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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
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Agenda item 6

STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY
COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

Statement submitted by the Coordinating Board of Jewish Organizations,
International Catholic Migration Commission, International League for
the Rights of Man, Pax Romana, Women's International League for Peace
and Freedom, World Union of Catholic Women's Organizations and the
International Humanist and Ethical Union, non-governmental organizations
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The "Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country", in our judgement, constitutes a vitally significant contribution to the cause of human rights and we commend the Special Rapporteur for the thoroughness and objectivity of his analysis. The study's disclosures of regrettable retrogressive trends in an area affecting a basic human right serves to focus attention on the need for the kind of national and international action which the Special Rapporteur has proposed.

We are particularly impressed with certain of his observations, among them the following: that violations of Article 13 (2) inevitably infringe on other basic rights of the victims, such as their rights to found families, to associate with relatives, to practise religion, or to seek asylum from persecution; that discrimination in respect to this Article "is almost invariably of an indirect character", occurring as a result of administrative action; that perhaps the most serious form of discrimination occurs when all nationals, with the exception of

members of a small governing group are prevented from going abroad; that limitations on the right to leave, such as may be required by considerations of national security or national interest, ought not to be imposed except "within the framework of a general policy permitting everyone to leave the country".

We commend the emphasis placed by the Special Rapporteur on the "availability of an effective remedy against arbitrary action or abuse of discrimination by Government officials", including the right of an aggrieved person "to bring his case before an independent and impartial body".

We support his suggestion that the Sub-Commission recommend that Governments incorporate in their national law the right spelled out in Article 13 (2), and we hope that the Sub-Commission will formulate a series of principles on freedom and non-discrimination in the matter of this right along the lines suggested by him, which would ultimately become the basis of both regional and international instruments.

We particularly commend the suggestion of the Special Rapporteur in paragraph 285 that the triennial reporting procedure of the Commission on Human Rights may provide a suitable framework within which Governments might indicate their progress in combating discrimination in this area, that relevant information be submitted at regular intervals by the Secretary-General to the appropriate organs of the United Nations for comment and recommendation, and that non-governmental organizations could serve as an additional source of information.

Finally, we hope that, as suggested by the Special Rapporteur, the Sub-Commission will make a proposal not only for printing his report, but also for disseminating the information contained in it. This suggestion is of particular importance in respect to this area, since there do not exist, as in the areas of education and employment, specialized agencies with special competence to carry forward such a task. The Sub-Commission should therefore suggest ways to bring understanding of the information and ideas in the report, not only to specialists, but also to the wider public in United Nations Member States.