

1336 (XLIV). Question of human rights in the territories occupied as a result of hostilities in the Middle East

The Economic and Social Council,

Recalling the resolution entitled "Respect and implementation of human rights in occupied territories"⁸⁸ adopted on 7 May 1968 by the International Conference on Human Rights held in Teheran,

Endorses resolution 6 (XXIV) entitled "Question of human rights in the territories occupied as a result of hostilities in the Middle East" adopted by the Commission on Human Rights at its twenty-fourth session,⁸⁹ which read as follows:

"The Commission on Human Rights,

"Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

"Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

*"Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, *inter alia*, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,*

"Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967) of 14 June 1967 and called for humanitarian assistance,

"1. Notes with appreciation the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;

"2. Affirms the right of all the inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;

"3. Requests the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2 above."

*1530th plenary meeting,
31 May 1968.*

1337 (XLIV). Capital punishment

The Economic and Social Council,

Recalling General Assembly resolution 1918 (XVIII) of 5 December 1963, in which the Council was requested to invite the Commission on Human Rights to study the report entitled *Capital Punishment*⁹⁰ and the comments thereon of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders,⁹¹ and to make such recommendations on the matter as it deemed appropriate,

⁸⁸ E/AC.7/L.545.

⁸⁹ See *Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475)*, chapter XVIII.

⁹⁰ United Nations publication, Sales No.: 62.IV.2.

⁹¹ *Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes*, agenda item 11, document E/3724, section III.

Recalling further General Assembly resolution 2334 (XXII) of 18 December 1967, in which the Assembly, *inter alia*, invited the Council to instruct the Commission on Human Rights to consider the question of capital punishment, including the draft resolution transmitted by Council resolution 1243 (XLII) of 6 June 1967, and to submit its recommendations on the matter through the Council to the General Assembly at its twenty-third session,

Noting resolution 16 (XXIV) adopted by the Commission on Human Rights on 8 March 1968,⁹²

1. *Draws the renewed attention* of Governments of States Members of the United Nations to its resolution 934 (XXXV) of 9 April 1963, in which these Governments were urged, *inter alia*:

(a) To keep under review, and to conduct research wherever necessary, with United Nations assistance, into the efficacy of capital punishment as a deterrent to crime in their countries, particularly where Governments are contemplating a change in their laws or practices;

(b) To review the types of crime to which capital punishment is in fact applied, and to remove this punishment from the criminal law concerning any crime to which it is in fact not applied nor intended to be applied;

(c) To re-examine the facilities available for the medical and social investigation of the case of every offender liable to capital punishment;

2. *Requests* Governments of States Members of the United Nations to inform the Secretary-General of the United Nations, after an appropriate interval and at his request, of any new developments in regard to the law and practice in their countries concerning the death penalty;

3. *Submits* to the General Assembly the annexed draft resolution for the action it may deem appropriate at its twenty-third session, in the light of the information available to it at that session.

*1530th plenary meeting,
31 May 1968.*

ANNEX

Draft resolution for action by the General Assembly

CAPITAL PUNISHMENT

The General Assembly,

Recalling that article 3 of the Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,

Recalling further that article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having considered the report entitled *Capital Punishment* in the light of the comments thereon of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, and the report entitled *Capital Punishment—Developments 1961 to 1965*,⁹³

Taking note of the conclusion drawn by the Advisory Committee from the report entitled *Capital Punishment* that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a worldwide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

⁹² *Ibid.*, *Forty-fourth Session, Supplement No. 4 (E/4475)*, chapter XVIII.

⁹³ ST/SOA/SD/10.

Taking note also of the view expressed in the report entitled *Capital Punishment—Developments 1961 to 1965* that there is an over-all tendency in the world towards fewer executions,

Noting the view of the Advisory Committee that the trend among experts and practitioners in the field is towards the abolition of capital punishment,

Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

1. Invites Governments of States Members of the United Nations:

(a) To ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains, by providing, *inter alia*:

(i) That a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or, as the case may be, to petition for pardon or reprieve;

(ii) That a death sentence shall not be carried out until the procedures of appeal or, as the case may be, of petition for pardon or reprieve have been terminated;

(b) To consider whether the careful legal procedures and safeguards referred to under sub-paragraph (a) above may not be further strengthened by the fixing of a certain time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;

(c) To inform the Secretary-General not later than 10 December 1970 of actions which may have been taken in accordance with sub-paragraph (a) above and of the results to which their consideration in accordance with sub-paragraph (b) above may have led;

2. Requests the Secretary-General to invite Governments of States Members of the United Nations to inform him of their present attitude—with indication of the reasons therefor—to possible further restriction of the use of the death penalty or to its total abolition, and to state whether they are contemplating restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;

3. Further requests the Secretary-General to submit a report on the matter dealt with in paragraphs 1 (c) and 2 above to

the Commission on Human Rights through the Economic and Social Council.

1338 (XLIV). Advisory services in the field of human rights

The Economic and Social Council,

Taking into account the importance of seminars on the status of women,

Considering, however, the financial difficulties which confront the Governments of developing countries in meeting their share of the expenses involved in acting as host Governments to such seminars,

Noting General Assembly resolution 926 (X) of 14 December 1955, which provides, *inter alia*, that the amount of assistance and the conditions under which it is to be rendered shall be decided by the Secretary-General, with due regard to the greater needs of the under-developed areas, and in conformity with the principle that each requesting Government shall be expected to assume responsibility, as far as possible, for all or a considerable part of the expenses connected with the assistance furnished to it,

1. Requests the Secretary-General to examine the possibility of making a larger contribution to the financing of seminars on the status of women held in developing countries;

2. Requests the General Assembly to authorize the Secretary-General, in the absence of an invitation from a Government, to organize seminars on the status of women at the Headquarters of the United Nations, at the United Nations Office at Geneva or at the headquarters of the regional economic commissions.

1530th plenary meeting,
31 May 1968.

OTHER DECISION

Venue of the twenty-fifth session of the Commission on Human Rights

At its 1530th meeting held on 31 May 1968, the Council decided to take into account when considering, at its forty-fifth session, the agenda item on the calendar of conferences and meetings for 1969 and 1970, the recommendation of the Social Committee⁹⁴ that the Commission on Human Rights hold its twenty-fifth session in Geneva, Switzerland.

⁹⁴ Official Records of the Economic and Social Council, Forty-fourth Session, Annexes, agenda item 13, document E/4535/Add.1, paras. 2 and 3.