

## QUESTIONS RELATING TO HUMAN RIGHTS

### 958 (XXXVI). Report of the Commission on Human Rights

#### A

#### REPORT OF THE COMMISSION

##### *The Economic and Social Council*

Takes note of the report of the Commission on Human Rights (nineteenth session).<sup>69</sup>

*1280th plenary meeting,  
12 July 1963.*

#### B

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

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

Taking into account the important contribution made by the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country,<sup>70</sup> submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session by its Special Rapporteur,

1. Expresses its appreciation to the Special Rapporteur, Mr. José D. Ingles, for his valuable study;

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

3. Requests the Secretary-General to make arrangements for the Special Rapporteur to attend the twentieth session of the Commission on Human Rights.

*1280th plenary meeting,  
12 July 1963.*

#### C

#### STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

##### *The Economic and Social Council*

Approves the decision taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of equality in the administration of justice, in accordance with article 10 of the Universal Declaration of Human Rights, and to appoint a special rapporteur to carry out this study.

*1280th plenary meeting,  
12 July 1963.*

#### D

#### FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

#### I

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

Recalling General Assembly resolution 1776 (XVII) of 7 December 1962 on the further promotion and encouragement of respect for human rights and fundamental freedoms,

1. Transmits to the General Assembly, in accordance with the request made in the above-mentioned resolution, the first report<sup>71</sup> made by the Commission on Human Rights at its nineteenth session, together with the records of the discussion on this subject at that session;<sup>72</sup>

2. Recommends to the General Assembly at its eighteenth session the adoption of the following draft resolution:

“ The General Assembly,

“ Recognizing the need, during the United Nations Development Decade, to devote special attention, both on the national and international level, to progress in the field of human rights and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms,

“ 1. Urges all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms, and invites particularly the Governments of developing countries to include in their plans for economic and social development, to the extent of their available resources, measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights;

“ 2. Calls upon the technical assistance authorities of the United Nations and the specialized agencies to give all possible assistance, within the framework of their programmes during the Development Decade, with a view to the achievement of progress in the field of human rights.”

*1280th plenary meeting,  
12 July 1963.*

#### II

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

Convinced that the completion of the draft International Covenants on Human Rights and their opening for signature and ratification by States would constitute a most important advance during the United Nations

<sup>69</sup> Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3743).

<sup>70</sup> E/CN.4/Sub.2/220.

<sup>71</sup> Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3743), para. 88.

<sup>72</sup> Ibid., E/3743, chapter VIII; E/CN.4/SR.753-756 and 769-770.

Development Decade towards the achievement of respect for and observance of human rights and fundamental freedoms,

1. *Expresses the hope* that the Third Committee of the General Assembly will devote, at the eighteenth and subsequent sessions of the Assembly, the maximum possible time to the completion of its work on the draft Covenants;

2. *Invites* universities, institutes, learned societies, trade unions and other organizations which are concerned with human rights to make available their contribution to a wider knowledge and the advance of human rights, through education, research and discussion and also through publications, newspapers and periodicals, particularly with regard to measures giving effect to human rights which can be included in the articles of the draft Covenants;

3. *Invites* the Secretary-General to request States Members of the United Nations to give the widest possible dissemination to the invitation contained in paragraph 2 above;

4. *Requests* the Secretary-General to collect documentation on new ideas and recent experiments carried out in the various States and groups of States Members of the United Nations concerning the protection of human rights and the practical means of redress offered to persons whose rights and fundamental freedoms have been violated and ignored.

*1280th plenary meeting,  
12 July 1963.*

## E

### DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

*The Economic and Social Council,*

*Noting* that, in accordance with General Assembly resolution 1780 (XVII) of 7 December 1962, the Commission on Human Rights has adopted a draft declaration on the elimination of all forms of racial discrimination,

*Submits* the draft declaration, which is annexed to the present resolution to the General Assembly, for consideration at its eighteenth session, together with the summary records of the debates of the Commission.<sup>73</sup>

*1280th plenary meeting,  
12 July 1963.*

## ANNEX

### DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

*The General Assembly,*

*Considering* that the Charter of the United Nations is based on the principle of the equality of all human beings, and seeks, among

other basic objectives, to achieve international co-operation by promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all those rights and freedoms, without distinction of any kind, in particular race, colour or national origin,

*Considering* that the Universal Declaration proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

*Considering* that the Declaration on the granting of independence to colonial countries and peoples affirms that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

*Recalling* the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, especially the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

*Considering* that, although international action and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,

*Disturbed* by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, *inter alia*, of *apartheid*, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

*Convinced* that racial discrimination and governmental policies based on racial superiority or hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

*Convinced also* that racial discrimination is injurious not only to those who are the objects of discrimination, but also to those who practise discrimination,

*Solemnly affirms* the necessity of the speedy elimination of racial discrimination in all its forms and manifestations and proclaims this Declaration in order to secure by national and international measures and by teaching and education the universal and effective recognition and observance of the principles therein set forth:

#### Article 1

Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

#### Article 2

No State, institution, group or individual shall make any discrimination in matters of human rights and fundamental freedoms in the treatment of persons on the grounds of race, colour or ethnic origin.

Special measures may be taken in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by

<sup>73</sup> E/CN.4/SR.740-744 and 757-767.

such individuals of human rights and fundamental freedoms. These measures shall not be maintained after the need for them has disappeared, and shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

*Article 3*

Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of political rights, citizenship, education, religion, employment, occupation and housing.

Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

*Article 4*

All States should take the necessary steps to revise governmental policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation if necessary, for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

*Article 5*

An end should be put without delay to governmental policies of racial segregation and especially policies of *apartheid* as well as all forms of racial discrimination and separation resulting from such policies.

*Article 6*

Every person, without distinction as to race, colour or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage. In appointments to public office there shall be no discrimination on the grounds of race, colour or ethnic origin.

*Article 7*

Everyone shall have the right to an effective remedy against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

*Article 8*

All necessary steps shall be taken as soon as possible, in the field of teaching and education and in the field of information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes and principles of the United Nations and of the Universal Declaration of Human Rights.

*Article 9*

All propaganda based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form, and all incitement of hatred and violence against any race or group of persons of another colour or ethnic origin, should be condemned.

*Article 10*

The United Nations, the specialized agencies, States and non-governmental organizations, each within the sphere appropriate to its activities, should do all in their power to ensure the abolition of all forms of discrimination based on race, colour or ethnic origin.

**F**

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

*The Economic and Social Council,*

*Having taken note* of resolution 10 (XIX)<sup>74</sup> of the Commission on Human Rights concerning the draft declaration on the elimination of all forms of religious intolerance,

*Draws the attention* of the General Assembly to this resolution.

*1280th plenary meeting,  
12 July 1963.*

**G**

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS: PROPOSALS RELATING TO AN ARTICLE ON THE RIGHTS OF THE CHILD

*The Economic and Social Council,*

*Noting* that, in accordance with General Assembly resolution 1843 A (XVII) of 19 December 1962, the Commission on Human Rights has discussed whether or not it was desirable to include an article on the rights of the child in the draft International Covenants on Human Rights, and also the question of the contents of such an article and the legal implications of its inclusion in the draft Covenants,

*Noting* that the Commission had before it at its nineteenth session only a very small number of the comments of Governments referred to in paragraph 2 of General Assembly resolution 1843 A (XVII),

*Transmits* to the General Assembly, in accordance with the request of the Commission on Human Rights, the Commission's report<sup>75</sup> on its deliberations together with the summary records of the discussion of this item in the Commission.<sup>76</sup>

*1280th plenary meeting,  
12 July 1963.*

**959 (XXXVI). Advisory services in the field of human rights**

*The Economic and Social Council,*

*Having considered* the report of the Commission on Human Rights on advisory services,<sup>77</sup>

*Recalling* General Assembly resolution 926 (X) of 14 December 1955 by which the Assembly established the programme of advisory services in the field of human rights,

<sup>74</sup> *Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3743), para. 156.*

<sup>75</sup> *Ibid.*, paras. 157-179.

<sup>76</sup> E/CN.4/SR.749-752.

<sup>77</sup> *Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3743), paras. 16-23.*