

QUESTIONS RELATING TO HUMAN RIGHTS

1015 (XXXVII). Report of the Commission on Human Rights

A

REPORT OF THE COMMISSION

The Economic and Social Council

Takes notes of the report of the Commission on Human Rights (twentieth session) ⁷⁰

*1338th plenary meeting,
30 July 1964.*

B

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION ⁷¹

The Economic and Social Council,

Recalling that the General Assembly, in resolution 1780 (XVII) of 7 December 1962 and 1906 (XVIII) of 20 November 1963, requested the Commission on Human Rights to prepare a draft international convention on the elimination of all forms of racial discrimination,

Noting that the Commission on Human Rights has adopted at its twentieth session, in pursuance of the General Assembly's request, the substantive articles of a draft convention on the elimination of all forms of racial discrimination, on the basis of a preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits to the General Assembly, for its consideration at its nineteenth session, the substantive articles prepared by the Commission on Human Rights, which are annexed to the present resolution, as well as the following documents which have not been voted upon by the Commission:

(a) The proposal for an additional article submitted by the United States of America and the sub-amendment submitted thereto by the Union of Soviet Socialist Republics⁷² as well as the records of the discussion thereon in the Commission;⁷³

(b) Article X of the draft convention transmitted to the Commission on Human Rights by resolution 1 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,⁷⁴ which deals with measures of implementation as well as the records of the discussion thereon in the Commission;⁷⁵

⁷⁰ *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873).*

⁷¹ *Ibid.*, para. 288.

⁷² *Ibid.*, paras. 273 and 274.

⁷³ E/CN.4/SR.805, 807 and 808.

⁷⁴ *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), para. 281.*

⁷⁵ E/CN.4/SR.805, 808 and 810.

(c) The preliminary draft on additional measures of implementation transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission⁷⁶ as well as the record of the discussion thereon in the Commission;⁷⁷

(d) The working paper prepared by the Secretary-General for the final clauses of the draft convention on the elimination of all forms of racial discrimination;⁷⁸

(e) The records of the discussion of this item by the Commission on Human Rights.⁷⁹

*1338th plenary meeting,
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ANNEX

PROVISIONS OF THE DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION ADOPTED BY THE COMMISSION AT ITS TWENTIETH SESSION

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations, which is to promote and encourage universal respect for and observance of 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 the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples as evil racial doctrines and practices have done in the past,

⁷⁶ *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), annex I.*

⁷⁷ E/CN.4/SR.810.

⁷⁸ E/CN.4/L.679.

⁷⁹ E/CN.4/SR.774-810.

Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

Article I

1. In this Convention the expression "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, [national] or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. [In this paragraph the expression "national origin" does not cover the status of any person as a citizen of a given State.]

2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article II

1. States parties to the present Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

(a) Each State party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions, and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(c) Each State party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization.

2. States parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different

racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article III

States parties particularly condemn racial segregation and apartheid, and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature.

Article IV

States parties condemn all propaganda and organizations which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, *inter alia*:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article V

In compliance with the fundamental obligations laid down in article II, States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country including his own, and to return to his country;

(iii) The right to nationality;

(iv) The right to marriage;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;

(ii) The right to form and join trade unions;

- (iii) Housing;
- (iv) Public health, medical care and social security and social services;
- (v) Education and training;
- (vi) Equal participation in cultural activities;
- (f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks.

Article VI

States parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article VII

States parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

C

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

The Economic and Social Council,

Having considered resolution 2 (XX) of the Commission on Human Rights,⁸⁰

Having noted the report of the working party set up by the Commission on Human Rights for the purpose of preparing a draft declaration on the elimination of all forms of religious intolerance,

Noting that the Commission, in the terms of preambular paragraph 5 of its resolution 2 (XX), could not study and approve a draft declaration on the elimination of all forms of religious intolerance for lack of time,

Recalling the terms of General Assembly resolution 1781 (XVII) of 7 December 1962 by which the General Assembly requested the Economic and Social Council to ask the Commission on Human Rights to prepare the above-mentioned draft,

Having considered the various opinions expressed on this matter at the Council during its thirty-seventh session,

1. *Expresses its high appreciation* to the Commission on Human Rights for the work it has been able to achieve, although the difficulties encountered have not enabled it to complete this work within the term given in resolution 1781 (XVII) of the General Assembly;

⁸⁰ *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), para. 303.*

2. *Decides* to refer to the General Assembly resolution 2 (XX) of the Commission on Human Rights, together with the documents therein mentioned, as well as the records of the debate held on this subject at the thirty-seventh session of the Economic and Social Council;⁸¹

3. *Suggests* to the General Assembly that it take a decision at its nineteenth session on the further course to be followed on this matter.

*1338th plenary meeting,
30 July 1964.*

D

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,

Having considered resolution 4 (XX) adopted by the Commission on Human Rights at its twentieth session,⁸²

Requests the Secretary-General to make arrangements for Mr. José D. Ingles, Special Rapporteur for the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, to attend the meetings of the Commission on Human Rights when it undertakes the consideration of his report.

*1338th plenary meeting,
30 July 1964.*

E

INTERNATIONAL YEAR FOR HUMAN RIGHTS (1968)

The Economic and Social Council,

Having considered chapter VII of the report of the Commission on Human Rights at its twentieth session,⁸⁴

Recommends the following draft resolution to the General Assembly for adoption at its nineteenth session:

“ *The General Assembly,*

“ *Recalling* its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights,

“ *Recognizing* the need for effective measures to be taken at both the international and the national levels to encourage the further development of human rights and fundamental freedoms,

“ *Reaffirming* the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

⁸¹ E/AC.7/SR.490-496 and 500; E/SR.1338.

⁸² *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), para. 333 and annex III.*

⁸⁴ *Ibid.*, para. 370.

“*Convinced* that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

“1. *Recommends* that all Member States be invited to ratify before 1968 the conventions already concluded in the field of human rights, and in particular the following:

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery;

International Labour Organisation Convention Concerning the Abolition of Forced Labour;

International Labour Organisation Convention on Discrimination in Respect of Employment and Occupation;

International Labour Organisation Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

United Nations Educational, Scientific and Cultural Organization Convention Against Discrimination in Education;

Convention on the Prevention and Punishment of the Crime of Genocide;

Convention on the Political Rights of Women;

“2. *Decides* to hasten the conclusion of the following draft conventions so that they may be open for ratification and accession before 1968:

Draft Covenant on Civil and Political Rights;

Draft Covenant on Economic, Social and Cultural Rights;

Draft International Convention on the Elimination of All Forms of Racial Discrimination;

Draft International Convention on the Elimination of All Forms of Religious Intolerance;

Draft Convention on Freedom of Information;

“3. *Decides* to complete by 1968 the consideration and preparation of the following draft declarations:

Draft declaration on the elimination of discrimination in the matter of political rights;

Draft declaration on the elimination of discrimination in relation to women;

Draft declaration on the right of asylum;

Draft declaration on freedom of information.”

*1338th plenary meeting,
30 July 1964.*

1017 (XXXVII). Advisory services in the field of human rights

The Economic and Social Council,

Having considered the note submitted by the Secretary-General,⁸⁵

1. *Recommends* that the proposed seminars in Mongolia and Yugoslavia during the year 1965 should be held as a matter of priority;

2. *Recommends further*, as an exceptional measure, that the programme of fellowships should be adjusted within the allocations made for the programme, taking into account the need to hold the aforesaid seminars;

3. *Recommends strongly* that the proposed seminar in Africa should be held at an early date.

*1338th plenary meeting,
30 July 1964.*

1016 (XXXVII). Measures to implement the United Nations Declaration on the Elimination of all Forms of Racial Discrimination

The Economic and Social Council,

Having considered the report of the Secretary-General on the measures for implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination,⁸⁶

Believing that the principles contained in this Declaration should be put into effect as completely and speedily as possible,

Noting that some countries have taken positive steps towards eliminating all forms of racial discrimination,

Recalling that the Declaration called for the prosecution and/or outlawing of organizations which promote or incite to racial discrimination,

I

Recommends to the General Assembly the adoption of the following draft resolution:

“*The General Assembly,*

“*Having considered* the question of the implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination,

“*Noting* that racial discrimination still continues to exist in some countries in spite of the decisive condemnation of it by the United Nations,

“*Recognizing* that in order to put into effect the purposes and principles of the Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin,

“1. *Calls* upon all States in which racial discrimination is practised to take urgent effective steps, including legislative measures, to implement the Declaration;

“2. *Requests* the States where organizations are promoting, or inciting to, racial discrimination to take all necessary measures to prosecute and/or outlaw such organizations;

⁸⁵ Official Records of the Economic and Social Council, Thirty-seventh Session, Annexes, agenda item 29, document E/3882/Add.1.

⁸⁶ A/5698 and Corr.1. See also Official Records of the Economic and Social Council, Thirty-seventh Session, Annexes, agenda item 28, document E/3916.