

Noting resolution 16 (XXIII) of the Commission on Human Rights,⁴²

Noting further that its revised calendar of conferences⁴³ and in particular the early date of the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will make it impracticable for the Sub-Commission to undertake the initial study of the next series of periodic reports, in accordance with the provisions of Council resolution 1074 C (XXXIX),

1. *Decides* that the provisions of resolution 16 (XXIII) of the Commission on Human Rights render unnecessary the initial study of periodic reports by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as provided for in paragraph 15 of Economic and Social Council resolution 1074 C (XXXIX);

2. *Requests* the Commission on Human Rights to perform this task with the assistance of its *Ad Hoc* Committee on Periodic Reports on Human Rights;

3. *Reaffirms* that the Sub-Commission should continue to have access to the material received under Council resolution 1074 C (XXXIX), and to make use of it in connexion with its work on the prevention of discrimination and the protection of minorities.

1479th plenary meeting,
6 June 1967.

1232 (XLII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

The Economic and Social Council,

Noting the recommendations of the Commission on Human Rights in its resolution 13 (XXIII)⁴⁴ concerning the urgent importance of dealing with situations involving or giving rise to slavery and to practices akin to slavery,

Affirming that the racist policies of apartheid and colonialism constitute slavery-like practices and should be eradicated completely and immediately,

Recognizing that both the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery should be reconsidered in order to embrace the contemporary manifestations of slavery exemplified by apartheid and colonialism,

Recalling its resolution 1126 (XLI) of 26 July 1966, which calls again upon all States members of the United Nations system which are not yet parties, to become parties, as soon as possible, to the International Slavery Convention of 1926 and to the supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,

1. *Requests* the Commission on the Status of Women to study the report of the Special Rapporteur on Slavery⁴⁵ and to formulate specific proposals for immediate and effective measures which the United

⁴² *Ibid.*, para. 538.

⁴³ *Ibid.*, Resumed Forty-first Session, Supplement No. 1 A (E/4264/Add.1), p. 9.

⁴⁴ *Ibid.*, Forty-second Session, Supplement No. 6. (E/4322 and Corr.1), para. 480.

⁴⁵ United Nations publication, Sales No.: 67.XIV.2.

Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women;

2. *Calls the attention* of the Commission on Social Development to the report of the Special Rapporteur on Slavery and especially to the recommendations contained therein and suggests that it take these into account in developing its work programme;

3. *Calls upon* the Government of the Republic of South Africa to put an end immediately to the slavery-like practice of apartheid in the Republic of South Africa and in the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by that Government;

4. *Requests* the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which have proved effective in the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;

5. *Invites* the specialized agencies, and especially the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to give similar attention to the problems involved and to means for their solution.

1479th plenary meeting,
6 June 1967.

1233 (XLII). Draft international convention on the elimination of all forms of religious intolerance

The Economic and Social Council,

Having considered the report of the Commission on Human Rights on its twenty-third session,⁴⁶

Noting that the General Assembly, in its resolutions 1781 (XVII) of 7 December 1962 and 2020 (XX) of 1 November 1965, requested, *inter alia*, the preparation of a draft international convention on the elimination of all forms of religious intolerance, for early submission to the Assembly,

Recalling General Assembly resolution 2081 (XX) of 20 December 1965, in which it was decided to hasten the conclusion of, *inter alia*, the draft international convention on the elimination of all forms of religious intolerance so that it might be open for ratification and accession if possible before 1968,

Noting that the International Convention on the Elimination of All Forms of Racial Discrimination annexed to General Assembly resolution 2106 A (XX) of 21 December 1965 and the International Covenants on Human Rights annexed to General Assembly resolution 2200 (XXI) of 16 December 1966 contain measures of implementation,

Considering that in Economic and Social Council resolution 1101 (XI) of 2 March 1966 it was recommended that future United Nations conventions in the field of human rights should contain appropriate provisions for their implementation,

Considering further that, for lack of time, the Commission on Human Rights was unable to adopt measures of implementation,

⁴⁶ Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1).

1. *Transmits* to the General Assembly the text of the following, annexed to the present resolution:

(a) A preamble and twelve articles of a draft international convention on the elimination of all forms of religious intolerance, adopted by the Commission on Human Rights;

(b) An additional draft article submitted by the delegation of Jamaica to the Commission on Human Rights and draft article XIII proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which, after some discussion, the Commission considered should be submitted to the Assembly;

(c) The preliminary draft of additional measures of implementation submitted by the Sub-Commission in its resolution 2 (XVII),⁴⁷ which the Commission did not consider owing to lack of time;

2. *Expresses the hope* that the General Assembly will decide upon suitable measures of implementation and final clauses of the draft convention.

1479th plenary meeting,
6 June 1967.

ANNEX I

Preamble and twelve articles of the draft international convention on the elimination of all forms of religious intolerance, adopted by the Commission on Human Rights at its twenty-first, twenty-second and twenty-third sessions⁴⁸

Preamble

The States Parties to the present Convention,

Considering that one of the basic principles of the Charter of the United Nations is that 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 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 the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, have brought great suffering to mankind,

Considering that religion or belief, for anyone who professes either, is a fundamental element in his conception of life, and that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed,

Considering it essential that Governments, organizations and private persons should strive to promote through education, and by other means, understanding, tolerance and respect in matters relating to freedom of religion and belief,

Noting with satisfaction the coming into force of conventions concerning discrimination, *inter alia*, on the ground of religion, such as the Convention concerning Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation in 1958, the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948,

Concerned by manifestations of intolerance in such matters still in evidence in some areas of the world,

Resolved to adopt all necessary measures for eliminating speedily such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Have agreed as follows:

Article I

For the purpose of this Convention:

(a) The expression "religion or belief" shall include theistic, non-theistic and atheistic beliefs;

(b) The expression "discrimination on the ground of religion or belief" shall mean any distinction, exclusion, restriction or preference based on religion or belief 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;

(c) The expression "religious intolerance" shall mean intolerance in matters of religion or belief;

(d) Neither the establishment of a religion nor the recognition of a religion or belief by a State nor the separation of Church from State shall by itself be considered religious intolerance or discrimination on the ground of religion or belief; provided that this paragraph shall not be construed as permitting violation of specific provisions of this Convention.

Article II

States Parties recognize that the religion or belief of an individual is a matter for his own conscience and must be respected accordingly. They condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies which are designed to protect freedom of thought, conscience, religion or belief, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief.

Article III

1. States Parties undertake to ensure to everyone within their jurisdiction the right to freedom of thought, conscience, religion or belief. This right shall include:

(a) Freedom to adhere or not to adhere to any religion or belief and to change his religion or belief in accordance with the dictates of his conscience without being subjected either to any of the limitations referred to in article XII or to any coercion likely to impair his freedom of choice or decision in the matter, provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief;

(b) Freedom to manifest his religion or belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the ground of religion or belief;

(c) Freedom to express opinions on questions concerning a religion or belief.

2. States Parties shall in particular ensure to everyone within their jurisdiction

(a) Freedom to worship, to hold assemblies related to religion or belief and to establish and maintain places of worship or assembly for these purposes;

(b) Freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, to write, print and publish religious books and texts, and to train personnel intending to devote themselves to its practices or observances;

(c) Freedom to practise his religion or belief by establishing and maintaining charitable and educational institutions and by expressing in public life the implications of religion or belief;

(d) Freedom to observe the rituals, dietary and other practices of his religion or belief and to produce or if necessary import the objects, foods and other articles and facilities customarily used in its observances and practices;

⁴⁷ E/CN.4/882 and Corr.1, para. 329.

⁴⁸ See *Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1)*, p. 30.

(f) Equal legal protection for the places of worship or assembly, the rites, ceremonies and activities, and the places of disposal of the dead associated with his religion or belief;

(g) Freedom to organize and maintain local, regional, national and international associations in connexion with his religion or belief, to participate in the activities, and to communicate with his co-religionists and believers;

(h) Freedom from compulsion to take an oath of religious nature.

Article IV

1. States Parties undertake to respect the right of parents and, where applicable, legal guardians, to bring up in the religion or belief of their choice their children or wards who are as yet incapable of exercising the freedom of choice guaranteed under article III, paragraph 1 (a).

2. The exercise of this right carries with it the duty of parents and legal guardians to inculcate in their children or wards tolerance for the religion or belief of others, and to protect them from any precepts or practices based on religious intolerance or discrimination on the ground of religion or belief.

3. In the case of a child who has been deprived of his parents, their expressed or presumed wishes shall be duly taken into account.

4. In applying the provisions of this article, the best interests of the child shall be the guiding principle for those who are responsible for his upbringing and education.

Article V

States Parties shall ensure to everyone freedom to enjoy and to exercise political, civic, economic, social and cultural rights without discrimination on the ground of religion or belief.

Article VI

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices as, for example, anti-Semitism and other manifestations which lead to religious intolerance and to discrimination on the ground of religion or belief, and to promoting and encouraging, in the interest of universal peace, understanding, tolerance, co-operation and friendship among nations, groups and individuals, irrespective of differences in religion or belief, in accordance with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and this Convention.

Article VII

1. In compliance with the fundamental obligations laid down in article II, States Parties shall take effective measures to prevent and eliminate discrimination on the ground of religion or belief, including the enactment or abrogation of laws or regulations where necessary to prohibit such discrimination by any person, group or organization.

2. States Parties undertake not to pursue any policy or enact or retain laws or regulations restricting or impeding freedom of conscience, religion or belief or the free and open exercise thereof, nor discriminate against any person, group or organization on account of membership or non-membership in, practice or non-practice of, or adherence or non-adherence to any religion or belief.

Article VIII

States Parties undertake to ensure to everyone equality before the law without any discrimination in the exercise of the right to freedom of thought, conscience, religion or belief, and the right to equal protection of the law against any discrimination on the ground of religion or belief.

Article IX

States Parties shall ensure equal protection of the law against promotion of or incitement to religious intolerance or discrimination on the ground of religion or belief. Any

act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or incitement to hatred likely to result in acts of violence against any religion or belief or its adherents, shall be considered as offences punishable by law. Membership in an organization based on religion or belief does not remove the responsibility for the above-mentioned acts.

Article X

States Parties shall ensure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts, including acts of discrimination on the ground of religion or belief, 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 acts.

Article XI

Nothing in this Convention shall be interpreted as giving to any person, group, organization or institution the right to engage in activities aimed at prejudicing national security, friendly relations between nations or the purposes and principles of the United Nations.

Article XII

Nothing in this Convention shall be construed to preclude a State Party from prescribing by law such limitations as are necessary to protect public safety, order, health or morals, or the individual rights and freedoms of others, or the general welfare in a democratic society.

ANNEX II

Additional draft article submitted by Jamaica to the Commission on Human Rights⁴⁹

Add the following new article before article XIII:

"No provision of this Convention shall be interpreted so as to require or to authorize any derogation from any provision in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights."

ANNEX III

Draft article XIII submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights⁵⁰

Article XIII

1. States Parties undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention:

(a) Within one year after the entry into force of the Convention for the State concerned;

(b) Thereafter every two years and whenever the Economic and Social Council of the United Nations so requests upon the recommendation of the Commission on Human Rights and after consultation with the States Parties.

2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council, which may transmit them to the Commission on Human Rights or to a specialized agency for information, study and, if necessary, general recommendations.

3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article.

⁴⁹ *Ibid.*, p. 35.

⁵⁰ *Ibid.*, p. 36.

ANNEX IV

Preliminary draft on additional measures of implementation transmitted to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities⁵¹

Article XIV

There shall be established under the auspices of the United Nations a Good Offices and Conciliation Committee (hereinafter referred to as the Committee) to be responsible for seeking the amicable settlement of disputes between States Parties concerning the interpretation, application or fulfilment of the present Convention.

Article XV

1. The Committee shall consist of eleven members, who shall be persons of high moral standing and acknowledged impartiality.

2. The members of the Committee, who shall serve in their personal capacity, shall be elected by the Economic and Social Council of the United Nations, on the recommendation of the Secretary-General, due consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

3. The Committee may not include more than one national of the same State.

Article XVI

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if nominated. The terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these six members shall be chosen by lot by the President of the Economic and Social Council of the United Nations.

Article XVII

When electing members of the Committee, the Economic and Social Council of the United Nations shall also designate, on the recommendation of the Secretary-General of the United Nations, an alternate for each member so elected. An alternate need not be of the same nationality as the member concerned, but both of them should be from the same geographical area or region.

Article XVIII

1. In the event of the death or resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, or is unable to continue the discharge of his duties, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall thereupon declare the seat of that member to be vacant.

3. In each of the cases provided for by paragraphs 1 and 2 of this article, the Secretary-General of the United Nations shall forthwith induct into office the alternate concerned as member of the Committee for the unexpired term and shall inform each State Party to this Convention accordingly.

Article XIX

Members of the Committee shall receive travel and *per diem* allowances in respect of the periods during which they are engaged on the work of the Committee from the resources of the United Nations on terms laid down by the General Assembly of the United Nations.

⁵¹ *Ibid.*

Article XX

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations. Subsequent meetings may be held either at the Headquarters or at the United Nations Office at Geneva, as determined by the Committee.

2. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

Article XXI

1. The Committee shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure. Before adopting such rules, the Committee shall send them in draft form to the States then Parties to the Convention, which may communicate any observation and suggestion they may wish to make within three months.

3. The Committee shall re-examine its rules of procedure if at any time so requested by any State Party to the Convention.

Article XXII

1. If a State Party to this Convention considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Secretary-General of the United Nations and to the other State.

Article XXIII

The Committee shall deal with a matter referred to it under article XXII only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.

Article XXIV

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

Article XXV

1. Subject to the provisions of article XXIII, the Committee, after obtaining all the information it thinks necessary, shall ascertain the facts and make available its good offices to the States concerned, with a view to an amicable solution of the matter on the basis of respect for the Convention.

2. The Committee shall, in every case, and in no event later than eighteen months after the date of receipt by the Secretary-General of the United Nations of the notice under article XXII, paragraph 2, draw up a report, in accordance with the provisions of paragraph 3 of this article, which will be sent to the States concerned and then communicated to the Secretary-General for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article XXVII, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent, in whole or in part, the unanimous opinion of the members of the Committee, any member of the Com-

mittee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

Article XXVI

1. The Committee may receive petitions addressed to the Secretary-General of the United Nations from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council of the United Nations, alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions.

2. The declaration of a State Party mentioned in paragraph 1 of this article may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties.

3. In considering petitions submitted under this article, the Committee shall be guided as far as possible by the principles and procedures outlined in articles XVII, XVIII and XIX of this Convention.

Article XXVII

The Committee may recommend to the Economic and Social Council of the United Nations that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter with which the Committee is dealing.

Article XXVIII

The Committee shall submit to the Economic and Social Council of the United Nations, through the Secretary-General of the United Nations, an annual report on its activities.

Article XXIX

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article XXV, paragraph 1, bring the case before the International Court of Justice after the report provided for in article XXV, paragraph 3, has been drawn up.

Article XXX

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee, or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

1234 (XLII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

The Economic and Social Council,

Having considered the report of the Commission on Human Rights on its twenty-third session,⁵²

1. *Notes with satisfaction* the provisions of resolution 5 (XXIII) of the Commission on Human Rights,⁵³

2. *Notes* that since the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, South West Africa is to be designated as the Territory of

South West Africa under the direct responsibility of the United Nations and that wherever reference is made to this Territory in the resolutions adopted by the Commission on Human Rights at its twenty-third session and in its report on that session, it should read accordingly;

3. *Recommends* that the General Assembly continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and the other conventions and protocols which aim at protecting human rights and fundamental freedoms.

*1479th plenary meeting,
6 June 1967.*

1235 (XLII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

The Economic and Social Council,

Noting resolutions 8 (XXIII) and 9 (XXIII) of the Commission on Human Rights,⁵⁴

1. *Welcomes* the decision of the Commission on Human Rights to give annual consideration to the item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories," without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international covenants and conventions on the protection of human rights and fundamental freedoms; and concurs with the requests for assistance addressed to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Secretary-General;

2. *Authorizes* the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with the provisions of paragraph 1 of the Commission's resolution 8 (XXIII), to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa and in the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and to racial discrimination as practised notably in Southern Rhodesia, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959;

3. *Decides* that the Commission on Human Rights may, in appropriate cases, and after careful consideration of the information thus made available to it, in conformity with the provisions of paragraph 1 above, make a thorough study of situations which reveal a consistent pattern of violations of human rights, as exemplified by the policy of apartheid as practised in

⁵² *Ibid.*, Supplement No. 6 (E/4322 and Corr.1).

⁵³ *Ibid.*, para. 350.

⁵⁴ *Ibid.*, paras. 394 and 404.