

1240 (XLII). Reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Recalling its resolution 1165 (XLI) of 5 August 1966, in which it recommended that the Commission on Human Rights give due consideration to the various questions under the item, "Prevention of discrimination and protection of minorities",

Noting that the Commission was unable, for lack of time, to consider at its twenty-first, twenty-second and twenty-third sessions the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its seventeenth,⁶⁵ eighteenth⁶⁶ and nineteenth⁶⁷ sessions,

1. *Recommends* again that the Commission on Human Rights give early consideration at its next session to the outstanding reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Approves* the request of the Sub-Commission to the Secretary-General, contained in its resolution 3 (XIX),⁶⁸ to invite the Special Rapporteur for the special study of racial discrimination in the political, economic, social and cultural spheres to attend the seminar on racial discrimination to be held in 1968 under the programme of advisory services in the field of human rights, and to arrange for his progress report to be made available to that seminar, together with such observations as the Sub-Commission may make with regard to the special study;

3. *Requests* the General Assembly to recommend that the International Conference on Human Rights use the special study of racial discrimination in the political, economic, social and cultural spheres and the report of the seminar on racial discrimination to be held in 1968 as background papers on the question of racial discrimination.

*1479th plenary meeting,
6 June 1967.*

1241 (XLII). Report of the Commission on Human Rights

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its twenty-third session.⁶⁹

*1479th plenary meeting,
6 June 1967.*

1243 (XLII). Capital Punishment

The Economic and Social Council,

Having considered the revised draft resolution on the question of capital punishment submitted by the delegations of Sweden and Venezuela,⁷⁰

Regretting that the time at the Council's disposal at its forty-second session has not permitted it to study sufficiently that draft resolution,

Transmits the revised draft resolution, the text of which is annexed to the present resolution, to the General Assembly, for a decision as to what further steps should be taken in the matter.

*1479th plenary meeting,
6 June 1967.*

ANNEX

Draft resolution submitted by Sweden and Venezuela⁷¹

The Economic and Social Council,

Recalling General Assembly resolution 1918 (XVIII) of 10 December 1963, in which the Economic and Social Council was requested to invite the Commission on Human Rights to study the report entitled *Capital Punishment*⁷² and the comments thereon of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders,⁷³ and to make such recommendations on the matter as it deemed appropriate,

Regretting that the Commission on Human Rights and the Economic and Social Council have not been able, owing to lack of time, to conduct the said studies or to propose any recommendations on the subject of capital punishment, which has been on the Commission's agenda since 1964,

Recalling its resolution 934 (XXXV) of 9 April 1963, in paragraph 2 of which Governments of States Members of the United Nations were urged, *inter alia*, to ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtained and 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 were contemplating a change in their laws or practices,

I

Recommends to the General Assembly for consideration at its twenty-second session the following draft resolution:

"The General Assembly,

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

"Recalling further that according to article 5 of the Universal Declaration of Human Rights 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,

"Sharing the view, expressed in the report entitled *Capital Punishment* and endorsed by the Committee, that there is a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment may be imposed,

"Noting, as the Committee does, that the abolitionist policy represents the major trend among experts and practitioners in the field and that even those who do not support abolitionist policy tend to take an increasingly restrictive view of the use of capital punishment,

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

"Invites Governments of States Members of the United Nations:

"(a) To amend their laws, where necessary, to provide that a person condemned to death shall not be deprived of

⁶⁵ E/CN.4/882 and Corr.1.

⁶⁶ E/CN.4/903.

⁶⁷ E/CN.4/930.

⁶⁸ *Ibid.*, para. 242.

⁶⁹ *Official Records of the Economic and Social Council Forty-second Session, Supplement No. 6 (E/4322 and Corr.1).*

⁷⁰ E/AC.7/L.514/Rev.1.

⁷¹ E/AC.7/L.514/Rev.1, as orally amended.

⁷² United Nations publication, Sales No.: 62.IV.2.

⁷³ *Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.*

the right to appeal to a higher judicial authority or to petition for pardon or reprieve;

“(b) To provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and in any case not until six months after the passing of the sentence in the court of first instance and, where necessary, to amend their laws accordingly;

“(c) As from the day of adoption of this resolution, to notify the Secretary-General semi-annually of any death sentences subsequently passed and carried out in their countries and of the crimes for which these sentences have been imposed;

“(d) To inform the Secretary-General, not later than 10 December 1968, of actions taken in accordance with subparagraphs (a) and (b) above.”;

II

1. *Draws the renewed attention* of Governments of Member States to paragraph 2—in particular sub-paragraphs (a), (b) and (d)—of Economic and Social Council resolution 934 (XXXV) of 9 April 1963;

2. *Requests* the Secretary-General to ascertain from Governments of Member States 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 invite those Governments to state whether they are contemplating such restriction or abolition and also to indicate whether changes in this respect have taken place since 1961;

3. *Further requests* the Secretary-General to submit a report on the matter to the Economic and Social Council at its forty-fourth session.

1244 (XLII). Measures for the speedy implementation of international instruments against racial discrimination

The Economic and Social Council,

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

“*The General Assembly,*

“*Recalling* its resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

“*Expressing its profound concern* that many Governments continue to violate fundamental human rights and the principles of the Charter of the United Nations through policies of apartheid, segregation and other forms of racial discrimination,

“*Concerned also* that the principles of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world, particularly in the Republic of South Africa, in the rebellious colony of Southern Rhodesia 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,

“*Noting* that many States have not yet signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination,

“1. *Urges* all eligible Governments which have not yet done so to sign, ratify and implement without delay the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the other conventions directed against discrimina-

tion in employment and occupation and against discrimination in education;

“2. *Requests* the Secretary-General to make available to the Commission on Human Rights at its regular sessions the information submitted by Governments of Member States on measures taken for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

“3. *Requests* the Secretary-General, the specialized agencies and all organizations concerned to continue measures to propagate through their appropriate channels the principles and norms set forth in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and in the International Convention on the Elimination of All Forms of Racial Discrimination;

“4. *Requests* the International Conference on Human Rights to consider the question of giving effect to the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination and the question concerning the implementation of the conventions directed against discrimination in employment and occupation and against discrimination in education in so far as they relate to racial discrimination, especially in the Republic of South Africa, in the rebellious colony of Southern Rhodesia 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;

“5. *Recommends* that the Commission on Human Rights continue to give consideration, as a matter of priority, to the measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and that it report, through the Economic and Social Council, to the General Assembly at its twenty-third session;

“6. *Condemns* the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia for their open and nefarious practices of racial discrimination and intolerance against the African and other non-white peoples in the Republic of South Africa, 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 in the rebellious colony of Southern Rhodesia;

“7. *Calls upon* the Government of the Republic of South Africa to desist from all such nefarious practices;

“8. *Decides* to consider at its twenty-third session the question of the elimination of all forms of racial discrimination.”

*1479th plenary meeting,
6 June 1967.*

1220 (XLII). Question of the punishment of war criminals and of persons who have committed crimes against humanity

The Economic and Social Council,

Having considered resolution 4 (XXIII) of the Commission on Human Rights concerning the question