liberty
- (c) Liberty of movement; right not to be arbitrarily expelled; right of asylum

SECTION 4

- (a) Right to a fair trial
- (b) Privacy, home, correspondence, honour and reputation

SECTION 5

- (a) Freedom of opinion and expression; freedom of information
- (b) Rights of peaceful assembly and association
- (c) Right to take part in the conduct of public affairs

SECTION 6

- (a) Rights relating to marriage
- (b) Status of women; economic and social rights of women
- (c) Special problems regarding education for women

SECTION 7

- (a) Right to property
- (b) Right to work; just and favourable conditions of work

- (c) Trade union rights
- (d) Servitude, forced labour
- (e) Conditions of children's work

SECTION 8

- (a) Right to an adequate standard of living: food, clothing and housing
- (b) Right to health
- (c) Right to social security

SECTION 9

- (a) Right of the child to education; primary education
- (b) Secondary and higher education, vocational education
- (c) Universal education; fundamental education, right to take part in cultural life; information media

SECTION 10

Conclusions

31. After further discussion during which other proposals were advanced, the seminar decided to conduct the discussions on the basis of the plan of work proposed, bearing in mind the agenda which had been originally submitted.

SECTION 1

General

- (a) Absence of discrimination (especially racial discrimination)
- (b) Freedom of thought, conscience and religion
- (c) Right of peoples to self-determination; right of nations to sovereignty over their natural resources
- (d) Limitations of human rights (to be determined by law)

32. The seminar discussed the items under this section of the Plan of Work at its fourth and fifth meetings.

- (a) Absence of discrimination

33. All speakers were unanimous in condemning the practice of discrimination on any grounds, such as race, sex, language or religion. They felt that there was no valid reason why either developing or developed countries should not accept the

principle that all persons were entitled to the full enjoyment of fundamental rights and freedoms without any distinction whatsoever. Nevertheless, they realized that there was probably no country in the world entirely free from discrimination. Such discrimination was due to a number of causes and in this connexion developing countries were confronted by problems peculiar to themselves.

34. Speaking specifically of racial discrimination, some speakers stated that such discrimination sprang from two main sources. In the first place there was the case of racial discrimination being fostered by the State itself by means of legislative and other measures. Secondly, there was the more common form of racial discrimination not officially approved by the State but actively pursued by a section of the population. It was also felt that in both developed and in developing countries there was a third type of racial discrimination not approved by Government, condemned by a large proportion of the people, yet existing on account of traditional prejudices, ignorance and lack of mutual understanding. Some speakers stated that discrimination was prevalent in some multi-racial societies where the dominant group belonged to a particular race or religion. It was felt that this was one of the serious problems confronting a developing country in which there was a plurality of racial or ethnic groups.

35. Minorities too were often discriminated against by the racial group that formed the majority. One obvious form of such discrimination was the denial to minorities of the right to vote.

36. It was also observed that in certain countries there were laws which prohibited immigration to those countries of persons not of a particular racial or ethnic origin.

37. One speaker said that sometimes what was regarded as discrimination was not really so. He said that in a developing country where there were two racial groups in the country equal in size, it might be felt that the civil service should reflect that racial equality. Yet, in order to make use of the best available human resources, it might be desirable in the recruitment of personnel to take no account of the racial group from which they come.

38. Another speaker expressed the view that, while it was desirable to recruit for the public services those who were best qualified, special consideration might have to be given to those of a racial group who for historical or other reasons had lived in backward circumstances and had not enjoyed the same advantages of education as others. She maintained that it was a form of discrimination in favour of the backward peoples to promote their recruitment, since they had been unable to enter the public service on account of circumstances over which they had no control. She informed the seminar that special consideration was given to such backward groups in her country and that in the public services certain positions were reserved for members of such groups.

39. The seminar was informed that the question of discrimination was one of the problems of greatest concern to the ILO. The speaker said that the ILO dealt with the problem in relation to employment and occupation where discrimination frequently manifested itself. He observed that discrimination which limited the possibilities of employment or occupation of certain categories of people affected the general character of the people concerned and the development of the country in which they belonged. He felt that, if discrimination was to be treated as the evil thing it

was, measures to combat it should be clearly defined. In this connexion, he reminded the seminar that the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ratified by forty-six industrially developed and developing countries required the States Parties to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination in respect thereof based on race, sex, religion, political opinion, national extraction or social origin. During the past year the ILO Committee of Experts on the Application of Conventions and Recommendations had devoted much time to consideration of the Discrimination (Employment and Occupation) Convention and had stressed that the main objective of the measures to be taken was to promote equality of opportunity and treatment in employment and occupation not only by means of legislation but also by improved social relationships.

40. There was general consensus that there were no valid reasons why either developed or undeveloped countries should not accept the principle that all citizens are entitled to all the privileges of citizenship without discrimination as to race, colour, sex, language, religion or other status. It was agreed that ultimately an absence of discrimination depended on the presence of an enlightened population. It was, however, essential to ensure that all national plans were based on the acceptance and grant of human rights and the need to foster their practical and real extension by active measures. It was also necessary that educational plans should promote education in human rights themselves.

(b) Freedom of thought, conscience and religion

41. There was a brief exchange of views on this subject. It was the general consensus that freedom of thought, conscience and religion should be exercised by all. Referring specifically to freedom of thought, one speaker observed that this was a right to which there could hardly be any justifiable limitation and in this respect he drew a distinction between freedom of thought and freedom of expression.

42. The seminar was informed by certain speakers that in their countries the constitution guaranteed the right of freedom of conscience and religion to all persons, subject only to the requirements of public order, morality and health. In this connexion, it was stated that religious denominations also enjoyed the rights to manage their own affairs in matters of religion and to establish and maintain institutions for religious and charitable purposes.

43. One speaker said that though the ILO did not deal with problems connected with freedom of thought as such, yet the Abolition of Forced Labour Convention 1957 (No. 105), adopted by the ILO and ratified by more than 100 countries including a number of developing countries, provided for the immediate and complete abolition of forced labour, inter alia, "as a means of political coercion or as a punishment for holding or expressing political views ideologically opposed to the established political, social or economic system".

(c) Right of peoples to self-determination; right of nations to sovereignty over their natural resources

44. There was a brief but lively exchange of views on this topic. Certain speakers stated that the right of all peoples to self-determination was of particular concern to developing countries, inasmuch as the majority of those countries had only recently emerged from a state of colonialism. They reminded the seminar that both

draft covenants on human rights provided that all peoples had the right to self-determination by virtue of which they could freely determine their political status and freely pursue their economic, social and cultural development. They noted that in pursuance of this right the relevant article of the draft covenants had also provided that all peoples might for their own ends freely dispose of their natural wealth and resources. Referring to General Assembly resolution 1514 (XV) on the Granting of Independence to Colonial Countries and Peoples, they fully agreed that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

45. Certain speakers expressed the view that once a country had attained its independence, no further question arose concerning the right to self-determination. In their view, the right of peoples to self-determination arose only in the case of subject peoples seeking independence from a colonial power. While they recognized the rights of the people within a State to change their government freely, they were opposed to the notion of self-determination of any particular group within the State. In their opinion, if such a view of the right of peoples to self-determination was upheld and permitted, it could only lead to the destruction of the political unity of the developing countries in which there were minorities. One speaker noted, however, that the position of minorities in some developing countries vis-a-vis the right to self-determination was due to the failure of the former colonial powers on relinquishing their authority to safeguard the interests of minority groups. Such failure should not continue to cause hardships on minorities and their right to self-determination should be respected.

(d) Limitations of human rights

46. It was the consensus of opinion that such limitations on human rights as are permitted should be defined by law and should be such as not to destroy or render nugatory the right itself.

47. There was general agreement that in so far as limitations of human rights were concerned, the character of the administration in each developing country was particularly important and that the administration should itself act in the spirit of the Universal Declaration of Human Rights and should accept responsibility for taking active measures to extend the enjoyment of human rights. The administration should itself ensure that any legal limitations of those rights were clearly defined and reflected the spirit of the rights themselves.

SECTION 2

(a) Right to life; prevention of genocide

(b) Is there a right of the child to live before birth from the moment of conception?

48. The seminar discussed this section of the Plan of Work at its fifth to seventh meetings.

(a) Right to life; prevention of genocide

49. There was a brief exchange of views on the right to life in general, a right which every speaker recognized as fundamental.

50. One speaker expressed the opinion that, as the right to life necessarily implied the rights to adequate food, clothing, housing, etc. or more generally the right of everyone to enjoy his proper share of consumer goods, there was a correlative duty for every able person to be a producer of goods and services. In the view of that speaker, it followed that the State had a responsibility to regulate economic life to ensure that everyone was performing productive work and to prevent economic and social evils, such as the concentration of wealth in a few hands, inflationary practices, and corruption. To these ends, guidance should be exercised by the State over economic life, on a permanent or long-term basis.

51. Another speaker stressed that the right to life of old and physically or mentally disabled persons should be guaranteed, in particular through the provision of adequate pensions, homes for the aged, and allowances to the families of sick or disabled persons. The question was raised whether, in cases of sickness, allowances should be paid only to certain members of the sick person's immediate family, as was the case in certain countries, or whether this system should not be liberalized so as to cover other relatives who were also frequently supported by the sick person. While it was noted that such extensive systems of social security were not always easy to establish in those developing countries which were overpopulated and had a very low national product, it was considered essential by some speakers that all developing countries should strive towards that goal.

52. As regards genocide, one speaker drew attention to the broad definition of that heinous crime which was contained in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 (III) annex): the Convention condemned not only the physical destruction of religious, linguistic or national groups, or attempts to effect such destruction, but also practices tending to suppress the essential characteristics of such groups, such as the prohibition imposed upon alien members to teach or speak the language of the group or to practise their religion (the so-called "cultural genocide"). The view was expressed that intolerance and hatred, which might ultimately lead to genocide, were essentially due to ignorance and a poor sense of spiritual values among peoples. It was the duty of the State to educate the masses so as to give them a sense of respect for the creeds and customs of others. Unfortunately, according to another speaker, experience showed that certain acts of genocide had been committed either by Governments themselves or by aggressive groups against which the Government did not intervene. This speaker suggested that the Commission on Human Rights should consider the serious problems raised by the passive attitudes of certain Governments towards the evil of genocide.

(b) Is there a right of the child to live before birth from the moment of conception?

53. Several speakers recognized that, in view of the overpopulation and poverty which still prevailed in many developing countries of Asia, it might be desirable to seek at least temporarily, and by appropriate means, a limitation of the number of births. In this connexion, several speakers declared themselves in favour of policies of contraception and other forms of family planning. It was noted that

such policies were not contrary to various religious creeds in Asia and that they were actively pursued by certain Governments and voluntary organizations in the seminar area.

54. As to whether a limitation on the number of births should also be effected after conception had taken place, diverging views were expressed.

55. In the opinion of certain speakers, the right of the child to live should be fully respected from the moment of conception. This principle found unequivocal recognition in many religions and could be clearly inferred from the right to life proclaimed in broad terms by the Universal Declaration on Human Rights.

56. Other speakers expressed reservations and qualifications of this principle. Some of them questioned the assertion that life begins from the very moment of conception, and stated that, on the basis of scientific evidence, one could not properly speak of individualized "life" during the first three months of pregnancy. Furthermore, while approving the general prohibition of abortive practices embodied in the laws of most countries, certain speakers thought that, at all stages of the pregnancy, there might be circumstances which justified abortion, in particular when it was medically ascertained that the life of the mother would be endangered, or her health seriously impaired, through childbirth. The rights of the expectant mother should be considered as being at least equal in importance to those of the unborn child. According to those speakers, abortion might also well be permitted in order to avoid giving birth to abnormal, monstrous children, as had happened recently to mothers who had taken certain drugs during their pregnancies.

57. One speaker raised the question whether abortion should not be made permissible during the first three months of pregnancy, in the case of children conceived out of wedlock, as they would suffer from cruel social stigma during their lifetime. Other speakers rejected that suggestion, stressing rather the need to modify such prejudices through education and to take legislative and other measures for the protection of unwed mothers and of children born out of wedlock.

58. Some speakers stressed that this was a matter which, like divorce, raised many delicate problems and possible conflicts between civil law and religious creed. They were of the view that within limits clearly defined by law and provided adequate medical supervision was ensured, decisions concerning abortion should better be left to the conscience of the parents.

SECTION 3

- (a) Liberty and security of person
- (b) Inhuman or degrading treatment; treatment of persons deprived of their liberty
- (c) Liberty of movement; right not to be arbitrarily expelled; right of asylum

59. The seminar considered this section of the Plan of Work at its seventh to tenth meetings.

(a) Liberty and security of person

60. There was very little discussion on this topic. Some speakers, stressing that the existence of a competent and responsible police force was necessary for ensuring the implementation of the rights to liberty and security of persons, expressed the view that the training and organization of such a force were not easy tasks in developing countries.

(b) Inhuman or degrading treatment, treatment of persons deprived of their liberty

61. Some speakers drew the attention of the seminar to the conclusions which had been adopted by the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders. They stressed that the treatment of convicted prisoners should be essentially directed towards their rehabilitation, and that prison rules should include, inter alia, provisions for medical care, education, vocational training and adequate remuneration of prisoners for work performed by them. Special treatment should be given to juvenile offenders. One speaker, while stating that these principles were being recognized in most developing countries, pointed out that the rehabilitation of offenders, and in particular the treatment of juvenile delinquents, required specialized knowledge and experience which were not yet readily available in these countries.

(c) Liberty of movement; right not to be arbitrarily expelled; right of asylum

Liberty of movement

62. Under this topic the seminar discussed the question of labour mobilization in developing countries. A summary of this discussion will be found under Section 7 (d) below.

Liberty of movement within developing countries

63. On the one hand, some speakers were of the opinion that systems under which the travel of every citizen from one area to another was made dependent upon the granting of internal passports or visas directly infringed upon human rights. These speakers rejected the argument which was sometimes submitted according to which it would be necessary in some developing countries to adopt such systems in order to prevent peoples from leaving poor or uninviting areas.

64. On the other hand, it was generally agreed that some other restrictions on freedom of movement and residence might be justified in certain well-specified cases. Reference was made, for instance, to the existence in many countries, be they developed or developing countries, of laws and regulations restricting access, in the interest of national defence, to regions classified as military zones. Some speakers pointed out that, in their countries, the courts had held reasonable laws under which the public authorities might order the removal to another region of such persons as prostitutes, owners of gambling establishments, and known leaders of criminal gangs. It was, however, necessary for the Administration to satisfy the courts that the continuous presence of such persons created a serious danger to public security or morality.

65. Certain speakers stressed that special attention should be paid to nomadic peoples, and stated that these peoples could not fully enjoy human rights unless decent living conditions were made available to them.

Right not to be arbitrarily expelled

66. One speaker pointed out that the expulsion of nationals from their own countries - the institution known as exile - was prohibited by the constitution of his country as well as in most other countries nowadays.

Right of asylum

67. One speaker recalled that there were two schools of thought on this matter. While some stressed that, in positive international law, the granting of asylum was not a right of the individual but a prerogative of the State, others felt that the individual should, under certain conditions, have a right to seek and perhaps to obtain asylum and that there was a correlative duty for each State and for the international community to assist persons who sought asylum. This whole question was before the General Assembly, which was considering a draft declaration on the right of asylum (Official Records of the General Assembly, Nineteenth Session, Annexes, agenda item 45)

SECTION 4

(a) Right to a fair trial

(b) Privacy, home, correspondence, honour and reputation

68. The seminar discussed this section of the Plan of Work at its tenth and eleventh meetings.

(a) Right to a fair trial

69. There appeared to be general agreement among speakers on most of the basic points which were mentioned during the discussion on this topic, although some divergent views were expressed as regards certain aspects of legal aid.

70. Several speakers attempted to define what they regarded as the prerequisites of a fair trial.

71. It was pointed out that the right to a fair trial presupposed the definition of all criminal offences by law and the giving of publicity for such laws. Criminal law should not be retroactive. Some speakers thought that delegations of power by the legislative organs to the executive especially in the field of criminal law were potentially very dangerous for human rights, if such delegations of power were too broadly worded and did not provide for a strict control of the legality of regulations by the courts.

72. It was necessary to have a public spirited population who would intervene when a crime was being committed, assist the police in the investigation of crime, and come forward as witnesses either for the prosecution or the defence.

73. While certain speakers thought that this prerequisite might be lacking both in highly developed and in developing countries, other speakers felt that there existed special problems in that respect in developing countries. According to the latter speakers, some of the reasons for this unsatisfactory state of affairs were that ill-trained junior police officers, sometimes displayed a haughty and rude attitude towards prospective witnesses, treating them rather as suspects than as well-intentioned citizens; that access to the police or magistrate was encumbered by too many formalities; and that magistrates, too few in numbers and therefore overworked, tended to postpone indefinitely the appearance of witnesses before them. One speaker stressed that, in certain regions, the peoples were so intimidated by criminal secret societies that no witness was willing to testify; as had been pointed out at the seminar on the Role of the Police in the Protection of Human Rights (Canberra, 1963, ST/TAO/HR/16, paras. 47-49), it had therefore been felt necessary to take exceptional and largely extra-judicial measures against the known members of such societies, for instance, their forcible removal by administrative decisions to areas other than that of their habitual place of abode, and their keeping under special surveillance at their assigned residence. References were also made to the Preventive Detention Acts which existed in certain countries and to the stringent emergency measures which had to be adopted temporarily in other countries to eliminate certain forms of political terrorism. Certain guarantees were granted to the persons who were subjected to such measures, in particular the right to legal counsel, the right to make representations to special control bodies against administrative orders, and the right to appeal to the courts under certain conditions to quash mala fide orders.

74. Another prerequisite of the right to fair trial was a fair and thorough investigation of alleged crimes, and in particular the exclusion of any abusive method of interrogation. Unfortunately, in spite of legal prohibitions, "third degree" methods were still resorted to by the police in various countries. The police was too often more anxious to obtain a certain number of convictions than to respect the rule of law, and yielded too easily to pressures of public opinion to that effect when the peoples were aroused by the commission of a crime. One speaker pointed out that uneducated and unsophisticated peoples in developing countries were frequently overawed when brought as suspects before police officers, and were therefore easy preys to leading questions asked by the police, even to the extent of confessing crimes of which they were innocent. In some countries, the remedy against such police abuses had been sought in the form of control and guidance of police officers by public prosecutors independent from, and hierarchically superior to, the police. In other countries, it had been found necessary to declare admissible as evidence at trial only such statements or confessions by an accused person as were made before a magistrate, outside the presence of police officers, and after the accused had been properly cautioned by the magistrate as to the possible consequences of his statement or confession. Even confession made under such conditions could always be retracted in court, and judges were extremely reluctant to admit such retracted confessions as evidence unless strong corroborative evidence was submitted by the prosecution. It was agreed that the most effective remedy against police abuses lay in the building up of a well trained police force, respectful of the rule of law and of the basic principle concerning the presumption of innocence of accused persons. It was recognized that, at the present time, in various developing countries, there were not enough police officers so trained, and that the achievement of that objective required time.

75. It was agreed that every suspected or accused person should be informed as soon as possible of any charge against him and should be given at least a summary of the evidence in support of the charges.

76. Several speakers considered it essential that the suspected or accused person be brought before a magistrate within the shortest possible time after his arrest. One speaker also felt that the law should require the periodic appearance of the arrested person at stated times before a magistrate or judicial body which should, in particular, determine whether his continued detention was necessary. In the view of that speaker, detention before trial should continue only so long as it was required by the exigencies of the preliminary examination; as soon as the examining magistrate had completed his inquiries and formulated his conclusions, the arrested person should be set free.

77. The seminar devoted much attention to the right to legal counsel, which was regarded as fundamental by all speakers.

78. It was agreed that one of the most basic prerequisites of the right to a fair trial was the existence of an adequate number of well-trained lawyers jealous of their independence, imbued with a sense of professional ethics, and fearless when faced with pressures of the government, political or economic groups or public opinion. Several speakers recognized that this condition was not met in various developing countries. Special efforts should be made and "crash programmes" of training should be established and implemented as speedily as possible in those countries to reach that goal. Training programmes for lawyers should emphasize the importance of professional ethics and the independence of the legal profession. Under these conditions, the average age of lawyers would necessarily be lower in developing countries than in developed countries. While one speaker expressed some misgivings over that fact, fearing that young lawyers would lack the experience necessary to ensure a proper defence, other speakers thought that youth in itself should not be regarded as a handicap provided lawyers were taught from the very beginning of their career to respect professional ethics and to keep themselves independent from all pressures.

79. All speakers agreed that every accused person and every litigant in non-criminal suits should have the right to be assisted by legal counsel if they so chose. Furthermore, several speakers pointed out that, in their countries, legal assistance was made mandatory by law in a number of criminal cases: for instance, in the case of capital offences or serious cases to be tried by a higher criminal court, in cases within the jurisdiction of military courts, and where the accused person was under eighteen years of age. In all such cases, the court appointed a lawyer to defend the accused person if he had not himself engaged counsel. It was pointed out that special care should be taken to ensure that uneducated accused persons in developing countries were fully aware of their right to legal counsel and of the importance of their enjoying legal assistance; welfare officers, in certain countries, were arranging for the selection or appointment of counsel on behalf of such persons.

80. The question of legal aid to indigent litigants gave rise to some discussion. It was agreed that, in accordance with the "full equality" clause contained in article 10 of the Universal Declaration of Human Rights, no one should be left without legal counsel, especially in criminal cases, if he desired to have such assistance but was unable to pay for it. There should not be one justice for the

rich and another kind of justice for the poor. The implementation of this basic principle raised serious problems in developing countries where many persons had no means to pay for legal counsel.

81. Several speakers described the efforts made in their countries to cope with this problem.

82. In some countries, legal aid was granted mainly by private Bar Associations or societies which maintained a roster of lawyers ready to assist the indigent accused voluntarily with only a token remuneration or even, as was mentioned in respect of one country, without any remuneration. Within such systems, defence lawyers could be appointed either by the court or by the President or governing council of the Bar Association. While some speakers stressed that such systems had the advantage of excluding state intervention or of keeping it to a minimum, other speakers expressed doubts as to the quality of legal assistance performed by lawyers without remuneration. Moreover, it was said that, under such circumstances, the lawyers who offered to give legal assistance without remuneration were usually young lawyers at the probationary stages of their careers who might lack the necessary experience to ensure a proper defence (see also paragraph 78 above). Some speakers disagreed with the latter opinion, and felt that free legal aid by young lawyers would be satisfactory, especially if senior lawyers were available to provide guidance where necessary to their young colleagues.

83. In some other countries, legal aid was mainly given to indigents by lawyers who were full-time employees of special public agencies, ("Public Defender's Offices"), and who received a salary wholly out of public funds. According to one speaker, this system had not in general yielded satisfactory results. The view was expressed that systems of legal aid administered by the State or public agencies might to a certain extent tend to jeopardize the independence of the legal profession.

84. Several speakers declared themselves strongly in favour of the system of legal aid recently established in the United Kingdom. Under this system, anyone who had a legal problem was entitled to bring his case to the Law Society. This Society after undertaking a preliminary examination of the case to ascertain that the applicant's case appeared prime facie as genuine and not frivolous, referred the applicant to the lawyer which he himself selected from a list maintained by the Society. Most practising lawyers, including many experienced ones, were on that list. The litigant was requested to make a contribution towards the lawyer's fees, according to his means; he was not required to pay anything if he was very poor. The remainder of lawyers' fees - in most cases the major part thereof - was paid for by the State out of a special fund. Only in that respect did the State play a part in the scheme. The total amount of the lawyer's remuneration did not quite reach the level of fees usually paid under private agreements, but was nevertheless far greater than a token remuneration. This system was commended as ensuring at the same time the free choice of legal counsel by litigants, the availability of experienced lawyers, and the full independence of lawyers vis-à-vis the Government. The question was raised as to whether or to what extent such a scheme could be applicable in developing countries. According to some speakers, difficulties of financing such a scheme were not insuperable in those countries, as its global cost for the United Kingdom Government had proved to be relatively small as compared, for instance, to the

cost of the National Health Service. Other speakers thought, however, that the Governments of several developing countries were still not in a position to afford such expenses. Several speakers agreed that the essential prerequisite of a successful functioning of that system was the existence of a sufficient number of well-trained, independent and fearless professional lawyers, and the need for reaching that goal in developing countries was again emphasized.

85. Some speakers drew attention to the necessity of exempting indigent litigants, not only from the payment of lawyers' fees but also from the payment of court fees. One speaker pointed out that, in his country, the law provided in the past for the mandatory imprisonment of litigants who did not pay court fees; but that this law had been recently amended to enable judges to excuse indigent litigants from paying court fees.

86. As regards the law of evidence in criminal cases, it was agreed that the accused was entitled to the full benefit of the principle concerning the presumption of innocence and that, even if the accused had confessed, it was incumbent upon the prosecution to bring forward evidence to establish guilt beyond reasonable doubt.

87. It was noted that, in civil suits, the principle generally prevailed that it was incumbent upon each party to make his own inquiries with a view to submitting evidence, in support of their cases, and that the judge, as an impartial arbiter, evaluated the evidence but did not himself conduct investigations. One speaker suggested that, in order to assist poor or uneducated litigants who were unable to arrange properly for the gathering and proper presentation of evidence through legal counsel or their own efforts, it might be advisable to empower judges to make more or less detailed inquiries proprio motu into cases. Such a practice was followed for instance by the French Conseil d'Etat. Other speakers felt that the implementation of such a suggestion would require a very complicated, costly and cumbersome organization which might exceed the capabilities not only of developing countries but of most developed countries as well. The view was also expressed that it would be dangerous to adopt such a suggestion, as it was feared that, if judges descended into the forum to involve themselves in the making of investigations, they might well, even subconsciously, adopt a biased view of the case. One speaker pointed out that, in his country, the procedure under which trial judges in criminal cases had themselves the power to make full investigations, had been discontinued, and full investigative powers had been given back to the police and the public prosecutor's office.

88. The importance of the right of the accused or his counsel to cross-examine witnesses was stressed by some speakers.

89. References were made to the rights of the accused to remain silent and to refuse to answer questions on grounds of self-incrimination. One speaker felt that extensive use of these privileges by accused persons might sometimes lead too easily to the acquittal of the guilty.

90. While several speakers stressed the need for avoiding undue delays in the administration of justice, particularly in criminal cases, and pointed out that this problem was acute in certain developing countries owing to a scarcity of magistrates and judges, other speakers expressed the view that speed should never be achieved through perfunctory investigation and trial.

91. Some speakers drew attention to the need for adequate legal protection of the legitimate interests of private investors in developing countries. One speaker felt that it would be preferable to have cases involving private investors and the State tried before the ordinary civil courts, or commercial courts, than before administrative courts which in some countries might not be sufficiently independent from the Executive. In the opinion of some other speakers, experience in various countries with a long tradition of Administrative Justice showed that Administrative Courts were as independent from the Executive as the ordinary courts and exercised effective control over administrative action.

92. Last, but not least, it was agreed by all speakers that the existence of a competent and independent judiciary, strictly separated from the Executive Branch, was an essential prerequisite of the right to a fair trial and indeed of the effective implementation of human rights in general. Judges should enjoy security of tenure and a remuneration commensurate with their high status in the community to render all pressures and inducements ineffective.

93. It was recognized that developing countries should make every effort to increase the number of well-trained judges, and to secure their independence. Recent reforms in some of those countries went a long way towards achieving that objective.

(b) Privacy, home, correspondence, honour and reputation

94. One speaker stated that, in her country, the Supreme Court had considered that one executive regulation giving the police or other public officials special powers to enter the private dwelling of certain persons to check their movements was contrary to the human rights provisions of the constitution. The Court had stressed that the right to privacy of home did not allow for such practices.

SECTION 5

(a) Freedom of opinion and expression; freedom of information

(b) Rights of peaceful assembly and association

(c) Right to take part in the conduct of public affairs

95. The seminar discussed this section of the Plan of Work at its eleventh to thirteenth meetings.

(a) Freedom of opinion and expression; freedom of information

96. Much of the discussion of section 5 of the Plan of Work dealt mainly with this part of the section and particularly with freedom of information.

97. There was a general agreement that there should be no distinction between the developed and the developing countries in the recognition of the right of everyone to freedom of opinion and expression and freedom of information. Touching briefly on freedom of opinion and expression, some speakers noted that

there was a difference between the two. The former was a personal freedom since it was entirely mental, whereas the latter involved the question of public order and human relationships and might therefore be subject to such limitations as were prescribed by law and necessary for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

98. Freedom of information was considered by several speakers as a special and important aspect of freedom of expression. Freedom of information, they said, was essential to the enjoyment of other human rights and fundamental freedoms and no other right was secure if information could not be freely sought, freely received and freely imparted. Freedom to receive and to give information was essential in the development of social and political ideas and in the building of a strong democratic society.

99. In this connexion, one speaker told the seminar that when his country had set out to build a nation in the modern sense there were leaders in the economic, political and military fields who took the view that the promotion of some of the basic human rights could wait until the country was sufficiently developed, as a result of which freedom of information was severely curtailed. Later, he said, tragedy and calamity befell his country. This, he maintained, could have been avoided had the Press been free and the right of the people to seek and to give information been respected and guaranteed.

100. Certain speakers stated that every individual should have the right to express his positive ideas either in small groups or in large national gatherings as well as in the Press, on radio, television or through other channels of communication. It was therefore of great importance that developing countries should have at their disposal, and make use of, the various media of communication in order that there might be a free and full flow of information. They told the seminar that lack of financial means in some developing countries prevented private individuals from acquiring the essential technical aids, such as equipment for a printing press, or setting up radio or television stations. To achieve this, it was felt that assistance from government was necessary.

101. Some speakers felt that such government assistance was not always consonant with the concept of freedom of information. While they admitted that in most developing countries it was customary for the Government to own the radio and television stations, they took the view that freedom of information would be better ensured if such stations were controlled by independent corporations rather than by State officials. It was their view that when such stations were controlled by Government there was no guarantee of a free flow of information. The Press should be free and independent and any financial support from Government was a threat to such freedom and independence. It was in the interest of the State itself that the Press should be free and unfettered since an unfettered Press could accurately reflect the attitude of the public with regard to a matter of interest to the State. It was felt that if the Press received financial support from the Government in the form, for example, of subsidies or was particularly favoured with regard to advertisements from the Government, it would then be unable to criticize the Government as an independent Press would be in a position to do so.

102. One speaker told the seminar that, apart from the legal limitations, freedom of information was not total or complete anywhere in the world. In some countries

the Press was muzzled by the Government; in others it was dominated by powerful financial interests. This was the position in industrially developed countries where the Press was able to influence public opinion not only in the particular country concerned but also throughout the world. Moreover, in the developing countries there were similar problems of a local nature: even though the freedom of the Press might not be curtailed by any action on the part of the Government, the Press was often under the influence of persons who were actuated by motives of self-interest.

103. One speaker felt that in order to have a free Press, the newspapers and other media of mass communication should have independent sources of income, and he felt that advertisement was a logical source of such income. He said that editorial staff should be left free to present the news effectively.

104. Certain speakers felt that the lack of education of the masses in many developing countries was an obstacle to freedom of information. In their view it was essential for the free flow of information that people should be able to express their views intelligently through the medium of the Press, radio or television and be able to appreciate and assess the information that was given. In the view of another speaker, however, freedom of information was not solely dependent on technical aids nor were the uneducated masses so inept in understanding and assessing truth as had been implied.

(b) Rights of peaceful assembly and association

105. There was only a brief exchange of views on this topic.

106. There was general consensus that the right of peaceful assembly and association was a fundamental right which should be subject only to restrictions imposed in conformity with the law. The view was expressed that if these rights were threatened, other rights would also be jeopardized.

(c) Right to take part in the conduct of public affairs

107. There was not much discussion of this topic. One speaker expressed the view that lack of education and opportunity had prevented a large number of women in developing countries from exercising this right. She felt that special facilities should be made available for women in developing countries to equip themselves for the conduct of public affairs. This applied especially to women in rural areas.

108. Referring to the whole of section 5, one speaker said that it dealt with the positive political rights which were fundamental to democratic political institutions in a developing country. Whatever rights were considered in the section, the political relation between the individual and the Government was the important factor. All the rights in the section were based on the "right to oppose". If the right to oppose was intact and protected, all the other rights in the section would be likely to be protected and available.

109. In his view, what was essential was the recognition by developing countries of the "right to oppose". He observed that not all developing countries were democratic and in some countries the right to oppose was threatened or destroyed.

110. Several factors had contributed to the destruction of the right to oppose in those countries. Perhaps the most important factor was the failure to exercise the power to oppose in a responsible manner. It was no use, he said, to have the power or right to oppose if the manner of its exercise itself constituted a threat to stable and effective government. In his view, if the democratic system was to function properly, the right to oppose must be exercised in such a manner as to produce a viable alternative policy and the prospect of an alternative government. It was his view that it was essential that both the power of government and the right of opposition should be exercised responsibly and with common sense. That was not necessarily a matter of liberty.

111. He told the seminar that opposition had to be allowed if the Universal Declaration of Human Rights was to be operative in the political field. If opposition was allowed in real terms, the rights of section 5 of the Plan of Work would be real rights and they would be instruments of opposition and of democratic political struggle.

112. The consensus of opinion of the seminar was that the exercise of the rights mentioned in section 5 should be subject only to the restrictions mentioned in article 29 (2) of the Universal Declaration of Human Rights.

SECTION 6

- (a) Rights relating to marriage
- (b) Status of women; economic and social rights of women
- (c) Special problems regarding education of women

113. The seminar considered this section of the Plan of Work at its thirteenth and fourteenth meetings.

(a) Rights relating to marriage

114. All speakers were agreed that the right of men and women of full age, without any limitations due to race, nationality or religion, to marry and to found a family was an ideal towards which all countries, both developed and developing, should strive. They realized, however, that legal and traditional obstacles existed not only in the developing countries but in the more advanced countries as well. In many developing countries differences of race, caste or religion, as well as other sociological factors, presented obstacles to the free exercise of the right to marry the person of one's choice. Such obstacles, moreover, were not confined to developing countries. There were similar hindrances in the way of the free exercise of the right in question in more advanced countries where there were also certain restrictions affecting persons in certain occupations.

115. Certain speakers who came from countries where Islam was the predominant faith told the seminar that in their countries Islam had transformed the marriage laws of primitive and tradition-ridden societies, had insisted on the concept of mutual acceptance and consent, had recognized the rights of women as individuals and raised the status of marriage to that of a spiritual contract wherein the rights

of both parties were to be respected. They admitted that there was a departure in certain Moslem countries from the Islamic ideals regarding the rights of marriage. They attributed this to local customs, traditions and incorrect interpretations of the teachings of Islam. Efforts were being made to recapture the true spirit and meaning of the Moslem faith in regard to the rights of marriage and other matters and to introduce reforms where necessary.

116. One speaker told the seminar that the Hindu religion, which was practised in his country, permitted polygamy. The present King, however, had broken with tradition and had taken to himself only one wife. Other persons were following the example of the King and polygamy was gradually being eliminated. He said that this was a very healthy trend in his country since polygamy often deprived women of rights and plunged many of them into a life of misery.

117. Another speaker drew attention to the fact that in his country it was such an easy matter for a man to divorce his wife that a man whose occupation made it necessary for him to move from place to place - a soldier or a policeman, for example - would sometimes marry someone in one town or village and divorce her when he was about to go to another town or village. Polygamy was on the decline in his country because of various measures that were being taken.

118. Certain speakers drew the attention of the seminar to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962 (General Assembly resolution 1763 A (XVII) annex). They said that in some developing countries the intending spouse was still represented by her father, uncle or elder brother by virtue of certain age-long traditions and beliefs. They referred to the practice of child marriages in some areas of the developing countries and felt that while the practice was diminishing, the aim should be to eliminate it altogether.

119. It was felt that serious efforts should be made for marriages to be registered even in rural areas and among nomads since absence of such registration gave rise to numerous difficulties and lawsuits in which the wives could hardly be expected to succeed.

120. Referring to the question of domicile, one speaker said that in most countries the woman on marriage acquired the domicile of her husband. In certain countries, however, the wife was allowed to retain her domicile. It was felt that application of this latter principle should be extended.

121. One speaker stated that a wife and her children were often left without means of support as a result of the difficulty of executing maintenance orders against a husband who had left the country after the order had been made. In the view of the speaker, the matrimonial rights of the wife should not be allowed to be adversely effected by any such act of the husband. It was also her view that all countries, whether or not a reciprocal treaty or agreement existed, should assist in the execution of a maintenance order by any husband against whom such an order was made.

(b) Status of women; economic and social rights of women

122. It was the general consensus that the status of women should in no way be inferior to that of men. Nevertheless, it was recognized that there were various obstacles to be overcome to bring about an improvement in the status of

women and that there were also various factors to be taken into account. It was felt that in most developing countries, the difficulties which confronted women in the improvement of their status were the same as those which confronted the nation as a whole. Those difficulties were rooted in the social and economic conditions of the country. Consequently, while it was essential that additional efforts should be made to enable women to achieve progress as rapidly as possible, it should also be borne in mind that whatever efforts were made to improve conditions in the country as a whole also contributed to the raising of the status of the women in that particular country.

123. Certain speakers stated that it was once thought that legislation was all that was needed to bring about desired changes. People had begun to realize, however, that legislation alone could not eradicate old customs and habits. Education in its broadest sense, including studies in civics, was an indispensable element.

124. Touching on the employment of women, certain speakers said that the employment of women in the public service should nowadays not only be allowed but actively encouraged since women in developing countries had not been afforded in the past the same opportunities as men. They felt that the general conditions of work for women could be improved and the range of employment expanded. In their view, a larger number of women could devote themselves to more important work than was often the case. Opportunities for part-time work should also be made available to married women especially those having large families. Married women and girls could also undertake work in cottage industries which were of importance from the economic point of view.

125. One speaker told the seminar that once women were admitted to employment, there arose the question of protecting their rights as women and as workers. In this regard, ILO Conventions first sought to ensure protection by providing for a twelve-week maternity leave, for a system of maternity benefits and for protection against dismissal during that period. A second set of Conventions related to protection of women against night work in industry. A more recent ILO Convention (No. 100, adopted by the ILO General Conference on 29 June 1951 and entered into force on 23 May 1952) dealt with Equal Remuneration for Men and Women Workers for Work of Equal Value. ^{1/} This instrument provided that States Parties should undertake to promote and, as far as was compatible with the prevailing methods in each country, to ensure such equality of remuneration. It was stated that the various aspects of protection of the economic and social rights of women had developed so rapidly in the developed as well as in some developing countries that the International Labour Conference would in June 1964 consider, as an item on its agenda, the position of women in a changing world.

126. In the view of another speaker, however, women still lagged behind in most developing countries. It was true that in some countries a few women had been elected to high office or had become doctors, lawyers or even aircraft pilots. This was a desirable trend but what, in his opinion, would be even more important would be an increase in the number of well-informed women taking their proper

^{1/} ILO Official Bulletin, volume 34, No. 1, August 1951.

place in society and contributing to the stability of family life and of the nation as a whole. He referred to the Economic and Social Council and General Assembly deliberations since 1960 on the establishment of special United Nations assistance for the advancement of women in developing countries. The Secretary-General was studying the possibility of providing and developing new resources aimed especially at the initiation and implementation of a unified long-term United Nations programme for the advancement of women in developing countries. 1/ He felt, in this respect that a United Nations Fund for the Advancement of Women had to be established following the pattern of UNICEF. He appealed to the women's organizations in the richer and industrialized countries to organize campaigns to raise funds in order that financial contributions be channelled to such a Fund which would assist the national women's organizations in developing countries to improve the economic, social and cultural conditions of women.

(c) Special problems regarding education of women

127. All speakers were agreed that the proclamation of the equality of men and women would have no real meaning unless at the same time there was an intensive campaign to raise the educational level of women in those countries where their education lagged behind that of the men. While it was true that women's role in the bringing up of children was essential and indeed vital, that fact should not be allowed to stand in the way of their education which would enable them to participate more effectively in a free society. It was realized, however, that there were special problems regarding education for women.

128. Certain speakers said that in some developing countries tradition and the dead-wood of conservatism as well as religious fanaticism were stumbling-blocks in the way of education of women and girls.

129. In this connexion one speaker told the seminar that about forty years ago the King of his country had given some attention to the education of women. He established a school for girls and, despite the strenuous opposition of the conservative element in the country, began sending girls abroad for higher education. Girls and boys began to study in the same classes and a Women's Welfare Institute was founded. These reforms led to such intensive opposition that there was revolution and bloodshed. The speaker noted that this kind of attitude towards the education of women had not completely disappeared.

130. In the opinion of certain speakers there was in some quarters an ingrained prejudice against women being trained in certain fields. Much of this prejudice emanated from women themselves. Some women would decline to be treated by a female doctor; female clients preferred to be represented in court by a man rather than by one of their own sex.

131. It was generally felt, however, that as time went by and as people in the developing countries became more and more enlightened by the spread of knowledge, these obstacles in the way of women's education would be removed,

1/ General Assembly resolutions 1509 (XV) and 1777 (XVII); Economic and Social Council resolutions 771 H (XXX), 884 E (XXXIV) and 961 F (XXXVI).

that women would in every respect be accepted on an equal footing with men and be given the same opportunities of advancement. It was also clear from the remarks of various speakers that in all countries great progress was being made in the improvement of the status of women.

SECTIONS 7 AND 8

132. The seminar considered these sections at its fifteenth to seventeenth meetings. There was, first, a general discussion concerning economic planning and its relationship with the promotion of economic, social and cultural rights, and of human rights in general, in developing countries.

General discussion

133. It was considered as self-evident by all speakers that the existence of adequate material means and a high standard of economic development were essential prerequisites of the full and effective enjoyment of economic, social and cultural rights, and contributed to the promotion of civil and political rights. As was pointed out by several speakers, man needed to be adequately fed and clothed before he could be realistically expected to concern himself fully with human rights. To mention only one instance which was stressed by several speakers, the right to work was meaningless in countries where employment opportunities were grossly inadequate, owing to overpopulation combined with economic under-development

134. It was also agreed that economic planning by the State was needed in most, if not all, developing countries in order to achieve the measure of development which was necessary for the implementation of economic, social and cultural rights.

135. One speaker held the view in this connexion that the industrial development which had taken place in the nineteenth century in accordance with "laissez-faire" principles had been achieved at the cost of too much suffering for certain sections of the population.

136. Some speakers were of the opinion that, if planning was necessary for the full implementation of economic and social rights and, to a certain extent, of human rights in general, other conditions were equally necessary. Economic planning should not be expected to bring about automatically the promotion of human rights.

137. Many speakers felt, in particular, that only systematic and co-ordinated action by the State could successfully promote a needed spirit of enterprise and sense of collective effort; encourage the accumulation of capital and its channelling towards productive fields; and, generally speaking, orientate the peoples' efforts in various fields of economic endeavours in order to ensure economic growth and an adequate standard of living for all. These were indeed very complex tasks, as all economic problems were more or less closely interrelated and all, directly or indirectly, had a bearing on human rights. The State should make itself equal to these tasks by reforming, where necessary, its administrative structure and methods, and by establishing a body of competent and efficient civil servants.

138. References were made in some detail to various problems of economic planning in developing countries. Several speakers stressed that one of the main difficulties as regards economic planning and capital formation in developing countries was the excessive dependence of those countries upon export of a few primary products, the prices of which greatly fluctuated on the world market. It was also said that the State might have difficulties in persuading people to invest their capital into productive fields. Foreign capital, often needed to supplement national resources, should be attracted towards developing countries through suitable incentives and adequate legal protection; but in the view of several speakers, efforts should be made to channel these foreign investments towards productive endeavours, preferably towards the creation of new enterprises rather perhaps than into already established concerns. It was stressed that growing deficits in the balance of payments should be avoided.

139. It was pointed out that every effort should be made to check inflationary trends, as inflation was one of the most serious threats to sound economic growth. Some inflationary factors might be peculiar to developing countries. According to some speakers in order to combat these tendencies, it would be advisable to set up special commissions, including representatives of employers and workers, to advise on law, to adjust policies concerning prices and salaries to the exigencies of economic development.

140. As was stressed by certain speakers, a serious problem which should be tackled through adequate planning in various developing countries was the great imbalance between the level of economic and social development of city-dwellers and that of the rural masses. As the production of food was of supreme importance steps should be taken to improve the status of agricultural workers.

141. It was generally agreed that planning should aim at achieving a balanced economic and social development. In several resolutions, the United Nations had emphasized the need for such a balanced development.

142. There was an exchange of views concerning the various methods of carrying out development plans and in particular the extent to which the State should intervene in economic and social life with a view to achieving economic progress. The view was expressed by several speakers that economic planning should mainly be carried out through promoting the establishment and growth of private enterprises, subject to their orientation by the State towards productive fields; and that the State should as much as possible refrain from becoming itself an entrepreneur. Some speakers declared themselves strongly opposed to the establishment of State economic monopolies, on the grounds that such monopolies engendered inefficiency, greatly increased production costs and often bred corruption, all evils which were especially detrimental to the emerging economies of developing countries. While agreeing that State economic planning was fully compatible with the growth of a private sector, some other speakers felt that the State was justified in setting up and maintaining publicly-owned enterprises to carry out certain projects which were of vital importance for the country, but which yielded too little profit to attract private capital. Reference was made in that connexion to major projects concerning irrigation and hydro-electric works.

143. One speaker was of the opinion that State planning should aim at ensuring that everyone was performing truly productive work. In his view, everyone, being a consumer of goods, should also be a producer, since consumption not accompanied by production meant that some persons were living parasitic lives and exploiting other peoples' work. Such planning, according to this speaker, should be carried out in accordance with the principles of "guided economics" which rightly embraced all economic activities and indeed almost all fields of human endeavour, as, in the last analysis, all aspects of human activities were interrelated. Certain reservations were expressed as regards such a system. One speaker expressed the view that inasmuch as "productive work" under this system meant only the production of material goods, such a system would not be applicable in any modern, diversified economy where the roles of the distributors and of specialists providing various services were so important.

144. Several speakers raised again the basic question as to whether, or to what extent, the requirements and methods of economic planning were always in harmony, or might not at times be in conflict, with the promotion of human rights.

145. All speakers stated or reiterated their views that there was no basic conflict whatsoever between the two concepts; and indeed that economic planning, by its very nature, contributed significantly to the full implementation of human rights, and above all, to that of economic and social rights.

146. Certain speakers expressed the opinion that various noble aims of economic planning, and essentially the promotion of greater justice in the distribution of national income, might sometimes require temporary and partial restrictions upon the exercise of individual freedoms, measures which could at first sight appear to constitute infringements of human rights. For instance, in one country, it had been felt necessary to enact a land reform law under which the matter of compensation to expropriated landlords was not appealable before any court. In the view of these speakers, such temporary and partial restrictions of freedoms were justified as it had been found, after careful consideration and debates in democratically elected bodies, that the interests of social justice, which were basic to the very concept of human rights, were infinitely more important than the vested interests of a few persons who profited from economic exploitation and misery. In the quoted instance, it had been felt that a probable flood of litigation would unreasonably delay the implementation of land reform. Too rigid views on the inviolability of abstract rights would often lead only to the ignoring of social realities and the perpetuation of injustices.

147. It was recognized that, in developing countries, economic, social and cultural rights could be implemented only gradually, as the material and psychological prerequisites were met. In the view of several speakers, however, this undeniable fact should never serve as a pretext for undue delays in the very recognition of human rights. It was, in their view, quite untenable to say that human rights should not be granted to the peoples of developing countries because the existing conditions - economic backwardness, mass illiteracy - did not permit them to understand and appreciate these rights.

148. It was agreed that the Governments of developing countries, through economic planning and other suitable methods, were responsible before their own peoples and the international conscience for recognizing human rights, and for striving in good faith to implement economic, social and cultural rights as

speedily as possible. World public opinion should, in fairness, take fully into account the great difficulties which developing countries had to overcome in these fields.

149. As regards civil and political rights, some speakers restated and again emphasized what seemed to have been the consensus of opinion reached in earlier discussions: that, as the implementation of most, if not all, civil and political rights was not essentially dependent upon economic development, considerations regarding the carrying out of the plans should not justify any delay in the realization of these civil and political rights or restriction upon their free exercise. It was recalled that this principle had been made subject to some reservations by certain speakers, as regards the application of compulsory labour systems (see paragraphs 164-165 below). Some speakers expressed the view that, if it was ever regarded as absolutely necessary, for the sake of economic development in some developing countries, to impose some similar restrictions on the exercise of other civil or political rights, it was essential that such restrictions should have an exceptional and transitional character, that suitable guarantees be given for the preservation of human life and dignity, and that all efforts be made towards the early elimination of such restrictions.

150. The discussion could be summarized by saying that there was a general consensus that civil and political rights could be granted immediately by all countries but that full economic, social and cultural rights could only be fully realized by economic development.

SECTION 7

- (a) Right to property
- (b) Right to work; just and favourable conditions of work
- (c) Trade union rights
- (d) Servitude, forced labour
- (e) Conditions of children's work
- (a) Right to property, with special reference to foreign investments and land reform

151. Several speakers referred to problems relating to the right to property in developing countries.

152. Some speakers, who stressed the pressing needs of developing countries for private investments, were of the view that full guarantees should be given to the property rights of investors. If it became clearly necessary for the State to expropriate private capital for well-defined public purposes, adequate compensation should be paid to the owners. The agency entrusted with the task of assessing the value of properties and fixing the amount of compensation should not be subject to political pressures from the party in power.

It was important to check inflationary tendencies, since inflation made compensation meaningless and discouraged private investments. If the payment of compensation was delayed, the person concerned should be entitled to receive interest payments. The matter of compensation should always be appealable before the courts. It was advisable to give private investors in productive fields the benefit of tax reliefs and other advantages. On the other hand, those speakers agreed that private investors should realize that they had a public duty to perform and that the right to property, especially in developing countries, should be regarded as a public trust.

153. Some other speakers, referring especially to the expropriation of land for purposes of land reform, thought that the interests of social justice and the need for a more equitable distribution of land might justify certain more summary procedures of expropriation and methods of calculating the compensation to be paid to the owners. For instance, it might even be considered reasonable in certain circumstances to exclude any recourse to the courts, if it were feared that litigation might unduly delay or hamper the implementation of land reform (see also under "Sections 7 and 8", paragraphs 133-150 above).

154. It was generally considered that land reform was necessary in several developing countries to bring about a more just distribution of land and agricultural income, to provide much needed incentives to farmers, and ultimately to increase the production of food and other important agricultural products.

(b) Right to work, just and favourable conditions of work

155. It was generally agreed that voluntary work fulfilled a basic inner urge of the individual and enhanced his dignity and self-respect. It was also agreed that, in order to make the right to work meaningful in developing countries, the State should through adequate planning promote the creation of the required number of employment opportunities. The importance of establishing adequate employment services and of providing adequate training prior to and during employment was stressed by several speakers.

156. As regards just and favourable conditions of work, references were made to the necessity of fixing minimum salaries and of providing for weekly rest, paid annual leave, and the limitation of working hours. Standards and practices in these respects inevitably varied from country to country, according in particular to the level of economic development and the industrial needs of each country. The representative of the ILO, in describing the efforts of his organization to further these objectives, pointed out that the relevant ILO Conventions took into account the special needs of certain developing countries.

157. The importance of establishing a body of competent and efficient labour officers or inspectors was stressed, particularly in respect of countries where trade unions were not yet strong enough to watch adequately over the interests of the workers.

(c) Trade union rights

158. The view was expressed by several speakers that the establishment and growth of an independent trade union movement was very important, not only because it implemented a fundamental right of the workers but also because it was a means of furthering sound economic and social development.

159. It was recognized by some speakers that the establishment of a strong and independent trade union movement encountered some special difficulties in certain developing countries. These were due, inter alia, to lack of workers' education concerning the purposes and functioning of trade unions and to the frequent fragmentation of unions into small units at the level of the plant, along antiquated artisanal lines, or sometimes along racial or political lines. In some countries, the State was taking steps to gather trade unions into federations and confederations. Efforts were made to promote free elections at the industry level to elect workers representatives, and to entrust to the most representative union the task of negotiating conditions of work on behalf of all the workers.

160. Some speakers, however, stressed that the backwardness, weakness or fragmentation of the trade union movement should never become pretexts for unwarranted state interference into the functioning of trade unions.

161. The representative of the ILO made full references to the 1948 and 1949 ILO Conventions concerning trade union rights, and to the joint UN-ILO machinery which had been established to consider allegations of infringements of trade union rights submitted, inter alia, by employers' and workers' organizations. He also indicated that the ILO was implementing a comprehensive programme of workers' education.

162. One speaker wondered whether the right to strike should be considered as fundamental and whether, in its restricted form, it might not lend itself too easily to abuses detrimental to the vital interests of developing countries. He suggested that the emphasis should rather be placed on compulsory procedures of conciliation and arbitration to solve collective labour conflicts. Another speaker, while admitting that the right to strike might lead to some abuses, expressed the view that conciliation and arbitration procedures should not be regarded as rendering the right to strike superfluous. This right, it should be remembered, was an important means of last resort for the workers to defend their legitimate interests, and sometimes it was the only means at their disposal. Admittedly, it was sometimes felt advisable to ensure through suitable provisions - for instance the provision of compulsory prior notice of strike and of a waiting period for negotiations - that the right to strike was exercised in a responsible and orderly manner; and it was generally recognized that prior recourse should be made to conciliation and arbitration provided the impartiality of the conciliation and arbitration bodies were duly guaranteed.

(d) Servitude, forced labour

163. The seminar devoted much attention to questions relating to labour mobilization in developing countries. The discussion on these questions took place under section 3 (c) relating to liberty of movement.

164. Certain speakers expressed the view that, in some developing countries, it was not yet possible to rely exclusively upon systems of voluntary labour in order to satisfy the basic needs of the nation for economic and social progress, in such fields as, for instance, road building and the reduction of illiteracy. In the opinion of those speakers, voluntary labour systems could be effective only if a minimum economic level were reached. In some developing countries, where the State lacked financial resources and the rural masses felt

compelled to stay on their lands in order to ensure the bare subsistence of their families, often no sufficient incentive could be offered to the peoples to induce their voluntary participation in public works. Essentially for that reason, recourse had sometimes to be had to certain forms of labour mobilization involving the compulsory removal of peoples to areas other than those of their residences. Such systems might take two main forms: either within the armed forces as a special aspect of compulsory military service, or as a national civic service outside the army. It was said that such conscription, either military or civil, had the positive effects of creating and maintaining among the peoples a sense of collective effort and discipline and an understanding of the national interests which were essential to economic development and the welding of heterogeneous groups into a nation.

165. The speakers who expressed these opinions stressed that, in their view, such national labour services should be distinguished from the practices of forced labour which were forbidden in the international conventions as well as in the constitutions of several developing countries. They recognized that national labour services, as distinct from inadmissible forced labour, should be organized in accordance with certain principles and offer certain minimum guarantees for the protection of human rights, in particular: the work to be performed should be essential for ensuring the economic and social progress of the whole nation, and not merely aimed at satisfying the wishes of certain groups or landlords; national labour services should be organized in a democratic spirit and in accordance with the principles of justice accepted in the country, without any discrimination; effective steps should be taken to eliminate all forms of inhuman or degrading treatment of the workers and to ensure that they have adequate medical care, food and as much as possible other amenities; the work to be performed should be easier than the exertions inherent in military service, if the national labour service were to be substituted for military service; persons conscripted in national labour services should have the opportunity, through such services, to acquire new skills and to improve thereby their standard of living after their discharge. The ultimate aim should be to transform compulsory national labour service into voluntary service, and this reconversion should be achieved as soon as the basic economic and social needs of the country were satisfied, without waiting for the moment when a high degree of development would be reached; systems of national labour services should be established by law, duly adopted by the elected representatives of the people.

166. Some speakers indicated that in their countries, it had not been found necessary to resort to compulsory labour.

167. A few speakers considered it very dangerous to accept as a principle that compulsory labour was necessary in developing countries to ensure economic progress. Forced labour in any form whatsoever was a threat to human rights and a denial of human dignity. Serious doubts were expressed by these speakers as to the effectiveness of the guarantees mentioned in paragraph 165 above. Abuses could be committed, under a wide interpretation of the national interest, even by legislative authorities, unless the political consciousness of the citizens was awakened to a high degree. Such a requirement was rarely met in developing countries where mass education in democracy and human rights was much needed. Under these conditions, it would be rather unrealistic to expect compulsory

labour systems to have a strictly transitional character: the public authorities, relatively free from popular control, might prove reluctant to discontinue the use of systems which provided, in their view, the cheapest possible source of manpower.

168. Yet, in the opinion of those speakers, leaving aside the question of human rights, economic consideration supported the view that voluntary systems might yield better results than compulsory systems: for various reasons, the cost involved in implementing compulsory schemes could be prohibitive - unless the Government was willing to neglect the health and welfare of the conscripts - and it was difficult under such schemes to engender the spirit of sacrifice and social service which was necessary in developing countries.

169. In the view of these speakers, it should be and was indeed possible in most, if not all, cases for the authorities to offer sufficient incentives to their people in order to achieve the objectives of development plans through voluntary labour schemes. If adequate financial incentives were not available, other methods of persuasion could usefully be resorted to: for instance the granting of certain benefits and priorities as regards vocational training, employment opportunities and promotion prospects, or the postponement, reduced duration or exemption of regular military service for persons who volunteered to participate in important public works. No effort should be spared to appeal to the enthusiasm of young peoples for building their own nation. One speaker laid stress on the primary need to promote at the village level a desire for economic and social progress, which moved the peoples to improve their living conditions through self-help and community development methods.

170. The representative of the ILO recalled that the International Labour Conventions on Forced Labour of 1930 and 1957 provided for the abolition of any form of forced or compulsory labour for five specific purposes, including "as a method of mobilizing and using labour for purposes of economic development". Certain exceptions were defined in those instruments, but it was clear that they were not intended to lend themselves to wide interpretations admitting compulsory labour services for purposes of economic development. In particular, activities performed in the course of regular military service were permissible only if, in accordance with the 1930 Convention, they were "of a purely military character". It was pointed out that, at a symposium held at Dar-es-Salaam in 1962, certain developing countries of Africa had stressed the psychological and economic disadvantages of compulsory labour systems as compared to voluntary schemes; and that similar conclusions had been reached recently by a governmental Commission of Enquiry in one Asian country. The subject of employment policies, with special reference to the problems of developing countries, was to be considered by the International Labour Conference at its forty-eighth session (Geneva, June-July 1964). Preparatory work undertaken by a technical conference held in 1963 included conclusions which called for the promotion of full, productive and freely chosen employment and for measures to that end consistent with the provisions of the Forced Labour Conventions. If the developing countries which had felt the need to resort to compulsory labour systems undertook to achieve, within a reasonable time, a gradual reconversion to voluntary schemes, they would no doubt find the greatest possible understanding and sympathy on the part of the international community. It would, of course, still be possible that, incidental to compulsory military service, conscripts would be given vocational training or general education, or that career officers would be called upon to direct projects relying in other respects on normal wage labour.

171. Several speakers felt that the special needs of some developing countries which, in the view of those Governments, justified the temporary use of certain forms of compulsory labour, deserved the full attention of the seminar and could be recognized. It was, however, essential to stress that such measures should be of an exceptional and transitional character; that the spirit of the Universal Declaration on Human Rights should always be respected in the administration of such schemes; that all the guarantees mentioned in paragraph 165 above should be granted; that, side by side with compulsory labour schemes, use should be made as much as possible of voluntary manpower through suitable incentives; and that every effort should be exerted to ensure the gradual and speedy disappearance of such exceptional and transitional systems of compulsion and the exclusive use of voluntary labour for the implementation of development plans. According to one speaker, rights of the kind that trade unions sought to secure for their members should be given to workers in national labour services (as distinct from military services) in order to enable them to secure the improvement of their working conditions through agreements with the authorities.

(e) Conditions of children's work

172. The representative of the ILO indicated that the norms adopted by his organization had fixed the minimum age of children's admission to work formerly at 14 years of age and presently at 15 years of age.

173. The standards concerning the minimum age of admission to work varied from country to country, but most developing countries were gradually raising that minimum age towards or even beyond the age of 14.

174. Mention was made of the relation existing between the minimum age of admission to work and the school-leaving age.

175. It was agreed that children and young persons beyond the minimum age should not be allowed to perform dangerous or exhausting work nor night work; and that they should be submitted to periodic medical examination.

176. Some speakers expressed the view that laws concerning children's work were particularly difficult to enforce in the rural areas of developing countries.

SECTION 8

(a) Right to an adequate standard of living: food, clothing and housing

(b) Right to health

(c) Right to social security

(a) Right to an adequate standard of living: food, clothing and housing

177. Several speakers stressed the basic needs of man for adequate food, clothing and housing, and the consequent necessity of increasing agricultural production of foodstuff and the relevant industrial production. The importance of land reform and of the farmers' education in modern agricultural techniques was emphasized.

178. The representative of FAO recalled that his organization, in co-operation with other international agencies and Governments, had embarked on a programme of unprecedented magnitude which aimed at implementing "Freedom from Hunger" all over the world. He pointed out that the Universal Declaration of Human Rights mentioned the right to adequate food only briefly, and he stressed that at its last session in 1963 the Third Committee of the General Assembly had included detailed provisions concerning freedom from hunger in the draft Covenant on Economic, Social and Cultural Rights. (See Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 48, document A/5411, combined articles 11 and 12, paragraph 2)

179. On his suggestion, the seminar noted that articles 11 and 12 dealing with freedom from hunger had been included in the draft Covenant on Economic, Social and Cultural Rights by the Third Committee of the General Assembly. The representative of FAO further suggested that member countries of the region should initiate measures to implement articles 11 and 12 of the draft Covenant relating to freedom from hunger.

(b) Right to health

180. The representative of WHO stressed the basic importance of the individual's right to the highest possible level of physical and mental health. The right to life had but little meaning if it referred to the lives of peoples suffering from lack of pre-natal or post-natal care, undernourishment, malnutrition, poor environmental hygiene and various chronic diseases. If it was true that the promotion of human rights was dependent upon economic development, it was equally true that economic development itself was considerably dependent upon the health of the population. Health was not only an individual concern but a matter of primary importance for the society in which the individual lived. Reference was made to the need for combatting the spread of communicable diseases. The representative of WHO expressed the wish that an ever-increasing part of national development expenditures would be apportioned to the promotion of public health in developing countries. However great the cost of health programmes might be, no country could afford to ignore health problems; if only from a purely economic point of view, it would, in ignoring these problems, continue to sustain heavy economic losses. It was essential to implement health programmes as early as possible, without waiting for developing countries to enjoy economic prosperity.

(c) Right to social security

181. There was little discussion on this topic. Some speakers stated that the legislation of their countries provided for compulsory social insurance, medical benefits, housing and other benefits for workers. It was observed by various speakers that the full realization of the right to social security implied a certain level of economic development which had not yet been reached in many developing countries.

SECTION 9

- (a) Right of the child to education; primary education
- (b) Secondary and higher education, vocational education
- (c) Universal education; fundamental education; right to take part in cultural life; information media.

182. The seminar discussed this section of the Plan of Work at its seventeenth and eighteenth meetings.

- (a) Right of the child to education, primary education

183. The seminar fully endorsed Principle 7 of the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV) of 20 November 1959), which stated that the child was entitled to receive education which should be free and compulsory, at least in the elementary stages; that he should be given an education which would promote his general culture, and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement and his sense of moral and social responsibility, and to become a useful member of society.

184. It was felt that in a changing and complex world the right of every child to an education appropriate to its age, ability and aptitude could hardly be over-emphasized. In a world of scientific and technological advancement, it was hardly enough to give the child the bare tools of learning in the form of the traditional basic requirements of reading, writing and arithmetic. The modern age required an education which would in addition enable the child to develop his personality to the full, and to appreciate the sense of dignity of the human personality and the importance of human rights and fundamental freedoms. It was also necessary that the child of today should be taught to have a lively appreciation of what was happening not only in his immediate surroundings but in the world at large.

185. Certain speakers told the seminar that education was considered extremely important to the national aspirations of developing countries. For that reason, it was recognized that primary education, that is to say, education for children of roughly six to fourteen years of age, should be free and compulsory. Most of the developing countries of Asia had in their constitutions provided for free and compulsory primary education. However, it was not always possible to implement this provision fully on account of prevailing social and economic conditions. Poverty prevented many children from attending school regularly. In many cases, the schools were terribly overcrowded, poorly staffed and inadequately equipped. In some cases, one untrained teacher was in charge of an entire school. The slender resources in most developing countries left a deep gap between the recognition of the desired goal and the attainment of that goal.

186. In the view of some speakers, the matter seemed to go round in a vicious circle. While they realized that implementation of plans for a solid system of primary education depended in great measure on the attainment of a strong and stable economy, it was their opinion that the converse was also true.

187. In this connexion, one speaker stated that technological changes and increases in productivity could not be achieved without greatly strengthening the educational base of the community and improving living conditions at the same time. She felt that investment in education was useful not only for its own sake but also because of the powerful influence it could be expected to exert on economic progress.

188. Another speaker told the seminar that the provision of a satisfactory system of primary education, free and compulsory, depended in great measure on economic planning based on what he called a policy of "guided economics". By the operation of such a policy, he envisaged increased productivity, greater efficiency and more leisure, all of which would have a very salutary influence on the provision of more adequate education for all.

189. Certain speakers informed the seminar that the implementation of the right of the child to primary education had been the subject of careful study by specialists of the developing countries in co-operation with UNESCO. After ten years of study, a regional plan, known as the Karachi Plan, had been drafted at Karachi in 1960. The Plan envisaged the establishment of seven-year free and compulsory primary education throughout Asia by 1980, thus providing educational facilities for 20 per cent of the population of the region.

(b) Secondary and higher education, vocational education

190. The point was made by various speakers that education was a continuous process and that the completion of primary education, though regarded by many as the end of their learning, laid only the foundation of the whole educational process. It was felt that recognition of that fact was of tremendous importance to developing countries which had to look for their leaders in various fields from among those persons who had had the benefit of secondary or higher education.

191. In this connexion, certain speakers stated that implementation of the Karachi Plan had revealed the need to provide for education not only at the primary stage but at a higher level as well. Accordingly, at the Conference of Asian Ministers and UNESCO experts held at Tokyo in 1962, it was decided to provide for educational development at all levels. The Conference took into consideration the provision of equal opportunities for city and country dwellers, including nomads. It emphasized the necessity for education of adults in cultural, scientific and health fields, as well as in those subjects considered necessary to improve their technical and vocational proficiency.

192. One speaker told the seminar that in a developing country such as his, priority had to be given to those educational needs which were of the greatest national importance. Among such priorities were the expansion of technical education; the expansion of further education classes and teacher training facilities; the introduction and implementation of the vocational guidance plan and increased facilities for higher education and provision of scholarships and bursaries for courses to be taken both locally and abroad.

193. Certain speakers said that there was an upward trend in the number of students attending secondary schools, vocational schools and schools of higher education in most of the developing countries. There was need, however, for the education given in these schools to be related to the life and interests of the students as well as to the needs of the community from which the students came. It was their view that if that was not done, students might graduate from their schools, environmentally maladjusted and unprepared to meet the demands of the present age.

194. One speaker drew attention to the fact that many students who went abroad to study seldom returned because of lack of facilities at home and the opportunity for more lucrative work abroad.

(c) Universal education; fundamental education; right to take part in cultural life; information media

195. Owing to lack of time, there was only a brief exchange of views relating to this part of the section.

196. It was the general consensus that the present-day world called for widespread education so that people might understand the activities that were taking place around them and be able to play their part in a democratic society. It was the view that educational programmes should include instruction about the Universal Declaration of Human Rights and every effort should be made to promote and encourage respect for human rights and for fundamental freedoms for all without any distinction whatsoever. It was suggested that a simplified version of the Universal Declaration of Human Rights might be devised to enable ordinary people to grasp the meaning easily.

197. It was generally agreed that education was the most important single factor in achieving rapid economic development and technological progress and in creating a social order founded on the values of freedom, social justice and equal opportunity. It was therefore necessary, in the view of some speakers, that all efforts should be made to eradicate illiteracy wherever it existed in the developing countries.

198. Some speakers referred to the fact that there were some persons who had lost the literacy which once they possessed. It was felt to be very important that this should not happen and that in the developing countries every effort should be made not only to teach illiterate people to read and write but also to ensure that those who were able to do so did not lapse into illiteracy.

199. In this connexion, one speaker proposed that, realizing the importance of the task of eradicating illiteracy, the present UNESCO pattern of financing supplementary and supporting services should be radically altered so that 80 per cent of the funds should be made available to the developing countries for the purpose of the programme of eradicating adult illiteracy and only the balance should be utilized for supplementary and supporting services, including seminars and conferences.

200. Certain speakers referred to the link between the right to education and the right to participate freely in the cultural life of the community. They said that the second was the natural corollary of the first and was dependent on the exercise of that right.

201. In developing countries, where there was still a majority of illiterate persons, such participation in the cultural life of the community might be exercised by the help of radio. It was, therefore, felt that efforts should be made to ensure that as many radio sets as possible find their way into the homes of people. One way to ensure this was to exempt radios from customs duties or any other kind of tax. It was the view that the use of information media should be greatly encouraged.

SECTION 10

Conclusions

202. At the conclusion of its discussions, the seminar considered a proposal, which was advanced by several speakers, to the effect that the seminar should put itself on record as recommending that the United Nations should intensify its studies of the special problems relating to human rights in developing countries.

203. This proposal received unanimous support and the seminar accordingly expressed the voeu that the Secretary-General would bring its report to the attention of the Commission on Human Rights and of the Commission on the Status of Women at their next sessions, and also that the Commission on Human Rights should undertake as soon as possible a study of the special problems relating to human rights in developing countries with a view to helping in the solution of any special problems that might exist.

204. The seminar further expressed the wish that other Governments would follow the initiative of the Government of Afghanistan in inviting the Secretary-General to organize seminars on the subject of the special problems relating to human rights in developing countries.

205. The seminar noted with approval a statement by one speaker that exploratory steps were being taken to establish a Regional Law Association for the ECAFE area. It unanimously expressed its support of this project in the belief that such an Association could help in extending and protecting human rights in the ECAFE area. It further expressed the hope that the Association would be successfully established at an early date.

III. ADOPTION OF THE REPORT

206. At its closing meeting, on 25 May 1964, the seminar unanimously approved the report.

ANNEXES

Annex I

Message from King Mohammed Zahir Shah

I am very happy, indeed, that the United Nations seminar on Human Rights in Developing Countries is being held in the capital of our country. With this message, I would like to extend a cordial welcome to all prominent personalities who are attending this gathering and I hope that your stay in Afghanistan will be a very pleasant one and that your work here will be crowned with success.

The undeniable fact that man is endowed with certain irrefutable rights is more clearly established in our day and age than ever before.

The Universal Declaration of Human Rights and the Covenants pertaining to this subject are, in the present-day world, the true foundations of a healthy society. The principles underlying these rights have been inspired by the sacred doctrines and their application requires firm faith and persistent effort on the part of every individual and the human society. The responsible personalities of our world have an important duty to perform and heavy obligations to meet in securing these rights in order to uphold the dignity of man.

In the developing countries, which have not yet attained economic maturity, poverty, illiteracy and other shortcomings have created important obstacles which hinder progress towards the attainment of these rights. To remove these impediments requires greater effort on the part of the people of these countries.

Today, Afghanistan finds itself at the threshold of a new era, one of the principal and basic objectives of which is the safeguarding of human rights. I am, therefore, happy that your meeting is being held in our capital city at such a period.

I hope that this important gathering will prove most useful for all developing countries, including my own. I am confident that its findings will serve the cause of human rights and it will help in the attainment of the basic objectives of the United Nations.

Speech of Dr. Ali Ahmad Popal, Minister of Education and
Second Deputy Prime Minister

I have the honour to welcome as the estimable guests of our country today the honourable delegates to the Seminar on Human Rights in Developing Countries and observers from other countries.

I am particularly happy to see that human rights, or the Declaration, which guarantees freedom of thought and action for mankind and upholds the dignity of man, forms the subject of discussion at this gathering.

Afghanistan, with its firm faith in the Charter of the United Nations, and on the basis of its religious and social traditions more than anything else, earnestly believes in these principles and endorses them.

Efforts made by Afghanistan's delegate in the United Nations in formulating the Universal Declaration of Human Rights and also in establishing the right of nations to self-determination are sufficient proof of this statement.

Our country, as a newly-developing land about to enter the field of technology and industry, knows that the prestige and reputation of a nation can be maintained only through economic, educational and social development. Whereas Man is capable of moulding his own destiny, and with his intellectual powers, surmounting all difficulties, a starved, beleaguered and faint-hearted nation by losing confidence in itself will surely forfeit the confidence of others.

If an industrious and zealous person - a person of intelligence and determination - cannot fight against poverty, ignorance and other difficulties in life, and if, with the help of his creative powers, he cannot open a way to progress, then he does not deserve to be called a perfect specimen of manhood.

For this reason, the developing countries are forced to develop education, social institutions and industry, to exploit their natural resources and formulate laws designed to maintain the freedom and immunity of the individual, and thus attain a status which may enable them to enjoy the real and true rights of man.

Despite numerous material and moral difficulties, our country has now concentrated all its energies upon this task, and in doing so, it has also achieved a measure of success.

In this vital struggle we are not alone because international organizations and friendly countries are co-operating with us, and our youth, with hopeful hearts and a firm resolve, are trying to study and learn in order to become useful members of society and a source of strength for their country. They know that the future lies within their grasp; they are aware of their role as custodians of the

brilliant culture of this ancient land and as guarantors of their homeland's future progress. They are convinced that the knots baffling a society can be unravelled by the members of the society themselves. I am, therefore, certain that by possessing such strong-willed and spirited youth and also with the help of a benevolent Providence, our country will triumph over all its difficulties.

Women and girls in this country are now studying and working side by side with their brothers, and they are enjoying every possible liberty within the limitations set up by circumstances and national traditions.

Discrimination is barred from our educational and social institutions and the door to schools and institutions of higher learning is open to all irrespective of religious, racial or national considerations.

Our far-sighted sovereign has commanded the establishment of a large committee consisting of scholars and well-informed persons to review Afghanistan's constitution and institute the necessary reforms aimed at supporting the rights and dignity of man and forging a real and true democracy.

It is hoped that through contacts with our leaders and scientific institutions during this seminar, detailed information will be given to you in this regard.

Estimable Guests,

It is for the first time that such a large international seminar is being held in our country and that, too, concerns a hallowed subject. All are, therefore, keenly looking forward to the opportunity when they may pool their knowledge, experience and secrets of success for the attainment of this lofty goal.

Honourable Guests,

I consider it a remarkable coincidence that the seminar on Human Rights is being held in our country just when we are passing through a transitional phase. I am, therefore, certain that the results gleaned from this seminar will prove an effective and valuable means of bringing us closer to a sacred ideal.

Our people firmly believe that only by getting acquainted with and understanding the wishes of the other nations of the world, as also through joint discussions on topics of vital importance can real understanding, peace and security be secured.

I am sorry that due to ill health the Prime Minister could not be present at this gathering and, therefore, I am performing the opening ceremony of this scientific forum in his stead. I wish success to this seminar and happiness and good fortune to its participants.

Speech of Mr. John P. Humphrey, Representative
of the Secretary-General

Thank you, your Excellency, for your warm words of welcome. Will you please convey to His Majesty the seminar's appreciation and thanks for his gracious message. Will your Excellency also please convey to the Royal Government of Afghanistan the thanks of the Secretary-General (and I think I can also speak on behalf of all the participants of this seminar) for having invited the United Nations to hold this seminar in your beautiful and fascinating country. It is a great privilege indeed for all of us, international officials and participants, coming from so many different countries, to visit if only for a short time this country of great traditions which is developing so rapidly. All of us, I think, are impressed by the energy with which the Afghan people are meeting the challenge of changing patterns of living in an industrially developing country which is at the same time determined to remain loyal to its great traditions.

May I also thank Dr. Anwari, the President of the University of Kabul, for the hospitality which the University has extended to us and for the excellent arrangements that have been made for our meetings. By inviting us here, Mr. President, you have given us an opportunity to observe at close quarters an institution of learning which although young in years has already an enviable record of achievement.

There is also sitting at this table my colleague in the United Nations, Mr. Sixten Heppling, to whom I wish to convey my warmest personal thanks for his help - well beyond the line of duty - in organizing these meetings. His advice and the ready co-operation of his staff have been invaluable.

It may be useful, your Excellencies, Ladies and Gentlemen, if, in a very few words, I attempt to outline the United Nations philosophy behind the programme of which this seminar forms an important part. This seminar is one of a series of informal conferences which have been and are being organized by the United Nations in various parts of the world - in Asia, in Africa, in Europe, in the Americas and in Australia and New Zealand - to study a variety of questions relating to human rights, including the protection of human rights in the administration of justice, the role of the police in the promotion of human rights, remedies against the abuse of administrative authority, the protection of minorities, various aspects of the status of women and other subjects. The present seminar is the first human rights seminar to be devoted specifically to the problems of human rights in developing countries; but the United Nations hopes that, now that the Government of Afghanistan has taken this initiative, there will be other seminars on the same subject in other parts of the world.

These seminars are unlike most other United Nations conferences. They are quite informal in character. The participants, although nominated by Governments, do not represent those Governments but speak as individuals. Nor is it the purpose of these seminars to draft conventions or even resolutions, although there is no

reason, if the seminar feels strongly about some subject, why it should not put that conviction on the record. We also try to avoid procedural debate. The purpose of the seminars is rather to provide the participants with an opportunity to exchange their views and experiences in the hope that this may help them and the countries from which they come to solve certain problems. These discussions of the participants, which are recorded in a report, also assist various organs of the United Nations, including the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, the Economic and Social Council and the General Assembly, when they are dealing with human rights problems.

We also avoid at these seminars the kind of controversial political debate which is more appropriate to the Security Council and the General Assembly. Human Rights are nevertheless political in character and it is therefore a decision of some importance for a Government to invite the United Nations to organize one of these seminars in its country, to which participants from various countries will come and discuss questions of the utmost importance to the organization of the state and to the life of the people. One would hardly expect a Government which felt itself vulnerable in the matter of human rights to take such an initiative. On the contrary one would expect such an invitation to come from a Government which is confident of its achievements and which feels that it can safely submit itself to the critical examination of outsiders. This is what has happened in the present instance. The initiative taken by the Government of Afghanistan in inviting this seminar to meet in Kabul is a sign of strength and of confidence in the future. The Afghan record is a good one, both at home and at the United Nations. I will not presume to speak about the situation here in Afghanistan, although it is obvious that tremendous changes are taking place in this country and that these changes are in the right direction, in the direction, that is to say, of the promotion of more human rights for greater numbers of people. I can say something, however, about the role Afghanistan is playing at the United Nations - its position of leadership, for example, in the Third Committee of the General Assembly and the role which its permanent representative, Ambassador Pazhwak, has played in that body and as Chairman of the Commission of Human Rights and of the Fact Finding Mission to South Viet-Nam on Allegations of Persecution of the Buddhist Committee there. I think that everyone will agree that it is appropriate and natural that this important seminar on human rights in developing countries should take place in Afghanistan.

For this is a very important seminar. It is indeed unique in the series of human rights seminars that have been held so far. One often hears it said, both in the United Nations and elsewhere, that economically under-developed countries have special problems in so far as human rights are concerned, indeed that it is more difficult for them to observe and promote respect for human rights than it is for the economically advanced countries. Is this true? I for one am impatiently awaiting the answer which this seminar will give to that question.

Speech of Dr. Mohammad Osman Anwari,
President of Kabul University

It is my privilege to greet such an honoured gathering on our campus today. I am particularly gratified to welcome the distinguished personalities, scholars and humanitarians who have come to Kabul to participate in such a conference dealing with the noble theme of human rights.

The importance of this occasion is fully recognized by me and my colleagues in the University.

The theme of human rights occupies a unique position in the endeavours of men of good will. Certainly no other problem in our time commands as high a priority as this. The belief in man and his worth as an individual is as basic as life itself.

The subject is a sacred and noble one. In any examination of human rights and conduct, one can observe the problems that place interference in the full realization of an active and productive existence. Such factors as selfishness, lack of respect for others, widespread fear and terror, are evils that make it impossible for the rational application of human rights to all people.

The picture is not, however, completely dark. We must remember that mankind is trying to overcome the obstacles in its path, by advancing the goals that will guarantee equitable human rights for all. This conference is an example of a constructive approach to analyse the existing problems and to provide effective solutions for them.

The United Nations Secretary-General, the Honourable U Thant, has encouraged and stressed the benefits of such meetings between peoples of different nations. In an atmosphere of thoughtful informality, the problems that face mankind and the different viewpoints regarding their solution can be constructively shared, with the hope that misunderstandings can be cleared up and agreements, fair and just, and acceptable to all, can be attained.

People around the world share the Secretary-General's concern for the basic problem of human rights, particularly those of us who have an added responsibility to clarify the existing situation and to provide guidelines for effective solutions.

I am sure that so long as man continues to search for and examine those areas of human conflict, he will emerge triumphant over the difficulties that beset him.

Distinguished visitors, you are our honoured guests today.

It is gratifying for me and my colleagues at Kabul University to have you as our guests and to hope sincerely that your stay with us will be a productive and happy one.

