



COMMISSION ON HUMAN RIGHTS

REPORT ON THE TWENTY-FIFTH SESSION

17 February - 21 March 1969

**ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: FORTY-SIXTH SESSION**

UNITED NATIONS



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New York, 1969

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ABBREVIATIONS

ILO	International Labour Organisation
INTERPOL	International Criminal Police Organization
NATO	North Atlantic Treaty Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNWRA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Previous reports of the Commission on Human Rights are referred to as "Report, . . . session". These reports have been published as supplements to the Official Records of the Economic and Social Council and may be identified as follows:

Twenty-second session	<u>Official Records of the Economic and Social Council, Forty-first Session, Supplement No.8</u> (E/4184-E/CN.4/916)
Twenty-third session	<u>Ibid., Forty-second Session, Supplement No. 6</u> (E/4322-E/CN.4/940)
Twenty-fourth session	<u>Ibid., Forty-fourth Session, Supplement No.4</u> (E/4475-E/CN.4/972)

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twenty-fifth session at the United Nations Office at Geneva, from 17 February to 21 March 1969.
2. The session was opened (993rd meeting) by Mr. Ibrahima Boye (Senegal), Chairman of the Commission at its twenty-fourth session, who made a statement.
3. Mr. Marc Schreiber, Director of the Division of Human Rights, made a statement on behalf of the Secretary-General.

B. Attendance

4. Attendance at the session was as follows:

MEMBERS

Austria: Mr. Felix Ermacora, Mr. Kurt Herndl*

Chile: Mr. Hernán Santa Cruz, Mr. Germán Carrasco,* Mr. Luis Larrain*

Congo (Democratic Republic of): Mr. Simon Ilako, Mr. Nicolas-Floribert Bofunga,*
Mr. Gustave Mulenda*

Finland: Mr. Voitto Saario, Mr. K. Törmudd,* Mr. Paavo Keisalo**

France: Mr. René Cassin, Mr. Pierre Juvigny,* Mrs. Nicole Questiaux,**

Mr. Jacques Bourgoïn,** Mrs. Germaine Hirlemann**

Greece: Mr. Peter Papadatos^{1/}, Mr. A. Chorafas,* Mr. G. Papoulias,* Mr. G. Zotiadis*

Guatemala: Mrs. Ana Maria Vargas de Ortiz

India: Mrs. Qamar Ahmed,^{2/} Mr. N. Krishnan,* Mr. N. N. Jha,* Mr. K. K. S. Rana**

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Assad K. Sadry,* Mr. Manouchehr Ganji,*

Mr. Iradj Amini,** Mr. Ali Kheradmeh,** Mr. Mehdi Ehsassi,** Mr. Sholam-Ali Sayar**

Israel: Mr. Shabtai Rosenne,^{1/} Mr. Z. W. Zeltner,* Mr. M. R. Kidron,* Mr. Yoran
Dinstein,** Mr. Moshé Melamed,** Mr. Meir Rosenne**

Italy: Mr. Giuseppe Sperduti, Miss Maria A. Cao-Pinna,* Mr. Marco Fortini,*

Mr. Mario Piacitelli*

Jamaica: Mr. Keith Johnson, Miss Marcella Martinez*

* Alternate

** Adviser

^{1/} Did not attend the session

^{2/} Replacing Mrs. Tarakeshwari Sinha

Lebanon: Mr. Sleiman Zein
Madagascar: Mr. Jules Ratsisalozafoy, Mr. Zafera*
Mauritania: Mrs. Abdallahi Ould Daddah Turkia
Morocco: Mr. Ahmed Kettani, Mrs. Halima Embarok Warzazi*
New Zealand: Mr. R. Q. Quentin-Baxter, Mr. C. D. Beeby*
Nigeria: Mr. S. D. Adebisi, Mr. O. Adegbite Oshodi*
Pakistan: Mr. Hasan Nawab
Peru: Mr. Luis Marchand Stens, Mr. Felipe Solari Swayne*
Phillipines: Mr. Salvador P. Lopez^{1/}, Mr. Hortencio J. Brillantes,* Mr. Virgilio C. Nañgas*
Poland: Mr. Zbigniew Resich, Mr. Slawomir Dabrowa,* Mrs. Helena Dobrzynska**
Senegal: Mr. Ibrahima Boye
Ukrainian Soviet Socialist Republic: Mr. P. E. Nedbailo, Mr. M. Vezel*
Union of Soviet Socialist Republics: Mr. M. K. Tarasov, Mr. K. F. Goutsenko,*
Mr. N. M. Levchanko,** Mr. O. Briushkov**
United Arab Republic: Mr. Hussein Khallaf, Mr. El Sayed Abdel Raour El Reedy,*
Mr. Youssri Rizk,* Mrs. Mervette Tallaw*
United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare, Mr. D. F. Milton,* Mr. S. N. P. Hemans**
United Republic of Tanzania: Mr. W. E. Waldron-Ramsey,^{1/} Mr. Joseph Yinza,* Mr. Lugo Taguaba*
United States of America: Mrs. Rita E. Hauser, Mr. Warren E. Hewitt,** Miss Shirley B. Hendsch,** Mr. Winn L. Taplin,** Miss Betty Jane Jones**
Uruguay: Mr. Hector Gros Espiell
Venezuela: Mr. Andrés Aguilar, Mr. José de Jesus Cordero Ceballos,* Mrs. Consuelo Nouel de Tricerri*
Yugoslavia: Mr. Branimir M. Janković, Mr. Miljenko Vuković,* Miss Zagorka Ilić*

* Alternate

** Adviser

^{1/} Did not attend the session

OBSERVERS

Algeria: Mr. Khelifa Lokmane
Argentina: Mr. Luis José Buceta, Mr. Gustavo Alberto Urrutia
Australia: Mr. Peter J. Curtis
Belgium: Mr. Joseph Nisot
Canada: Mr. Jacques Corbeil
Cuba: Mr. Mario Garcia Incháustegui, Mr. Frank Ortiz Rodriguez
Czechoslovakia: Mr. Otto Jachek
Denmark: Mr. Henrik Stenbjerre
Ecuador: Mr. José Martínez-Cobo
Iraq: Mr. Mustafa Kamil Yasseen, Mrs. Badia Afnan, Mr. Talal Pachachi
Japan: Mr. Hajime Sasaki, Mr. Takekazu Kawamura
Netherlands: Miss A. F. W. Lunsingh Meijer, Mr. J. W. C. Zandvliet
Romania: Mr. Costel Mitran
Spain: Mr. Enrique Perez-Hernandez, Mr. José-Luis Zifra
Trinidad and Tabago: Mr. Mervyn Claxton, Mr. Hamid Mohammed
Turkey: Mr. Nüzhet Kandemir

Office of the United Nations High Commissioner for Refugees

Mr. Paul Weis, Mr. Jacques Comar, Mr. Ousmane Goundiam

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. C. W. Jenks, Mr. Ian Lagergren,
Mr. Claude Rossillon, Mr. Ejemchid Farman-Farman, Mr. C. A. L. von Knorring
Food and Agriculture Organization (FAO): Mr. Lamartine Yates
United Nations Educational, Scientific and Cultural Organization: Mr. Hanna Saba,
Mr. Gast Ledakis
World Health Organization (WHO): Mrs. Elinor Kamath

REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS

Council of Europe: Mr. A. H. Robertson
Inter-American Commission on Human Rights
(Organization of American States): Mr. Luis Reque
League of Arab States: Mr. Abdel Ghani Al-Rafei, Mr. Mohamed M. Fahmy

NON-GOVERNMENTAL ORGANIZATIONS

Category A

International Confederation of Free Trade Unions: Mr. A. Heyer, Mr. R. Goosse

International Federation of Christian Trade Unions: Mr. G. Eggermann

World Federation of Trade Unions: Mr. Giuseppe Boglietti

World Federation of United Nations Associations: Mr. Richard McKillop, Mr. Horace Perera, Mr. Zbigniew Weiss

Category B

Agudas Israel World Organization: Mr. Alexandre Saffran, Mr. Matthieu Muller, Mr. Joseph Guggenheim

All Pakistan Women's Association: Begum R. Mirza-Khan

Anti-Slavery Society: Sir Douglas Glover, Mr. J. R. P. Montgomery, Mr. H. Endresen

Associated Country Women of the World: Begum R. Mirza-Khan

Catholic International Union for Social Service: Miss Marie-Madeleine Brazzola

Christian Democratic World Union: Mr. K. Sieniewicz

Commission of the Churches on International Affairs, The: Mr. A. Dominique Micheli, Mr. Elfan Rees

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

Co-ordinating Board of Jewish Organizations: Mr. Gustav Warburg, Mr. Abraham Marks

Friends World Committee for Consultation: Mr. Duncan Wood, Mrs. Katherine Wood

International Alliance of Women - Equal Rights, Equal Responsibilities: Mrs. I. Rimondini, Miss M. Ginsberg

International Association for Penal Law: Mrs. H. Romniciano

International Catholic Child Bureau: Mr. Joseph Gaspard Moerman

International Catholic Migration Commission: Mr. Thadé Stark

International Commission of Jurists: Mr. Sean McBride, Mr. Janos Toth, Mr. Marino Porzio, Miss Muireann C. McHugh

International Council of Jewish Women, The: Mrs. Miriam Warburg, Mrs. Kathleen A. Levy

International Council of Women: Miss Sybil Atkins, Miss L.A. van Eeghen

International Council on Jewish Social and Welfare Services: Mr. Louis D. Horwitz, Mr. Daniel Lack

International Federation of Business and Professional Women: Mrs. Andrée Travelletti

International Federation of Women Lawyers: Miss Helene A. Pfander, Miss M. A. Rivollet
International Federation of University Women: Mrs. Constance Jones
International Law Association: Mr. Michael Brandon
International League for the Rights of Man, The: Miss Birgit Schloegel, Mr. Hugo Lueders
International Movement for Fraternal Union among Races and Peoples: Miss Virginia Leary
International Young Christian Workers: Mr. Harold D'Costa
Pan Pacific and South East Asia Women's Association, The: Mrs. Constance Jones
Pax Romana: Mr. Tadeusz Szmitkowski
Women's International Democratic Federation: Mrs. Schahnas Alami
Women's International League for Peace and Freedom: Mrs. Gertrude Baer
Women's International Zionist Organization: Mrs. Y. Brunschwig
World Alliance of Young Men's Christian Associations: Mr. Maher T. Doss
World Federation for Mental Health: Dr. A. Audeoud-Naville
World Jewish Congress: Mr. André Jabès, Mr. Maurice Louis Perlzweig
World Peace Through Law Center: Mr. Edward Smith, Mr. Borko Stosić
World Union of Catholic Women's Organizations: Mrs. Marcelle Driant, Miss Odile Roullet, Mrs. M. T. Graber-Duvernay
World Young Women's Christian Association: Miss Katherine Strong

Register

Boy Scouts World Bureau: Mr. Anthony J. Murdoch
International Council on Alcohol and Alcoholism: Mr. Archer Tongue, Mrs. Eva Tongue
International Young Catholic Students: Mr. Eric Sottas
Open Door International: Mrs. Gertrude Baer
Zonta International: Mrs. Gertie Deneke

5. Mr. Marc Schreiber, Director of the Division of Human Rights, represented the Secretary-General. Messrs. Kamleshwar Das and Valentin Romanov, Chiefs of Section in the Division of Human Rights, acted as Secretaries of the Commission.

C. Election of Officers

6. At the 993rd meeting, on 17 February 1969, the Commission unanimously elected by acclamation the following officers:

Mr. R. Q. Quentin-Baxter (New Zealand)	<u>Chairman</u>
Mrs. Tarakeshwari Sinha (India))	<u>Vice-Chairmen</u> ^{3/}
Mr. Hector Gros Espiell (Uruguay))	
Mr. Branimir Janković (Yugoslavia))	
Mr. Hussein Khallaf (United Arab Republic)	<u>Rapporteur</u>

7. At its 1001st meeting on 21 February 1969, the Commission, in view of the unavoidable absence of Mrs. Sinha (India), and on the proposal of the representative of Iran, elected Mrs. Qamar Ahmed (India), by acclamation, to the office of Vice-Chairman in place of Mrs. Sinha.

D. Adoption of the agenda

8. The Commission had before it the provisional agenda of the twenty-fifth session (E/CN.4/982) drawn up by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council. There were also before the Commission recommendations on specific items on the provisional agenda submitted by the Ad Hoc Working Group established under Commission resolution 8 (XXIV) as contained in its report to the Commission (E/CN.4/990, paragraph 16).

9. While the opinion was expressed that the Commission should take up the recommendations of the Ad Hoc Working Group on specific items on the provisional agenda before going on to the adoption of the agenda, it was also pointed out that, under rule 9 of the rules of procedure, the adoption of the agenda should be the first item considered at Commission sessions, and therefore the Commission should first adopt its agenda. A reference was also made to rule 10 of the rules of procedure according to which during a session the Commission may revise its agenda by adding, deleting, deferring or amending items.

10. At its 994th meeting on 18 February 1969 the Commission approved without vote the provisional agenda (E/CN.4/982) on the understanding that it would remain free, under rule 10 of the rules of procedure, to amend it subsequently in the light of recommendations of the Ad Hoc Working Group on specific agenda items.

11. At the 999th meeting on 20 February 1969, the USSR representative proposed that the Commission adopt the recommendation of the Working Group, that item 7 (c)(iii) concerning resolutions 2 (XXI) and 3 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, should be considered under item 8, relating to the reports of the Sub-Commission as new sub-item 8 (b). The representative of Israel proposed that the Commission decide first whether to separate item 7 (c)(iii) from

^{3/} The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

the body of the rest of item 7, and in the event of an affirmative vote on the question, whether item 7 (c)(iii) should constitute a new item 8, or whether it should be combined with the existing item 8 as its sub-item (b).

12. The Commission decided by 12 votes to 7, with 9 abstentions, to separate item 7 (c)(iii) from the rest of item 7. The Commission then decided by 17 votes to 1, with 10 abstentions, to include the former item 7 (c)(iii) in item 8 as its sub-item (b).

13. At the 1000th meeting on 21 February 1969, the Commission took up the recommendation of the Ad Hoc Working Group to combine items 5 and 16 of the agenda in the following wording: "Question of the establishment of human rights commissions (a) at the national level, (b) at the regional level." The representative of the Philippines suggested that the words "or sub-regional" be added after the word "regional". The recommendation of the Ad Hoc Working Group as amended by the Philippine proposal, was adopted unanimously. At the Commission's 1001st meeting it was agreed that the combined item should take the place of the former item 5.

14. Also at the 1000th meeting the Commission voted on the recommendation of the Working Group that item 11 of the agenda should be reformulated as follows: "Measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination." The United Kingdom representative orally moved and then withdrew a proposal to the effect that the item should be reformulated as "measures for the speedy elimination of all forms of racial discrimination". The wording recommended by the Ad Hoc Working Group for the title of item 11 was adopted by 26 votes to none with 3 abstentions.

15. The agenda of the twenty-fifth session of the Commission on Human Rights, as adopted at its 994th, 999th, 1000th and 1001st meetings reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the punishment of war criminals and of persons who have committed crimes against humanity (resolution 13 (XXIV) of the Commission)
5. Question of the establishment of commissions on human rights
 - (a) at the national level
 - (b) at the regional or sub-regional level
6. Question of the ways and means which may enable or assist the Commission to discharge its functions, including review of the Commission's procedures and methods of work with a view to expediting the consideration of the items of its agenda: report of the ad hoc Working Group set up under resolution 8 (XXIV) of the Commission

7. 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; including
 - (a) Report of the Special Rapporteur appointed under resolutions 7 (XXIII) and 3 (XXIV) of the Commission
 - (b) Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission
 - (c) Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council; including
 - (i) Resolution 1336 (XLIV) of the Economic and Social Council and resolution 6 (XXIV) of the Commission on Human Rights
 - (ii) Resolution 2394 (XXIII) of the General Assembly
 - (d) Model rules of procedure for United Nations bodies dealing with violations of human rights (decision taken at the 1576th meeting of the Economic and Social Council on 19 December 1968)
8. Reports and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
 - (a) Report of the twenty-first session of the Sub-Commission
 - (b) Resolutions 2 (XXI) and 3 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
 - (c) Outstanding parts of the report of the twentieth session of the Sub-Commission
 - (d) Draft principles on freedom and non-discrimination in the matter of political rights
 - (e) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
 - (f) Study of discrimination against persons born out of wedlock
9. Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights (resolution 11 (XXIV) of the Commission)
10. Periodic reports on human rights
11. Measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination
12. Measures to be taken against nazism and racial intolerance (resolution 15 (XXIV) of the Commission)
13. Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms (resolution 2447 (XXIII) of the General Assembly and decision taken at the 1576th meeting of the Economic and Social Council on 19 December 1968)

14. International Year for Human Rights: action arising out of resolutions of the International Conference on Human Rights (Resolution 2442 (XXIII) of the General Assembly)
15. Study of special problems relating to human rights in developing countries
16. Advisory services in the field of human rights
17. Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention
18. Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests
19. Question of an international code of police ethics
20. Further promotion and encouragement of respect for human rights and fundamental freedoms
21. Communications concerning human rights
22. Election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (resolution 1334 (XLIV) of the Economic and Social Council)
23. Implementation of recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies
24. Review of the human rights programme and establishment of priorities. Control and limitation of documentation
25. Report of the twenty-fifth session of the Commission to the Economic and Social Council

E. Meetings, resolutions and documentation

16. The Commission held fifty three meetings. The views expressed at those meetings are summarized in the records of the 993rd to 1045th meetings (E/CN.4/SR.993-1045).
17. The Commission heard, at its 996th, 1009th, 1012th, 1015th meetings the Observer for Iraq.
18. The Commission heard representatives of the following specialized agencies: the International Labour Organisation (ILO), at its 1039th meeting and the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its 1031st and 1037th meetings.

19. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council the Commission also granted hearings to representatives of the following non-governmental organizations: Category B: Anti-Slavery Society, Mr. J. R. P. Montgomery (1024th meeting);

Co-ordinating Board of Jewish Organizations, Mr. G. Warburg (1038th meeting); International Association for Penal Law, Mrs. H. Romniciano (1038th meeting); International Federation of Women Lawyers, Miss H. Pfander (1039th meeting); Pax Romana, Mr. T. Szmickowski, (1021st meeting); World Jewish Congress, Mr. Maurice L. Perlzweig (1026th meeting); World Union of Catholic Women's Organizations, Miss Odile Rouillet (1036th meeting).

20. Resolution 1 (XXV) appears in chapter II^{4/} and resolutions 2 - 23 (XXV) of the Commission appear below in chapter XVIII. Draft resolutions I - X submitted for consideration by the Economic and Social Council are set out in chapter XIX of the present report. Other decisions of the Commission appear as appropriate in the relevant chapters. As mentioned in annex I to this report, statements of financial implications prepared by the Secretary-General in relation to certain decisions of the Commission will be issued in an addendum to this report.

^{4/} For the text of resolution 1 (XXV), see para. 31 below.

II. ORGANIZATION OF THE WORK OF THE SESSION

21. Item 3 on the Commission's agenda, "Organization of the work of the session" was considered at the 994th and 995th meetings, on 18 February 1969. The discussion was largely confined to the relevant recommendations made by the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission (E/CN.4/990) and to the order of consideration of agenda items.

22. It was noted that the report of the Ad Hoc Working Group concerned not only item 3 on the organization of the work of the session but also items 6, 23 and 24^{5/} of the agenda^{6/} and that some of the Working Group recommendations on the organization of the Commission's work were intended for the present session and the others for future ones. Members of the Commission were generally in agreement with most of the recommendations of the Ad Hoc Working Group on the organization of the work of the current session and in particular with its suggestions regarding grouping together all related subject matter items 6, 23 and 24 for the consideration at the present session, and scheduling of the Commission's consideration of certain items and matters for its next session.

23. Many members of the Commission also emphasized the necessity to take up at the present session the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities listed in agenda item 8 and which for the past several years had not been given the priority they deserved.

24. The Democratic Republic of the Congo, India, Iran, Lebanon, Mauritania, Morocco, Nigeria, Pakistan, Senegal, the United Arab Republic and the United Republic of Tanzania submitted a draft resolution (E/CN.4/L.1043) reading as follows:

The Commission on Human Rights,

Desiring to consider the items on its agenda in a practical way, following a satisfactory order of priority,

1. Decides to adopt the following order of priority for the consideration of some of the items on its agenda: (a) items 6, 24, 25; (b) item 7; (c) item 4; (d) items 9, 15; (e) items 14, 21; (f) item 13;

2. Decides furthermore to consider at a later stage of its session the order of priority to be followed for the other items on its agenda.

25. France submitted the following amendment (E/CN.4/L.1044) to the draft resolution contained in document E/CN.4/L.1043:

"In paragraph 1 insert:

1. After (b) item 7: "(b') item 8";
2. After (d) items 9, 15: "(d') item 10";
3. After (e) items 14, 21: "(e') items 18, 19"."

^{5/} Former items 24 and 25 renumbered as the result of combining items 5 and 16 (see paragraph 13 above).

^{6/} See paragraph 15 above.

26. At the 995th meeting of the Commission the representative of Senegal, on behalf of the sponsors of the joint draft resolution (E/CN.4/L.1043), submitted orally the following revised text of sub-paragraphs (a) to (h) of operative paragraph 1 of the draft resolution: "(a) items 6, 24, 25; (b) item 7; (c) item 4; (d) item 12; (e) as from the Thursday of the third week, items 9 and 15 in the mornings and item 8 in the afternoons, on the understanding that night meetings will be held if the items under (a), (b), (c) and (d) are not already completed; (f) items 14, 21; (g) item 10; (h) item 13"

27. France withdrew its amendment contained in document E/CN.4/L.1044.

28. At the same meeting the representative of the Union of Soviet Socialist Republics orally moved an amendment to the above text seeking to substitute the following provisions for the part of the text containing sub-paragraphs (e) to (h) of operative paragraph 1:

"The Commission must complete its consideration of these items by Thursday of the third week of its work. After considering these items and beginning on the Thursday of the third week, the Commission will take up the following items in the order in which they are listed: "(e) items 9, 15, in the morning; (f) item 8, in the afternoon; (g) items 14, 21; (h) item 10; (i) item 13;"

29. The USSR amendment was adopted by 11 votes to 10 with 6 abstentions.

30. The draft resolution (E/CN.4/L.1043) as orally revised by the sponsors, as amended, was adopted by 18 votes to 6 with 4 abstentions.

31. The text of resolution 1 (XXV) as adopted by the Commission at its 995th meeting on 18 February 1969, reads as follows:

1(XXV) Organization of the work of the session

The Commission on Human Rights,

Desiring to consider the items on its agenda in a practical way, following a satisfactory order of priority,

1. Decides to adopt the following order of priority for the consideration of some of the items on its agenda: (a) items 6, 24, 25; ^{7/} (b) item 7; (c) item 4; (d) item 12;

^{7/} Items 24 and 25 were subsequently renumbered 23 and 24 (see paragraph 15 above).

The Commission must complete its consideration of these items by Thursday of the third week of its work. After considering these items and beginning on the Thursday of the third week of its work, the Commission will take up the following items in the order in which they are listed: (e) items 9, 15 - in the morning; (f) item 8 - in the afternoon; (g) items 14, 21; 8/ (h) item 10; (i) item 13.

2. Decides furthermore to consider at a later stage of its session the order of priority to be followed for the other items on its agenda.

32. The Commission considered twenty items of its agenda, which included the thirteen items listed in resolution 1 (XXV) above in the order decided therein and, in addition, some other items, namely items 1, 2, 3, 17, 18, 22 and 25. It postponed to its twenty-sixth session the consideration of the other items on its agenda (see Chapter XVI below).

8/ Item 21 was subsequently renumbered 20 (see paragraph 15 above).

III. QUESTION OF THE WAYS AND MEANS WHICH MAY ENABLE OR ASSIST THE COMMISSION TO DISCHARGE ITS FUNCTIONS, INCLUDING REVIEW OF THE COMMISSION'S PROCEDURES AND METHODS OF WORK WITH A VIEW TO EXPEDITING THE CONSIDERATION OF THE ITEMS OF ITS AGENDA: REPORT OF THE AD HOC WORKING GROUP SET UP UNDER RESOLUTION 8 (XXIV) OF THE COMMISSION

IMPLEMENTATION OF RECOMMENDATIONS OF THE AD HOC COMMITTEE OF EXPERTS TO EXAMINE THE FINANCES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

REVIEW OF THE HUMAN RIGHTS PROGRAMME AND ESTABLISHMENT OF PRIORITIES; CONTROL AND LIMITATION OF DOCUMENTATION

(agenda items 6, 23 and 24)

33. In accordance with operative paragraph 1 (a) of resolution 1 (XXV), (see paragraph 31 above) the Commission took up items 6, 23 and 24 of its agenda jointly and considered them at its 996th to 998th meetings and at its 1000th meeting held on 19, 20 and 21 February 1969. It was understood that before concluding its work the Commission would revert to certain questions concerning its future programme. (See paragraphs 82-88 below).

34. In connexion with item 6, the Commission had before it the report of the Ad Hoc Working Group (E/CN.4/990) which had been established under resolution 8 (XXIV) of the Commission, adopted at its 979th meeting on 1 March 1968, "to make detailed proposals regarding:

- (a) the adoption of measures for the early completion of the items that have accumulated on the Commission's agenda;
- (b) the reduction of the documentation at present required by the Commission; and
- (c) the Commission's procedures, with a view to increasing its efficiency".

35. The Commission in the same resolution had decided to consider the report of the Working Group at its twenty-fifth session.

36. At the 986th meeting of the Commission, the Chairman had announced that the Ad Hoc Working Group would be composed of representatives of the following States members of the Commission: Dahomey, France, Iran, Jamaica, Lebanon, Nigeria, Pakistan, Peru, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Venezuela. As Dahomey ceased to be a member of the Commission on 31 December 1968, the Chairman of the Commission, in pursuance of a decision which had been taken by the Commission at its 979th meeting, appointed the United Arab Republic to replace Dahomey. The Ad Hoc Working Group held 11 meetings between 3 and 11 February 1969.

37. In connexion with items 23 and 24, the Commission had before it two notes by the Secretary-General containing information relevant to these items (E/CN.4/970 and E/CN.4/997 and Corr.1) (English only). The note in document E/CN.4/970 had been submitted to the twenty-fourth session of the Commission in 1968, under corresponding items. In that note, the Secretary-General had drawn the attention of the Commission

to the report of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (A/6343), Economic and Social resolution 1264 (XLIII) of 3 August 1967 and to the report of the Committee for Programme and Co-ordination on the first part of its first session (E/4383) and Economic and Social Council 1275 (XLIII) of 4 August 1967. Attention was also drawn to various relevant decisions of the General Assembly and the Council as well as reports of the Advisory Committee on Administrative and Budgetary Questions which had a bearing upon the Commission's work programme. Although because of lack of time, the Commission, at its twenty-fourth session, had not found it possible to consider these items of its agenda as such, it had discussed some of the questions arising under them and adopted resolution 8 (XXIV) (see para. 34 above).

38. In the note in document E/CN.4/997 the Secretary-General drew attention to document E/CN.4/970 and set out developments which had occurred since the issuance of that document. Reference was made in the note to, inter alia, the consideration by the Economic and Social Council at its forty-fifth session of the question of the implementation of the recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies and the adoption in this connexion of Council resolution 1378 (XLV) of 2 August 1968 on long-range planning and resolution 1379 (XLV) of the same date concerning summary records of meetings of the Council's subsidiary bodies as well as General Assembly resolution 2475 (XXIII) of 21 December 1968 relating to the implementation of the recommendations of the Ad Hoc Committee of Experts. Attention was also invited in the note to various provisions of General Assembly resolution 2478 (XXIII) of 21 December 1968 on the pattern of conferences and to document A/INF/124 which the Secretary-General has prepared in response to the General Assembly's request in its resolution 2292 (XXII) of 8 December 1967 for a "standard, concise document setting forth the policies laid down by the General Assembly", regarding the control and limitation of documentation ... the cost of producing documents and other pertinent information". On the subject of programme of work and establishment of priorities, the note summarized the various provisions of Economic and Social Council resolution 1367 (XLV) of 2 August 1968, including the provisions regarding the classification of the work programme of the functional commissions and other subsidiary bodies of the Council into categories of priority, the need to secure observance of the rule on estimates of expenditure and the requirement that the Council consider, in advance of their implementation, all proposals relating to the work programme of its functional commissions and other subsidiary bodies. The Commission's attention was further drawn to chapter XI of the report of the twenty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/976, para. 139) in which the Sub-Commission had set out a programme of work and priorities relating thereto in accordance with Council resolution 1367 (XLV). Lastly, reference was made to part I of Economic and Social Council resolution 1368 (XLV) of 2 August 1968 concerning the observance of international years and anniversaries.

Draft resolutions and amendments

39. Three draft resolutions were introduced, the third one being an amalgamation of the other two.

40. The first draft resolution was proposed at the 998th meeting, on 20 February 1969, by India, Jamaica, Lebanon, Mauritania, Morocco, Nigeria, Philippines, Senegal, United Republic of Tanzania, United Arab Republic, Venezuela and Yugoslavia and, as revised by the sponsors, read as follows (E/CN.4/L.1046/Rev.1):

"The Commission on Human Rights,

Having examined the report of the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission on Human Rights,

Mindful of the fact that the agendas of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities continue to be heavy,

Aware of the need for the Commission on Human Rights and the Sub-Commission to discharge fully the important tasks assigned them,

Recalling General Assembly resolution 2478 (XXIII) of 21 December 1968, in as far as it relates to the frequency of the sessions and the summary records of the Commission and its subsidiary bodies,

Further recalling resolution 1378 (XLV) of the Economic and Social Council which endorsed the plan of the Committee on Programme and Co-ordination to assist the Economic and Social Council and the General Assembly in the establishment of priorities within the United Nations and the formulation of programmes responsive to such priorities,

1. Expresses its appreciation of the work of the Ad Hoc Working Group,
2. Welcomes the recommendation contained in paragraph 26 of the report of the Working Group (E/CN.4/990) regarding the strict application of rules 42 to 53, and in particular of rules 46 and 47 of the rules of procedure,
3. Recommends to the Economic and Social Council that it maintain resolution 1156 (XLI) in which it decided to authorize the Commission to continue to meet annually,
4. Recommends that the Council maintain its decision in resolution 502A (XVI) that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should meet at least once a year for three weeks,
5. Requests the Economic and Social Council to take all necessary measures to enable the Commission on Human Rights to hold its session later in the year than is now the case in order to make possible the preparation and distribution of documentation in sufficient time for its adequate study,
6. Recommends to the Council that the summary records of the Commission and the Sub-Commission be maintained in their present form,
7. Recommends further to the Council that the programme of the Commission on Human Rights be sent to the Committee on Programme and Co-ordination, for its comments after its consideration by the Economic and Social Council."

41. The second draft resolution was proposed, also at the 998th meeting on 20 February 1969, by Austria, France, Guatemala, Italy, Peru, United States of America and Uruguay and, as orally revised by the sponsors, read as follows (E/CN.4/L.1047):

"The Commission on Human Rights,

Considering the growing importance of human rights problems throughout the world and the variety of the questions with which the Commission has to deal,

Concerned to improve the organization and efficiency of its work, and in particular to expedite its work, in conformity with the role assigned to it by the Charter and with its terms of reference,

1. Notes with satisfaction the report of the Working Group established under resolution 8 (XXIV), some of whose suggestions have already been followed up in the rearrangement of the agenda for the present session (grouping together of related items, and so on);
2. Thanks the Rapporteur and the members of the Working Group;
3. Decides that it will endeavour, in its studies, to establish a better balance between the different types of problems referred to it;
 - (a) problems which it is its permanent responsibility to consider periodically, (such as the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, periodic reports of States, elections and so on);
 - (b) problems referred to it by the principal organs of the United Nations (draft declarations, draft conventions, violations of human rights) and other topical problems;
 - (c) matters placed before it by its own members;
4. Decides, apart from the case of the ad hoc Committee on Periodic Reports of States, in principle not to establish, during the session, working groups which might give rise to difficulties for a number of delegations, except for preparatory work or in cases where, after discussion, the progress made on a question is such as to make possible the achievement of a precise objective such as the drafting of a resolution. It reserves the right to have recourse to such working groups as subsidiary bodies to carry out preparatory work before a meeting of the Commission;
5. Decides, in principle, in cases where certain questions are scheduled for consideration by seminars, to defer discussion until reports on the results of such seminars are available and intends at the present session to apply this method in particular to the item concerning the establishment of regional commissions, which is to be discussed by the seminar to be held in the United Arab Republic in September 1969;
6. Basing itself on the views expressed by the Working Group in the concluding passages of its report:
 - (a) Requests its officers to meet from time to time during the present session to review the progress of the work, to submit suggestions regarding the methods of discussion and the duration of the debates and to submit to

the Commission, before the end of the session, a programme of future work which might include a tentative list of items for inclusion in the provisional agenda of the next session of the Commission and which would be based on the directives of the General Assembly and the Economic and Social Council;

(b) Insists on scrupulous observance of rules 42 to 53 of the rules of procedure of the Council's functional commissions, in particular with regard to the means offered by rules 46 and 47 for speeding up the debates."

42. At the 998th meeting, on the proposal of France, the Commission was invited to vote on whether or not the two draft resolutions should be combined. By 19 votes to 1, with 5 abstentions, the Commission decided that the two draft resolutions should be combined.

43. At the 1000th meeting, on 21 February 1969, an amalgamated draft resolution was proposed by Austria, France, Guatemala, India, Italy, Jamaica, Lebanon, Mauritania, Morocco, Nigeria, Peru, Philippines, Senegal, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia (E/CN.4/L.1048). Later at that meeting, Mauritania withdrew as a sponsor. The draft resolution read as follows:

"The Commission on Human Rights,

Considering the growing importance of Human Rights problems throughout the world and the variety of the questions with which the Commission has to deal,

Having examined the report of the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission on Human Rights,

Aware of the need for the Commission on Human Rights and the Sub-Commission to discharge fully and rapidly the important tasks assigned them,

Recalling General Assembly resolution 2478 (XXIII) of 21 December 1968, in as far as it relates to the frequency of the sessions and the summary records of the Commission and its subsidiary bodies,

Further recalling resolution 1378 (XLV) of the Economic and Social Council which endorsed the plan of the Committee on Programme and Co-ordination to assist the Economic and Social Council and the General Assembly in the establishment of priorities within the United Nations and the formulation of programmes responsive to such priorities -

1. Notes with satisfaction the report of the Working Group established under resolution 8 (XXIV), some of whose suggestions have already been followed up in the rearrangement of the agenda for the present session (grouping together of related items, and so on),

2. Decides that it will endeavour, in its work, to establish a better balance between the different types of problems referred to it,

(a) problems which it is its permanent responsibility to consider periodically (such as the report of the Sub-Commission, periodic reports etc.)

(b) current problems dealing with Human Rights referred to it by the principal organs of the United Nations,

(c) matters placed before it by its own members.

3. Decides, in principle, in cases where certain questions are scheduled for consideration by seminars the Commission may defer consideration, if it deems it appropriate, until reports on the results of such seminars are available and intends at the present session to apply this method in particular to the item concerning the establishment of Regional Commissions, which is to be discussed by the seminar to be held in the United Arab Republic in September 1969;

4. Recommends to the Economic and Social Council that it maintain resolution 1156 (XLI) in so far as it decided to authorise the Commission to continue to meet annually,

5. Recommends that the Economic and Social Council maintain its decision in resolution 502A (XVI) that the Sub-Commission should meet at least once a year for three weeks,

6. Requests the Economic and Social Council to take all necessary measures to enable the Commission on Human Rights to hold its session later in the year than is now the case in order to make possible the preparation and distribution of documentation in sufficient time for its adequate study,

7. Recommends to the Economic and Social Council that the summary records of the Commission and the Sub-Commission be maintained in conformity with General Assembly resolution 2292 (XXII),

8. Recommends further to the Council that the programme of the Commission on Human Rights be sent to the Committee on Programme and Co-ordination, for its comments after its consideration by the Economic and Social Council,

9. Welcomes the recommendation, contained in paragraph 26 of the Report of the Working Group (E/CN.4/990), regarding the strict application of rules 42 to 53, and, in particular 46 and 47 of the rules of procedure,

10. Requests the Bureau of the Commission on Human Rights to meet from time to time during a session to review the progress of the work, to submit suggestions regarding the methods of discussion and the duration of the debates."

44. In introducing the draft resolution, one of the co-sponsors proposed that the words "or by other persons so qualified under rule 6 of the rules of procedure of the functional commissions of the Economic and Social Council" should be added immediately after the words "its own members" in sub-paragraph (c) of operative paragraph 2. This proposal was later withdrawn in favour of an oral amendment proposed by the Philippines (see para. 49 below). At the 1000th meeting, oral amendments to the draft resolution were proposed as follows:

Third preambular paragraph

45. The representative of the United Kingdom proposed the insertions of the words "on Prevention of Discrimination and Protection of Minorities" between the words "Sub-Commission" and "to discharge".

Fifth preambular paragraph

46. The representative of the Philippines, supported by the representative of the Union of Soviet Socialist Republics, proposed that the fifth preambular paragraph be deleted.

Operative paragraph 1

47. The representative of the United Kingdom proposed that the words "and so on" be replaced by "etc.".

Operative paragraph 2

48. The representative of the Union of Soviet Socialist Republics proposed the addition of the words "in view of their significance" after the words "referred to it" at the end of the first sentence of operative paragraph 2 and the deletion of the remainder of that paragraph, namely, sub-paragraphs (a), (b) and (c).

49. The representative of the United Kingdom proposed the substitution of the word "proper" for the word "better" in the first sentence of operative paragraph 2 and the substitution of the word "matters" for the word "problems" wherever this latter word was used in that paragraph. The representative of the Philippines, referring to the oral amendment by one of the co-sponsors set out in para. 44 above, proposed the deletion, in sub-paragraph (c) of operative paragraph 2, of all words coming after the word "before its" and their replacement by the words "in accordance with rule 6 of the rules of procedure of the functional commissions of the Economic and Social Council."

50. The representative of France proposed that the Philippine amendment be amended to include the word "other" before the word "matters" in sub-paragraph (c) of operative paragraph 2.

Operative paragraph 3

51. The representative of the United Kingdom proposed that the word "that" be added immediately after the word "Decides" in the first sentence. The representative of Iran, supported by the representative of the Philippines, proposed the deletion of the word "particular", in the second sentence of operative paragraph 3 and its replacement by "regard".

Operative paragraph 4

52. The representative of the United Kingdom proposed the addition, at the end of operative paragraph 4, immediately after the words "to meet annually", of the words "for a period of not less than four and not more than six weeks" and the incorporation, by the Secretariat, of an appropriate reference to resolution 1165 (XLI) of the Economic and Social Council.

Operative paragraph 6

53. The representative of Chile proposed the addition, after the word "study" at the end of operative paragraph 6, of the words "and to adjust accordingly the dates of sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

Operative paragraph 8

54. The representative of the Union of Soviet Socialist Republics proposed that the paragraph be deleted and the following paragraphs to be renumbered accordingly.

Operative paragraph 10

55. The representative of Senegal, referring to the French text which had been the original as regards that paragraph made a proposal which had the effect of deleting the word "a" between the words "during" and "session" and substituting the word "each" therefor, and of deleting the word "methods" between the words "regarding the" and "of discussion" and replacing it with the word "mode".

Issues Discussed

56. Representatives in the Commission were unanimous in commending the Ad Hoc Working Group, for its successful work. It was generally felt that the Ad Hoc Working Group had accomplished useful work from which the Commission would benefit, although some representatives thought that the Group's recommendations might have been more definite and decisive, emphasizing topicality and timeliness as the criterion for the inclusion of items in the agenda.

57. Some representatives expressed views on the report of the Ad Hoc Working Group and its recommendations, particularly on the composition of the agenda and the grouping together of certain items, within the framework of the Commission's consideration of item 3. A summary of these views may be found in the section of Chapter II above.

58. In the general debate, the discussion centred on the following subjects: the scheduling of the sessions of the Commission in relation to the sessions of other organs and its effect on the availability of documentation, the periodicity and length of the sessions of the Commission, the retention or not of summary records for the Commission and its subsidiary bodies, the usefulness of having a general debate, the establishment of working groups or parties by the Commission, the status of the Commission as a subsidiary body of the Economic and Social Council and the consequences flowing therefrom, and certain recommendations of the Ad Hoc Working Group as to how to deal with some agenda items or categories thereof.

59. Many representatives acknowledged that the scheduling of the sessions of the Commission so soon after the session of the General Assembly, with the heavy demands of this latter organ on the resources on which the production of documents depended, made it very difficult for the documentation required by the Commission to be available in time for careful study by Governments in spite of the strenuous efforts of the Secretariat to alleviate the situation in cases over which it had control. In this connexion some representatives were in favour of the Economic and Social

Council taking the necessary steps for enabling the Commission to meet later in the year so as to allow adequate time for the presentation, submission and examination of the required documentation and for the Council to consider the report of the Commission at its summer session.

60. On another aspect of documentation, one representative considered that the Commission should endorse the Working Group's recommendation that the Secretary-General should be requested to continue his efforts to make the documentation as concise as possible.

61. As regards the periodicity of the sessions of the Commission, the view was widely shared that the Commission, confronted with a heavy agenda comprising many important items, and in the light of its continuous responsibilities, should continue to meet annually.

62. In respect of the duration of the sessions, one representative suggested that the Commission should seek to make full use of the maximum period of six weeks allowed by the relevant resolution of the Economic and Social Council.

63. While there was substantial agreement among representatives that the Commission should retain summary records for itself, views differed in respect of the summary records of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and other subsidiary bodies of the Commission.

64. The arguments adduced in favour of the retention of summary records by the Commission included that they served the need for the existence of an accurate record of the views of governmental representatives, particularly on items of a political or sensitive nature, that they were essential to the task of the Rapporteur and subsidiary bodies of the Commission, that they provided a source of reliable information for other United Nations organs and for governments not represented on the Commission, and that they were of potential historical value. It was also pointed out that in the case of adoption of international instruments they formed part of the basic travaux préparatoires which could not be dispensed with. Some representatives envisaged the possibility of rendering the summary records more concise, while others felt it desirable to make them more detailed. One representative felt that, if the Commission deemed it necessary to retain summary records for itself, their present form was satisfactory; they could not be further condensed. Another representative was of the opinion that the Commission could, as suggested in paragraph 8 of document E/CN.4/997, adopt a system of shorter minutes, on the understanding that a summary record could be made of any discussion which required exceptional treatment.

65. Although some representatives held the view that the summary records of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of other subsidiary bodies of the Commission could be dispensed with without adverse consequences, reference was made to the importance of enabling the Commission to obtain, from summary records, full knowledge of the opinion of the members of the Sub-Commission and other bodies composed of experts whose approach to problems did not always coincide with that of governmental representatives. Moreover, it was also essential for the Commission and other organs to have before them the details of discussions on draft principles, declarations and covenants prepared by the Sub-Commission (see chapter XVIII, resolution 2 (XXV), paragraph 7).

66. As to the advisability of having a general debate and of imposing a limit on the length of statements, some representatives were in favour of maintaining flexibility on these questions and making a decision in the light of the circumstances of the various cases. One representative, however, thought that the elimination of a general debate would help to avoid duplication and would be conducive to a more thorough examination of each specific question considered by the Commission.

67. Opinion in the Commission was divided on the question of the establishment by the Commission of working groups or parties.

68. Some representatives saw merit in the setting up of intrasessional working groups meeting at the same time as the Commission as a whole. This arrangement, which could only be initiated after giving adequate warning to smaller delegations so as to enable them to make adequate preparations, seemed to be the only possible way in which the Commission could catch up with the vast arrears of work which it had accumulated. Mention was also made of the value of working groups for particular tasks, including the preparation of instruments of a legal character.

69. Many representatives however, were opposed to the establishment of working groups, whether during or between sessions of the Commission, and thought that this device should be resorted to only on an exceptional basis and for the accomplishment of tasks which clearly lent themselves to this procedure. Some of those opposing in general the establishment of working groups or parties agreed that the Commission was duty bound to consider, itself, all the important matters which it was called upon to deal with. Another consideration invoked against the establishment of working groups, particularly during the session, was that they imposed a strain on small delegations and taxed their resources.

70. Some representatives recalled that the Commission, as one of the functional commissions of the Economic and Social Council, was a subsidiary organ of the Council and that the powers of the Commission should be evaluated and understood in the light of that relationship. In this connexion some representatives expressed the hope that the Council would not keep a tight grip and would frequently transmit the Commission's reports to the General Assembly without altering their substance, as had happened on previous occasions.

71. The suggestion contained in the report of the Ad Hoc Working Group (E/CN.4/990, paragraph 16) that the Commission invite the Secretary-General to inquire of Member States as to further actions to be taken on items 18, 19, 20 and 21 (renumbered as items 17, 18, 19 and 20, respectively, in the agenda as finally adopted by the Commission) and to submit such comments as may be received from them to the Commission when a sufficient number of governments have responded, elicited some comments in the Commission. Some representatives expressed the fear that compliance with the Group's suggestion might lead to further delay in the implementation of the principles outlined in the two studies referred to in items 18 and 19 (renumbered as items 17 and 18) and favoured transmitting those studies to governments and inviting them to implement the conclusions forthwith.

72. Referring to the need to render manageable an agenda which was becoming progressively heavier, one representative considered that the establishment of priorities was essential and inescapable and another representative suggested that the application of a system of rotation in dealing with certain items may prove helpful and expedient.

73. At the conclusion of the general debate, the representative of the Secretary-General made a statement in which he referred to documents E/CN.4/970 and E/CN.4/997 and reviewed the decisions of the various organs which would affect the work of the Commission as one of the functional Commissions of the Economic and Social Council, within the general framework of the Council's responsibilities. These decisions indicated that activities aiming at greater co-ordination and the establishment of priorities within the limits of the resources of the organization had intensified in the course of the past year, that the functions of the Committee for Programme and Co-ordination as regards the report and the programme of work of the subsidiary organs of the Council, including the Commission on Human Rights, had become more specific and that, as was pointed out in paragraph 19 of document E/CN.4/997, "all proposals for work programmes of functional commissions had to be considered by the Economic and Social Council in advance of their implementation". The representative of the Secretary-General further emphasized that, on the question of financial matters, there had been a clear tendency over the previous year for the General Assembly to wish to approve itself, through its Fifth Committee, all expenditures on United Nations activities and that under the existing resolution all proposed expenditures of unforeseen and extraordinary character must be certified as such by the Secretary-General before being considered by the Advisory Committee on Administrative and Budgetary Questions. After explaining the manner in which the dates of the session of the Commission, with their inevitable effect on the availability of documentation, were determined and fitted into the calendar of conferences, the representative of the Secretary-General drew attention to paragraph 19 of document E/CN.4/997 which set out the three categories into which the work programme of the Commission was to be classified, according to the degree of priority assigned to it.

74. In connexion with the statement made by the representative of the Secretary-General, some representatives observed that it showed that the Commission was subject to a series of controls, both administrative and financial, which had in many respects an adverse effect on its work and that of its Sub-Commission, as evidenced by the lack of financial resources, unsatisfactory provision of documentation and inconvenient dates for sessions. It was contended that, although the work undertaken by the United Nations in the field of human rights was the only one specifically mentioned in the Charter, it was hard to escape the impression that its importance was not properly appreciated in certain administrative and co-ordinating quarters.

75. Operative paragraphs 3, 4 and 5 of the draft resolution E/CN.4/L.1047 (see paragraph 41 above) and operative paragraphs 2 and 8 of the amalgamated draft resolution E/CN.4/L.1048 (see paragraph 43 above), engendered some discussion in the Commission.

76. As regards operative paragraph 3 of draft resolution E/CN.4/L.1047 and operative paragraph 2 of draft resolution E/CN.4/L.1048, some representatives opposed the division of items into categories reflected in these paragraphs on the grounds that the issue was a complex one and fraught with difficulties and that the attempted classification might give rise to additional problems, particularly as it did not take into account the importance and topicality of certain items. They thought it preferable to delete the paragraphs in question.

77. Representatives who favoured the retention of the paragraphs referred to above argued that the division of items into categories was not intended to imply a value judgment as to their importance or the priority which they deserved but merely sought to establish a proper balance in terms of their consideration by the Commission.

78. In respect of operative paragraphs 4 and 5 of draft resolution E/CN.4/L.1047, some representatives criticized the rigidity which these paragraphs would impose and opposed what they viewed as an effort to "tie the Commission's hands" as regards the establishment of working groups and the consideration by the Commission of items which were to be the topics of human rights seminars. In the opinion of those representatives, the Commission should preserve its freedom of choice and decision and should assess each case on its merits.

79. In connexion with operative paragraph 8 of the amalgamated draft resolution (E/CN.4/L.1048), some representatives who favoured that paragraph argued that the transmission of the report of the Commission to the Committee on Programme and Co-ordination only after that report had been considered by the Economic and Social Council, would tend to underscore that matters of human rights belonged in a special category justifying special treatment by the Council. Other representatives, however, claimed that the paragraph was contrary to decisions of the Council itself and suggested that it be deleted.

Adoption of resolution

80. At its 1000th meeting on 21 February 1969, the Commission voted on draft resolution E/CN.4/L.1048 as follows:

(a) All the oral amendments which had been proposed were accepted by the Commission without a vote, with the exception of the amendment proposed by the Philippines and the Union of Soviet Socialist Republics to delete the fifth preambular paragraph (see paragraph 46 above) and the amendment proposed by the Union of Soviet Socialist Republics to delete operative paragraph 8 (see paragraph 54 above). These two amendments were put to the vote, with the following results:

(i) The proposal to delete the fifth preambular paragraph was adopted by 12 votes to 7, with 11 abstentions.

(ii) The proposal to delete operative paragraph 8 and renumber the following paragraphs accordingly was adopted by 10 votes to 5, with 15 abstentions.

(b) The draft resolution as a whole, as amended, was adopted by 28 votes to none, with 2 abstentions.

81. The text of the resolution adopted by the Commission at its 1000th meeting on 21 February 1969 is set forth in Chapter XVIII of this report as resolution 2 (XXV).

82. The Commission resumed consideration of these items of its agenda at its 1041st meeting on 20 March 1969, and in this connexion it had before it a note by the Secretary-General setting forth a tentative programme of work (E/CN.4/L.1109). In the note the Secretary-General drew the attention of the Commission to Economic and Social Council resolution 1367 (XLV) of 2 August 1968 which, inter alia, requested the functional commissions to classify the items in their work programmes into categories of priority in the manner recommended by the Committee for Programme and Co-ordination in paragraphs 12 to 14 of its report (E/4493/Rev.1), and to include a section entitled "Programme Changes" in accordance with paragraph 16(c) of the report of the Committee.

The Council further reminded the functional commissions and other subsidiary bodies that their terms of reference required that the Council consider, in advance of their implementation, all proposals relating to their work programme. In accordance with the Council resolution and the request in paragraphs 12 and 16(c) of the report of the Committee for Programme and Co-ordination, the Secretary-General submitted tentative suggestions for a programme of work, indicating inter alia that the sequence of listing did not imply an order of priority within category A or B of the tentative programme, and drawing attention to decisions taken by the Commission at its twenty-fifth session involving programme changes.

83. In the ensuing discussion, several representatives emphasized the tentative character of the suggestions for a programme of work and drew attention to the inclusion or omission of certain items on the proposed programme, since these questions were important or were regularly considered by the Commission at its annual sessions. Among the items which, in the view of some representatives, should have been included as programme projects, were the measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination; the further promotion and encouragement of respect for human rights and fundamental freedoms; the study of special problems relating to human rights in developing countries, and the international year for action to combat racism and racial discrimination. These representatives also took exception to the inclusion in the proposed programme of the Yearbook on Human Rights and the "Guide to National Legal Institutions and Procedures for the Protection or Promotion of Human Rights", and to the inclusion of Human Rights Day as part of a project entitled "Observance of Human Rights Day, international day for the elimination of racial discrimination and other commemorative activities"; the view was expressed that the Commission did not give consideration to these items on a regular basis and that therefore they should not figure on the Commission's work programme.

84. Other representatives commented on the categories to which projects were tentatively assigned, and particular mention was made in this connexion of the "Guide to National Legal Institutions and Procedures", which had tentatively been assigned to category B but which could be more appropriately included under category A. One representative noted that the tentative classification of thirteen projects in category A as against two in category B was disproportionate, and that projects of less urgency could be assigned to category B.

85. In remarks directed to the order of listing within categories of priority, several representatives were in favour of eliminating the numerical order as this, in their view, gave an erroneous impression of relative priority as between projects. Several representatives, while agreeing to this suggestion, also wished projects with which the Commission was currently engaged to be listed first, followed by continuing projects, which some considered to be of a more procedural character and thus of lower priority.

86. Other comments were directed to the indications of programme changes set forth in the tentative work programme. It was, for example, noted that the Commission's decision in its resolution 10 (XXV) to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to deal, in its study on the revival of

nazism, with the danger of the revival of this ideology and with the way in which it may affect the existence and safeguarding of fundamental rights and freedoms, should be reflected as a new element in the project entitled "Special study of racial discrimination in the political, economic, social and cultural spheres". The view was also expressed that the study of the question of the realization of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights should have been considered as a new project rather than as the continuation of an earlier project.

87. Responding to various questions put during the discussion, the representative of the Secretary-General noted that the suggestions prepared in response to the Council's request in resolution 1367 (XLV) were intended to serve as the basis on which the functional commissions could undertake their classification into categories of priority; this classification would in turn assist the Committee on Programme and Co-ordination and the Council in their examination of priorities, so that available resources could be allocated to the general areas of most urgent need. The Commission's work programme would be considered in the context of the over all United Nations human rights programme, and in this connexion attention was drawn to the fact that several projects in the overall programme were undertaken in response to directives from the General Assembly and from the Economic and Social Council. Several other questions which were regularly discussed by the Commission did not absorb a significant proportion of staff resources, the necessary provision being made for these activities in connexion with the regular preparation for United Nations organs dealing with human rights. The views expressed by representatives in the Commission would be brought to the attention of the Committee on Programme and Co-ordination. He noted that, as regards projects grouped in the Secretary-General's suggestions under category A, no proposal had been made for their removal to a lower category; and that the views on the urgency of the preparation of the "Guide to national legal institutions and procedures for the protection and promotion of human rights" were divided, although the Secretariat would do its best, taking the availability of resources into account, to continue and complete the project.

88. After an exchange of views, the Commission agreed without objection to defer the discussion on the question of priorities relating to its work programme to its next session, in view of the fact that it did not have sufficient time to give adequate consideration to the note by the Secretary-General (E/CN.4/L.1109). The Commission, taking note that its report on this matter would be before the Economic and Social Council, agreed also to transmit the Note of the Secretary-General and the summary record of the discussion on this question (E/CN.4/SR.1041) to the Council.

IV. 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
(agenda item 7)

89. In its resolution 8 (XXIII) of 16 March 1967, the Commission decided to give annual consideration to the item entitled "question of violations 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, in its resolution 1235 (XLII) of 6 June 1967, welcomed the Commission's decision to give annual consideration to that item.

90. In the agenda adopted by the Commission (see paragraph 15 above), this item was sub-divided into four sub-items which are examined separately under the following four headings.

A. Report of the Special Rapporteur appointed under resolutions 7 (XXIII) and 3 (XXIV) of the Commission

91. In its resolution 3 (XXIV) of 16 February 1968, entitled "Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa", the Commission requested Mr. Manouchehr Ganji (Iran) the Special Rapporteur appointed under its resolution 7 (XXIII), to continue his task and to prepare and submit a report, with his conclusions and recommendations, to the twenty-fifth session of the Commission and to pay particular attention to the following: (a) developments since his present report; (b) survey of the policies and practices of racial discrimination in the African Territories under Portuguese domination; (c) the possibility of establishing a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of that Territory; (d) appropriate measures for the dissemination of information to the peoples of southern Africa on the evils of apartheid and racial discrimination, as well as the United Nations efforts to combat these evils, by radio broadcasts and other means.

92. The Commission examined item 7(a) at its 999th meeting, held on 20 February 1969, and at its 1001st to 1010th meetings, held from 21 to 27 February 1969. It had before it the report of the Special Rapporteur (E/CN.4/979 and Add.1 and Add.1/Corr.1 and Add.2 to 8) entitled "Study of apartheid and racial discrimination in southern Africa". At the 999th meeting the Special Rapporteur introduced his report orally. In accordance with the decision taken by the Commission, the text of his statement was circulated as a document under the symbol E/CN.4/L.1050. The Commission also had before it a statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (E/CN.4/NGO/148).

Draft resolutions and amendments

93. Three draft resolutions (E/CN.4/L.1055, E/CN.4/L.1057 and E/CN.4/L.1058) were submitted in connexion with the report of the Special Rapporteur.

94. In its revised form, the first draft resolution submitted by Chile (E/CN.4/L.1055/Rev.1), read as follows:

"The Commission on Human Rights,

Having assisted the General Assembly in the preparation of the United Nations Declaration and International Convention on the Elimination of All Forms of Racial Discrimination,

Having considered particularly during its twenty-third, twenty-fourth and twenty-fifth sessions the question of racial discrimination, apartheid and segregation in southern Africa,

Recalling its resolution 3D (XXIV) in which it considered it essential to ensure closer consultation between the Commission and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Desiring to accelerate the efforts of the United Nations to combat policies of racial discrimination, apartheid and segregation in southern Africa in a systematic and co-ordinated manner,

Recommends to the Economic and Social Council the adoption of the following draft resolution for consideration and adoption by the General Assembly:

The Economic and Social Council,

Mindful of the considerations set forth by the Special Rapporteur for the study of apartheid and racial discrimination in southern Africa in his principal report (E/CN.4/949/Add.4),

Noting resolution ... (XXV) of the Commission on Human Rights,

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

The General Assembly,

Conscious of its responsibilities under the Charter of the United Nations to promote, encourage and assist in the observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling that in its resolution 2144 (XXI) of 26 October 1966 it requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights to take appropriate measures for the implementation of that resolution as it affected the responsibilities of those organs,

Noting that questions of violation of human rights and fundamental freedoms particularly manifested in policies of racial discrimination, apartheid and segregation in southern Africa are also being considered by the Council for Namibia, and a number of specialized agencies,

Mindful of the fact that there is proliferation and duplication in the efforts to combat policies of racial discrimination, apartheid and segregation which must be avoided if the result which the international community desires from that effort is to be achieved,

Recognizing therefore the need to co-ordinate the activities of the various organizations in the United Nations system and of its organs with respect to apartheid and racial segregation in southern Africa,

1. Decides to establish an ad hoc committee consisting of:
 - (a) one person each to be designated from among its members by the Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa;
 - (b) the Special Rapporteur of the Commission on Human Rights appointed under resolution 7 (XXIII) and resolution ... (XXV) of the Commission;
 - (c) the Chairman of the Ad Hoc Committee of Experts set up by resolution 2 (XXIII) and ... (XXV) of the Commission on Human Rights;
2. Requests the ad hoc committee to submit proposals to the General Assembly at its twenty-fifth session concerning:
 - (a) the responsibilities of the various organs and bodies in regard to combating policies of racial discrimination, apartheid and segregation in southern Africa;
 - (b) concerted action by the organizations of the United Nations family and Member States for the widest and most effective dissemination of information on the evils of apartheid, segregation and racial intolerance and the efforts of the international community to secure their elimination;

- (c) co-ordination of the activities undertaken in this respect by the various departments of the United Nations Secretariat in assisting the different organs and bodies;
- (d) the machinery and methods for ensuring or contributing towards better co-ordination between the activities undertaken in regard to apartheid and racial segregation in southern Africa by the various organs and bodies of the United Nations and the other organizations in the United Nations system;

3. Invites the specialized agencies, particularly UNESCO and the ILO, and inter-governmental organizations concerned to co-operate with the ad hoc committee particularly by designating representatives to participate in the meetings of the ad hoc committee;

4. Invites also the non-governmental organizations in consultative status with the Economic and Social Council and concerned with this field and other non-governmental organizations directly concerned to submit to the ad hoc committee brief statements indicating their activities and views as they relate to the tasks assigned to the Committee;

5. Requests the Secretary-General to furnish all assistance to the ad hoc committee in carrying out the tasks assigned to it under this resolution."

95. At the 1008th meeting the representative of the Secretary-General made a statement concerning the financial implications of draft resolution E/CN.4/L.1055/Rev.1.

96. The representative of the Ukrainian Soviet Socialist Republic submitted the following amendment (E/CN.4/L.1061) to the draft resolution:

"1. Substitute the following text for the first operative paragraph of the draft resolution recommended for adoption by the Economic and Social Council:

'Decides to assign to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa functions relating to the co-ordination of the various measures being taken by the United Nations and its family of organs in regard to combating apartheid, racial discrimination and segregation';

"2. In subsequent paragraphs, for 'ad hoc committee' read 'Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa'."

97. The representative of the Ukrainian Soviet Socialist Republic subsequently made the following changes in paragraph 1 of his amendment:

(a) In the introductory sentence, replace the words "the Economic and Social Council" by the words "the General Assembly";

(b) Add the words "in southern Africa" at the end of the sentence in inverted commas.

98. At the 1009th meeting the draft resolution was revised orally as follows:

(a) Operative paragraph 1 was replaced by the following:

"Decides to establish an ad hoc Committee consisting of one person each to be designated from among its members by the Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities";

(b) In operative paragraph 2, sub-paragraph (b), the word "family" was replaced by the word "system";

(c) Operative paragraph 3 was replaced by the following:

"Invites the specialized agencies, particularly UNESCO and the ILO to participate in the meetings of the ad hoc Committee in accordance with their agreements with the United Nations and invites the inter-governmental organizations concerned to co-operate with the ad hoc Committee and to participate in its meetings as observers";

99. The second draft resolution submitted by Chile, India, Mauritania, Morocco, Nigeria, Pakistan, the Philippines, Poland, Senegal, the United Arab Republic, the United Republic of Tanzania and Yugoslavia (E/CN.4/L.1057) read as follows:

The Commission on Human Rights,

Having studied the situation prevailing in South Africa,

1. Denounces the aggravation of the consequences of the policy of apartheid practised by the rulers of South Africa, and in particular:

(a) the iniquitous measures, contrary to recognized international rules, which are inflicted on numerous coloured human beings and even on some white persons, and which involve the retroactive imposition of appalling penalties for acts which, when committed, were lawful and innocent;

(b) measures compelling coloured persons to separate from their families;

(c) forced labour imposed on coloured workers for derisory wages;

(d) the prohibition of mixed groups of a cultural, trade union or political nature;

(e) the concentration in a poor and tiny portion of South African territory of coloured people, who are deprived of all medical care and exposed to serious diseases;

2. Appeals to international public opinion to contribute to the elimination of the odious practice of apartheid."

100. At the 1006th meeting the draft resolution was revised orally as follows:

(a) In the introductory sentence of operative paragraph 1, the words "the aggravation of the consequences of the policy of apartheid practised by the rulers of South Africa" were replaced by the words "the intensification of the policy of apartheid practised by the rulers of South Africa and the increasing aggravation of its consequences";

(b) In operative paragraph 2, the words "international public opinion to contribute to the elimination of" were replaced by the words "world public opinion to support and encourage the efforts of the international community designed to eliminate".

101. In its revised form, the third draft resolution (E/CN.4/L.1058/Rev.1), submitted by India, Mauritania, Morocco, Nigeria, Pakistan, the Philippines, Senegal, United Arab Republic, United Republic of Tanzania and Yugoslavia, read as follows:

"The Commission on Human Rights,

Bearing in mind that under Article 56 of the Charter of the United Nations all Member States have assumed obligations to take joint and separate action, in co-operation with the Organization, for the achievement of the purposes set forth in Article 55 which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking into account General Assembly resolution 2145 (XXI), by which the General Assembly terminated South Africa's mandate over South West Africa, and General Assembly resolution 2248 (S-V) of 19 May 1967 by which it decided to establish a United Nations Council for Namibia,

Further taking into account in particular the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights on the problems of apartheid and on the elimination of all forms of racial discrimination in southern Africa,

Recalling in particular Security Council resolution 134 (1960) of 7 April 1960 in which the Council recognized that the situation in South Africa was one that had led to friction and if continued might lead to international conflict,

Recalling also its resolution 3 (XXIV), under which it requested the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to its twenty-fifth session,

Noting that, in spite of his best efforts and due to circumstances beyond his control, the Special Rapporteur was unable to fulfil his mandate relating to the surveying of the policies and practices of racial discrimination in the African territories under Portuguese domination,

Having considered the report of the Special Rapporteur (E/CN.4/979 and Add.1/Corr.1 and Add.2 to 8),

Noting that the Seminars on the Freedom of Association, and on the Elimination of All Forms of Racial Discrimination, were held in London and in New Delhi respectively in 1968,

Gravely concerned by the evidence of inhuman practices of the racist Government of South Africa and by the illegal and racist regime established in Namibia, as well as by the racist and illegal minority regime in Southern Rhodesia against the non-white populations of South Africa, Namibia and Southern Rhodesia,

Deploring the fact that despite the efforts of the United Nations, the racist Government of the Republic of South Africa, the illegal racist regime established in Namibia and the racist and illegal minority regime in Southern Rhodesia continue to violate human rights by intensifying the policies of apartheid and of racial discrimination,

Noting that the racist Government of the Republic of South Africa which is also in illegal occupation of Namibia, a territory under direct United Nations administration, and the racist and illegal minority regime in Southern Rhodesia are finding support despite their policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, commercial, cultural and other ties and relations with them and affording them military assistance,

Considering that the flagrant violations of human rights in southern Africa as well as their direct or indirect abetment by certain Member States are of serious international concern and require urgent and effective action by the United Nations,

Recognizing the efforts of the United Nations to disseminate information on the evils of apartheid, racial discrimination and colonialism,

Paying homage to the efforts of the white persons who, at the risk of their lives, struggle against the system of apartheid and racial discrimination in southern Africa,

A

1. Reaffirms that the practice of apartheid is a crime against humanity and the situation in southern Africa constitutes a threat to international peace and security;
2. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white populations in southern Africa;
3. Condemns the racist Government of the Republic of South Africa for its perpetuation and further intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its continuing affront and insult to human conscience;
4. Further condemns the racist Government of the Republic of South Africa for intensifying the policy of apartheid in Namibia, a territory under United Nations administration and illegally occupied by the Government of South Africa;
5. Deplores the refusal of the Government of the United Kingdom to suppress the racist and illegal minority regime in Southern Rhodesia and thus to restore the fundamental human rights of the people of Zimbabwe;
6. Appeals to those States which do not maintain relations with the racist Government of the Republic of South Africa and with the racist and illegal minority régime in Southern Rhodesia to desist from entering into such relations, since such action would only aid the apartheid and racial discrimination policies of the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia;
7. Regrets the fact that the relevant United Nations resolutions regarding the termination of diplomatic, commercial, military, cultural and other relations with the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia are still not being observed by several Member States;
8. Calls upon all those Governments which still maintain diplomatic, commercial, military, cultural and other relations with the racist Government of South Africa and with the racist and illegal minority régime in Southern Rhodesia to terminate such relations immediately in accordance with the relevant resolutions of the General Assembly and the Security Council;

B

1. Expresses its deep appreciation to the Special Rapporteur for his comprehensive and objective report;
2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/979/Add.5);

3. Invites the non-governmental organizations, trade unions, religious organizations, student and other organizations to intensify their valuable efforts in mobilizing public opinion against the repressive legislation, arbitrary imprisonment and other inhuman acts of the racist Government of South Africa, the illegal racist regime established in Namibia and the racist and illegal minority regime in Southern Rhodesia against the oponents of apartheid and racial discrimination;

4. Requests the Secretary-General further to intensify, through all United Nations information media, efforts to inform the peoples of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination, laying particular stress on the positive alternative of a multi-racial society based on the principles of racial equality;

5. Requests the Secretary-General to publish for world circulation as addenda to the summary of the Special Rapporteur's principal study, the part of the Special Rapporteur's report dealing with the laws and practices in South Africa, Namibia and Southern Rhodesia, which have come into force since the principal study was concluded.

C

1. Considers it desirable to establish a system of close co-ordination between the Commission on Human Rights and other United Nations organs, particularly those specified in paragraph 1 of its resolution 3D (XXIV) concerned with the question of eradication of apartheid and racial discrimination in southern Africa as well as the specialized agencies concerned;

2. Requests the Secretary-General to keep the United Nations organs specified in paragraph 3 below duly informed of the initiation and progress of investigation by the Commission on matters of gross violations of human rights in southern Africa.

3. Requests the Economic and Social Council to transmit the report of the Special Rapporteur to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for appropriate action;

4. Further transmits this report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

D

1. Decides that the task of the Special Rapporteur should be continued and that he should submit a report, taking into account the provisions of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination, with his conclusions and recommendations to the twenty-sixth session of the Commission and pay particular attention to the following:

- (a) developments since his present report;
- (b) study of the question of apartheid, which has been declared a crime against humanity from the point of view of international penal law;
- (c) survey of the policies and practices of racial discrimination in the African territories under Portuguese domination;

(d) situation with regard to the implementation of General Assembly resolution 2439 (XXIII) calling upon the Government of the Republic of South Africa to repeal and amend the laws in force in South Africa referred to in operative paragraph 1 of the same resolution;

2. Requests the Secretary-General to provide every assistance to the Special Rapporteur to enable him to carry out his mandate in relation to paragraphs 1(a) and (b) above;

3. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

4. Authorizes the Special Rapporteur to consult with the Special Committee on the Policies of Apartheid, the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia in the course of preparation of his report;

5. Recommends to the Economic and Social Council that it request the General Assembly to extend the scope of the United Nations Trust Fund for South Africa to provide assistance to the victims of apartheid and racial discrimination in Southern Rhodesia.

E

1. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following resolution:

"The Economic and Social Council,

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

'The General Assembly,

Having considered the recommendation of the Economic and Social Council contained in its resolution ... of ... 1969,

Recalling its resolution 2144A (XXI) of 24 October 1966 in which it invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

Recalling also its resolution 2145 (XXI) by which it terminated South Africa's mandate over Namibia, formerly known as South West Africa, and General Assembly resolution 2248 (S-V) by which it decided to establish a United Nations Council for Namibia,

Taking into account, in particular, the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights on the problem of apartheid and on the elimination of all forms of racial discrimination in southern Africa,

Alarmed by the evidence of gross and systematic violations of human rights and fundamental freedoms in South Africa, Namibia and Southern Rhodesia,

Considering that the Governments and the illegal minority racist régimes in southern Africa continue to enjoy political, commercial, military, economic and cultural relations with many States, in disregard of previous resolutions of the United Nations General Assembly and specifically of paragraphs 5 and 6 of resolution 2439 (XXIII),

Further considering that the existence of such relations contributed to the perpetuation and intensification of the barbarous policies of apartheid, racial discrimination and colonialism in southern Africa,

Convinced that the gross and systematic violations of human rights and fundamental freedoms in southern Africa are of serious international concern and require urgent and effective action by the United Nations;

1. Endorses the recommendations of the Special Rapporteur contained in document E/CN.4/979/Add.5;

2. Calls upon the Government of the Republic of South Africa to repeal the various discriminatory laws cited in a part of paragraph 529 of the Special Rapporteur's report (E/CN.4/979/Add.5) and to assist the United Nations in restoring the human rights of the inhabitants of Namibia by immediately putting an end to its illegal occupation of Namibia;

3. Condemns the racist Government of the Republic of South Africa for its perpetuation and further intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its continuing affront and insult to the human conscience;

4. Condemns the Government of the Republic of South Africa for enacting the Development of Self-Government for Native Nations in South West Africa Act 1968 and the Library Ordinance, section 19;

5. Further condemns the racist Government of the Republic of South Africa for intensifying the policy of apartheid in Namibia, a territory under United Nations administration and illegally occupied by the Government of South Africa;

6. Calls upon the Government of the Republic of South Africa to rescind immediately the "Banning Orders" issued under the Suppression of Communism Act against the opponents of apartheid;

7. Calls upon the Government of the United Kingdom, the administering Power in Southern Rhodesia, to repeal the illegal legislation referred to in a part of paragraph 529 of the Special Rapporteur's report and enacted by the racist and illegal minority régime in Southern Rhodesia;

8. Deplores the refusal of the Government of the United Kingdom to suppress the racist and illegal minority régime in Southern Rhodesia and thus to restore the fundamental human rights of the people of Zimbabwe;

9. Regrets the fact that the relevant United Nations resolutions regarding the termination of diplomatic, commercial, military, cultural and other relations with the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia are still not being observed by several Member States;

10. Calls upon all those Governments which still maintain diplomatic, commercial, military, cultural and other relations with the racist Government of South Africa and with the racist and illegal minority régime in Southern Rhodesia to terminate such relations immediately in accordance with the relevant resolutions of the General Assembly and the Security Council;

11. Requests the Secretary-General that a unit of the United Nations Radio in Africa be set up to produce and broadcast radio programmes to the peoples of southern Africa;

12. Requests the Secretary-General to bring to the knowledge of competent organs of the United Nations the proposal to establish a Judicial Committee for Namibia (E/CN.4/979/Add.3) as soon as possible;

13. Requests the Secretary-General to seek and circulate the views of Member States on the establishment of a Judicial Committee for Namibia;

14. Requests the Secretary-General to take steps to give the widest possible publicity to the evils of these policies, to the actions of the racist Government of South Africa, of the illegal and racist régime established in Namibia and of the racist and illegal minority régime in Southern Rhodesia, through the non-governmental organizations, trade unions, religious institutions and student and other organizations as well as libraries and schools;

15. Urges Member States to give extensive and continuing publicity to the report and to the above policies and practices through their national publicity media;

16. Requests the Secretary-General to report to the General Assembly at its twenty-fifth session on the implementation of the present resolution, in particular, on the action taken by the racist Government of the Republic of South Africa and the Government of the United Kingdom to give effect to paragraphs 2, 4 and 5 above;

17. Further requests the Secretary-General to report, at the same session, on paragraph 6 above."

102. At the 1010th meeting the representative of the Secretary-General made a statement concerning the financial implications of draft resolution E/CN.4/L.1058/Rev.1. A written statement of financial implications was subsequently circulated in document E/CN.4/L.1069.

103. At the 1010th meeting the sponsors of draft resolution E/CN.4/L.1058/Rev.1 made the following changes in their text:

(a) Section D, paragraph 1, sub-paragraph (b), was revised to read:

"Study, from the point of view of international penal law, of the question of apartheid, which has been declared a crime against humanity;"

(b) In section D, paragraph 2, the words "paragraphs 1 (a) and (b) above" were replaced by the words "paragraph 1 above".

(c) In section E, paragraph 17, the words "paragraph 6 above" were replaced by the words "paragraph 1 above".

Issues discussed

104. In his introductory statement (E/CN.4/L.1050) the Special Rapporteur pointed out that he had been unable to go to South Africa, Namibia, Southern Rhodesia and the African territories under Portuguese domination, as he would have wished, in order to observe the situation there himself and to obtain on the spot all the information needed to complete his study under Commission resolution 3 (XXIV). In letters addressed to the Permanent Representatives of Portugal, the Republic of South Africa and the United Kingdom of Great Britain and Northern Ireland to the United Nations, he had applied for permission to do so, but none of the three Governments had acceded to his request. The correspondence on the subject was reproduced in addendum 6 (annex III) and addendum 7 to his report. Analysing his report, the Special Rapporteur said that it was in five parts. Part I (E/CN.4/979), which was the central part, comprised a study of legislation and practices with regard to racial discrimination in South Africa, Namibia and Southern Rhodesia since the completion of the principal study submitted at the Commission's twenty-fourth session (E/CN.4/949 and Add.1 to 5). As in the principal study, the various articles of the Universal Declaration of Human Rights formed the framework of that part of the report and the same section headings had been retained for purposes of reference and continuity. He had not been in a position to cover in his study the African territories under Portuguese domination, because he had been unable to obtain the help of a suitable consultant, but the necessary survey could be undertaken very shortly if the Commission so decided. Part II of the report (E/CN.4/979/Add.1 and Corr.1 and Add.2) dealt firstly with developments within the United Nations as regards South Africa, Namibia and Southern Rhodesia since the conclusion of the principal study, and secondly with past action by the United Nations in regard to the African territories under Portuguese domination. Part III of the report (E/CN.4/979/Add.3) examined the possibility of establishing a grand jury of legal experts for Namibia for the protection of life, personal safety and rights of the inhabitants of that territory. Part IV (E/CN.4/979/Add.4) was concerned with measures for the dissemination of information to the peoples of Southern Africa on the evils of apartheid and racial discrimination. Part V of the report (E/CN.4/979/Add.5) contained the conclusions, recommendations and observations of the Special Rapporteur. He also drew the particular attention of members of the Commission to the maps of Namibia, South Africa and Southern Rhodesia (E/CN.4/979/Add.6, annex I), which were designed to make it easier to see what was meant by apartheid and "separate development" as practised in southern Africa. According to information he had received since preparing his report, the situation in Southern Africa had continued to deteriorate rapidly. He stated, inter alia, that more criminal proceedings had been instituted under the Terrorism Act and that an increasing number of persons had been placed under banning orders which were enforceable without any action by the courts - a situation tantamount to the substitution of arbitrary imprisonment for the judicial procedures essential to the protection of the most elementary human rights. In addition the South African Government had recently removed more than 12,000 Africans from their homes in Natal under the so-called "black spots" policy. The Bantu Administration Department had published a draft regulation which would stiffen the "endorsing out" law and enable municipalities to evict Africans from their homes if they had been out of work for a month. Multiracial political parties could no longer exist since the promulgation in May 1968 of the Prohibition of Political Interference Act, which made

membership in a multiracial political party a punishable offence. In Southern Rhodesia ninety persons were under sentence of death. He noted, however, that in recent months the opposition of certain groups of white people to apartheid had moved into a new dimension in South Africa. In particular, on 20 September 1968, the South African Council of Churches had published and circulated a message to the people of South Africa, condemning apartheid as hostile to christianity.

105. The members of the Commission unanimously congratulated the Special Rapporteur on the manner in which he had discharged the heavy task assigned to him by Commission resolution 3 (XXIV). His report provided the Commission with an essential working tool and at the same time was a valuable reference work for all bodies and specialists concerned with the subject. A number of representatives considered that the report should be given very wide publicity. The majority supported the proposal made in section B, paragraph 5, of draft resolution E/CN.4/L.1058/Rev.1 that the Secretary-General should be requested to publish for world circulation as an addendum to the summary of the principal study (already published by the Office of Public Information as a brochure (OPI/335 in 1968) the part of the report dealing with the laws and practices in South Africa, Namibia and Southern Rhodesia which had come into force since the principal study had been concluded.

106. The representatives were united in recognizing that part I of the report gave very full information on the laws and practices in force in South Africa, Namibia and Southern Rhodesia. It was only to be regretted that, owing to circumstances beyond his control, the Special Rapporteur had not been in a position to study the policy of racial discrimination applied in the African territories under Portuguese domination.

107. In the general opinion, the objective picture drawn by the Special Rapporteur of the situation prevailing in southern Africa was both terrifying and discouraging. It had to be recognized that since the completion of the principal study (E/CN.4/949 and Add.1/Corr.1 and Add.2 to 5) that situation, far from improving, had deteriorated, was becoming more and more explosive, and might erupt in conflict and bloodshed. The evil policy adopted by the Governments of southern Africa continued to wreak havoc; racial discrimination was practised with growing arrogance and intensity. Moreover, apartheid was spreading beyond the frontiers of South Africa and presenting a greater threat to international peace than ever before.

108. In South Africa, it was observed, there seemed to be little hope that the racist policy would be abandoned in the near future. The report, it was said, clearly showed that the regime of apartheid had proved impracticable and was consequently becoming more and more arbitrary and oppressive. Thus it was evident that the judiciary was increasingly dependent on the executive and that families had been split up in defiance of the most elementary human rights. Moreover, as the maps annexed to the report (E/CN.4/979/Add.6) showed, 13.5 million Africans out of a total population of 27 million had been reduced to living in reserves representing only 13 per cent of the territory of South Africa.

109. It was also noted that the situation in Southern Rhodesia seemed to be fast approaching that in South Africa, and that the new constitution did not provide effective safeguards for Africans' rights. The situation in Namibia, it was observed, was unique in that the South African regime there was completely illegal, since in virtue of General Assembly resolution 2145 (XXI) of 27 October 1966 that territory now came under the direct responsibility of the United Nations. It was therefore important that the United Nations should immediately take effective measures to ensure respect for the fundamental human rights of the inhabitants of Namibia.

110. Several representatives, however, noted with satisfaction the position recently adopted by some groups of the white population in South Africa, such as the universities, churches and trade unions, which had openly shown their opposition to the policy of apartheid, thus exposing themselves to reprisals by the Government. It was suggested that the efforts of those groups should be watched and encouraged.

111. Some representatives, analysing the causes and characteristics of apartheid and racial discrimination, took the view that they were merely one aspect and vestige of colonialism. According to some representatives, this problem was not only racial but also social. It was a case of exploitation of the poor by the rich, to the gain of capitalist monopolies which made use of the cheap labour rendered available to them by the system. It was also observed that apartheid was not merely an extreme case of racial discrimination but a deliberate and systematic policy, all the more dangerous for being based on doctrinal convictions.

112. Some representatives stressed that a close connexion should be made between racial discrimination and genocide. Inasmuch as the purpose of genocide was the destruction, in whole or in part, of certain racial groups, there was no denying that apartheid led to genocide. It might even be regarded as a specific form of genocide.

113. Several members of the Commission pointed out that, since the completion of the principal study, many resolutions on the subject had been adopted by the General Assembly, the Economic and Social Council and the International Conference on Human Rights. Those resolutions recognized that the violations of human rights in South Africa were an essential factor in the serious situation existing in that region, which might degenerate into a catastrophic conflict of international dimensions. The resolutions acknowledged that the adoption of the most effective measures provided for in the United Nations Charter and their practical application by all States, particularly some of the great Powers and the main trading partners of South Africa, Portugal and Southern Rhodesia, were the only means of averting that danger; and therefore, in vigorous terms, they called upon those States which were still co-operating with the South African Government, the Portuguese Government and the illegal régime in Southern Rhodesia to break off relations with them.

114. Other representatives denied that the existence of such relations with those governments contributed to the maintenance of policies of apartheid and racial discrimination in southern Africa.

115. Several members stated that despite the above-mentioned resolutions all too many countries, and in particular certain great Powers, persisted in diplomatic, commercial, cultural and even military relations with those countries. In some cases there was even a tendency for such relations to develop further. It was said that the members of NATO which included Portugal, should be urged to cease delivering arms to the Governments which applied discriminatory measures in southern Africa.

116. In the opinion of several representatives, that was the very heart of the problem. The danger to peace inherent in the serious situation in southern Africa could easily be averted, and the racist régimes would very soon collapse, if all States, and especially the trading partners of South Africa, Southern Rhodesia and the African territories under Portuguese domination, applied all the United Nations resolutions with a view to the elimination of those régimes. It was now for the Security Council to take cognizance of that danger and to make the requisite recommendations or adopt the requisite measures. The Commission, according to those representatives, should also adopt a resolution condemning outright the countries which granted aid to the racist régimes. It was not enough merely to take annual note of an alarming situation if the confidence of world public opinion in the capacity of the United Nations to take practical measures was not to be undermined.

117. It was recalled that, in resolution 2307 (XXII) of 13 December 1967, the General Assembly had reiterated its conviction that universally applied mandatory economic sanctions were the only means of achieving a peaceful solution in South Africa. Some representatives, deploring the fact that that resolution had remained a dead letter, expressed the view that economic sanctions should be applied immediately against South Africa.

118. Several speakers stressed that it had become urgently necessary that all States should take vigorous concerted action and bring pressure to bear on the Government of South Africa to revise its policy both within the country and with regard to Namibia. It was also suggested that the United Kingdom should be urged to take much firmer measures than those already adopted in order to bring the illegal régime in Southern Rhodesia to its senses.

119. The members of the Commission agreed that the proposal made in chapter VIII of the Special Rapporteur's report (E/CN.4/979/Add.3) for the establishment of a judicial committee for Namibia for the investigation of international crime deserved close consideration.

120. It was generally accepted that the assumption by the United Nations, under General Assembly resolution 2145 (XXI), of direct responsibility for the Territory of Namibia and the subsequent establishment of the Council for Namibia had created between the Organization and the inhabitants of the Territory a legal relationship which made it possible for the United Nations, without infringing on the sovereign

rights of any State, to make investigations and identify the authors of crimes under international law perpetrated against the inhabitants of the Territory. Several representatives considered that, as a result, the General Assembly was competent to establish a judicial committee of the type proposed.

121. However, one representative disagreed with the Special Rapporteur regarding the possibility, referred to in paragraph 405 of the latter's report, of extending the authority of the judicial committee to deal with crimes under international law committed in southern Africa against persons other than inhabitants of the Territory of Namibia. That representative considered that any such extension would completely change the legal aspect of the proposal, which could be entertained only within the limits of the responsibilities assumed by the United Nations in Namibia.

122. As to the law to be applied by the proposed judicial committee, generally there was support for the idea put forward by the Special Rapporteur that the General Assembly or the Council for Namibia acting on the Assembly's behalf, might specify the instruments and other sources containing the international criminal law that could be applied. Support was expressed for the Special Rapporteur's suggestions regarding the legal instruments which might be designated for that purpose. One representative, however, observed that the list of rules and principles given in paragraph 411 of the report could not be regarded as exhaustive.

123. As to the action to be taken on the Special Rapporteur's proposal, the members of the Commission agreed that they were dealing with a complex and delicate matter in a field of international law which was as yet unexplored and in which it was necessary to go cautiously. Before any decision could be taken, therefore, a detailed study would have to be made in close co-operation with the other competent organs of the United Nations. It was suggested in particular that the matter should be referred to the United Nations Council for Namibia and that the advice of the International Law Commission should be sought. The scheme should also be submitted to Governments for their comments.

124. One representative stated that, while he did not oppose the idea that the proposal for the establishment of a judicial committee for Namibia should be brought to the knowledge of competent organs of the United Nations and submitted for the attention of Member States as provided for in section E, operative paragraphs 12 and 13, of draft resolution E/CN.4/L.1058/Rev.1, he wished to reaffirm the position of his Government, which had abstained from voting on General Assembly resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 conferring responsibility for the Territory upon the United Nations and establishing the Council for Namibia.

125. The members of the Commission generally considered that the conclusions and recommendations of the Special Rapporteur (E/CN.4/979/Add.5) deserved special attention, and the majority of members approved them as a whole. However, some representatives objected to section E, operative paragraph 1, of draft resolution E/CN.4/L.1058/Rev.1 inasmuch as it endorsed all the Special Rapporteur's recommendations en bloc and without reservation.

126. The majority of representatives considered it desirable that the Commission should recommend the General Assembly to call upon the countries responsible to repeal the discriminatory laws listed in paragraph 529 of the Special Rapporteur's report.

127. Many representatives expressed the opinion that it was essential to increase humanitarian assistance, both material and moral, to victims of apartheid and racial discrimination. To that end, much greater resources would have to be mobilized and new forms of co-operation brought into play by Member States. That meant, inter alia, strengthening the programmes designed to help the inhabitants of the territories in question and refugees from those territories: i.e., the United Nations Trust Fund, the integrated educational and training programmes, and the Office of the United Nations High Commissioner for Refugees. It was also suggested that the sphere of activity of the Trust Fund should be extended to Southern Rhodesia.

128. Several representatives stressed the importance of the struggle being waged by opponents of the racist régimes. In that connexion they drew attention to resolution IV of the International Conference on Human Rights, which recognized the legitimacy of the struggle on the part of persons who opposed the racist minority régimes in southern Africa and affirmed their right to be treated when captured, in accordance with the minimum standards of the Red Cross Geneva Conventions.

129. It was the general opinion that the work entrusted to the Special Rapporteur should be continued and supplemented, in particular by a study of the territories under Portuguese domination.

130. In view of the fact that the General Assembly and the International Conference on Human Rights had declared apartheid to be a crime against humanity, some representatives considered that the question of apartheid should now be examined as a problem of international law because, as the policy of apartheid and other similar evils had been declared crimes against humanity, they were punishable in accordance with the provisions of relevant international instruments dealing with such crimes. The majority of members of the Commission therefore supported the proposal made in draft resolution E/CN.4/L.1058/Rev.1 that the Special Rapporteur should be requested to study the question of apartheid, which had been a declared a crime against humanity, from the point of view of international penal law.

131. Some representatives, however, were disturbed to see the Special Rapporteur being given new tasks; he had been appointed on a temporary basis to carry out a well-defined task, and it now remained only to complete that task.

132. Other representatives took the view that, once the Special Rapporteur had completed his work, the Commission should devise a means of enabling him to bring the collected information up to date from year to year. Support was also expressed for the suggestion made by the Special Rapporteur in paragraph 507 of his report that the Commission and other bodies concerned with southern Africa should make provision for a periodic survey of human rights in that region.

133. As to the person who was to carry out the proposed work, the Special Rapporteur wondered whether the time had not come for him to make way for another member of the Commission or any other person whom the Commission might choose, in order to make it clearer to the international community that an impartial observer was not allowed access to territories where the policy of apartheid was practised. One representative, however, considered that the systematic refusal to discuss the matter, with which the present Special Rapporteur had been faced by the leaders of the countries practising apartheid, was not confined to the Special Rapporteur in particular but was evidence of the contempt in which those countries held the United Nations and world public opinion.

134. All representatives attached the greatest importance to measures designed to disseminate among the peoples of southern Africa information on the evils of apartheid and racial discrimination; on the whole they approved the Special Rapporteur's suggestions on the subject. Some representatives stressed the need to circulate such information not only among the victims of racist minority régimes but also among the supporters of those régimes, in order to bring about the desired change in their attitude. It was emphasized that it should be brought home to the white minorities in southern Africa that their Governments' policy jeopardized the economic development and security of their countries and that by respecting the principles of human rights, they would be safeguarding themselves against a violent reaction by the peoples now subject to racial discrimination and against being subjected to similar treatment in a future multi-racial society. It was said that it would be useful to appeal particularly to the younger generation in those countries, who were more and more rejecting racism and playing a role of growing importance on the political scene.

135. The members of the Commission approved the views expressed by the Special Rapporteur in part IV of his report concerning the need to counteract the propaganda of the minority and colonial régimes in southern Africa. It was noted that those régimes were devoting increasing resources to propaganda designed to mislead world opinion, to imbue the white population with racism and to intimidate the African people into accepting apartheid as the only possible framework for their future.

136. It was acknowledged, however, in agreement with the Special Rapporteur's findings, that the United Nations should not allow itself to be diverted from decisive action to a propaganda contest with the minority and colonial régimes in southern Africa. The United Nations should encourage Member States and organizations to combat the attempts made by those régimes to attain their ends, and should resist their efforts to deceive the people in their countries with regard to the purposes of the international community.

137. Some representatives also stressed the importance of education for the African populations of the countries oppressed by apartheid, who were denied the fundamental right to education by Governments that had every interest in keeping them in ignorance.

138. Some speakers considered that the United Nations Office of Public Information might strive for a further improvement in the dissemination of information in Africa, and that fuller documentation on apartheid should be supplied not only to liberation movements but also, and particularly, to the Ministries of Foreign Affairs of the African countries so that they could enlighten public opinion on the subject.

139. More generally, attention was drawn to the recommendation made by the Special Rapporteur of the Sub-Commission in his study of racial discrimination (E/CN.4/Sub.2/288, paragraph 724) that a vast educational programme designed to acquaint the public of each country with the evil consequences of the policy of apartheid should be undertaken by the States, when appropriate, non-governmental organizations, the churches and universities or other civic groups.

140. In addition, according to several representatives, the conscience of the world should be alerted to the problem. That entailed informing world opinion of the tragic situation prevailing in southern Africa. With that aim in view certain members of the Commission proposed that, in addition to its resolution addressed to the Economic and Social Council, the Commission should adopt a concise resolution of a more general nature denouncing the aggravation of the violations of human rights resulting from the policy of apartheid and racial discrimination and quoting some of the more flagrant examples for the precise purpose of arousing world public opinion. The idea of such a draft resolution (E/CN.4/L.1057) was unanimously approved.

141. A number of representatives supported the Special Rapporteur's recommendations that a unit of United Nations Radio should be established to produce and broadcast programmes for the peoples of southern Africa. Some representatives, on the other hand, considered that it was unnecessary and would be expensive to establish such a unit and that the broadcasting of such programmes should be absorbed within the existing information activities of the United Nations. In their view it would be more businesslike for United Nations Radio at Headquarters to prepare for the peoples of southern Africa special broadcasts for transmission by existing stations in Africa and elsewhere, as had been done previously.

142. Many speakers pointed out that several United Nations bodies and various departments of the Secretariat were at present concerned with apartheid and racial segregation in southern Africa. In addition to the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (the so-called Committee of Twenty-four) and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa were also active in the matter. Certain specialized agencies were also engaged with those problems. Within the Secretariat there were three units concerned with apartheid from various points of view, i.e. the Apartheid Section established pursuant to General Assembly resolution 2144 (XXI) of 26 October 1966, the Division of Human Rights and the Department of Trusteeship and Non-Self-governing Territories. Such proliferation of bodies and units inevitably produced some overlapping and confusion which wasted resources and impaired efficiency. Most of the representatives accordingly recognized that it had become necessary in the interests of more concentrated activity to strengthen co-operation among all the bodies and units concerned and to improve the co-ordination of their activities.

143. Several representatives considered that, with a view to a more workmanlike delimitation of functions between the various bodies involved, the Commission should clearly define its own role with regard to the defence of human rights in southern Africa on the basis of the suggestions made on the subject by the Special Rapporteur (E/CN.4/979/Add.5, paragraphs 494-498 in particular). In that connexion they acknowledged, in agreement with the Special Rapporteur, that there was no contradiction between efforts to secure a decisive solution to the basic problem of racism in southern Africa and the more limited efforts in the field of human rights. The Commission should therefore set itself, as its essential task, to study and publicize the continuing and gross violations of human rights in the area, emphasizing the grave dangers of such violations and encouraging the widest segments of world public opinion to exert influence towards ending such violations. That task would not duplicate the work of the subsidiary organs of the General Assembly engaged in studying and promoting political action under Chapters VI and VII of the Charter.

144. Certain representatives, while expressing agreement with the Special Rapporteur that the international community had progressively reached near-unanimity in condemning apartheid, considered that in order to act effectively the Commission needed to be able to act on the basis of that unanimity and should therefore confine its attention to those aspects of the problem which came within its competence, and should refrain from political action.

145. With a view to the improved co-ordination which appeared desirable, the majority of representatives expressed support for the idea of requesting the Economic and Social Council, as the organ responsible for co-ordination in the field of human rights, to recommend to the General Assembly the establishment of an ad hoc committee to examine and compare the various activities of the United Nations concerning the policy of apartheid; that should make it possible to arrive at a more judicious demarcation of functions between the bodies concerned and to draw up a coherent programme of action.

146. Some representatives raised objections to this proposal, which was made in draft resolution E/CN.4/L.1055; they argued that it did not seem necessary to set up a new committee for the purpose, and that the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa possessed the requisite experience and authority to co-ordinate the efforts of the other bodies and agencies. That Committee dealt in practice with all aspects of apartheid, on the strength of which the General Assembly might entrust it with this function.

147. The reply made to this argument was that the Special Committee's terms of reference, as laid down in General Assembly resolution 1761 (XVII) of 6 November 1962, did not include any co-ordinating function and that, furthermore, its competence did not extend to Southern Rhodesia and Namibia. The General Assembly was of course at liberty to extend the Committee's terms of reference to include co-ordination later on, but in the meantime the establishment of temporary machinery for a specific purpose, such as the proposed ad hoc committee, appeared necessary.

148. Some representatives expressed concern regarding the financial implications of establishing such a new ad hoc committee. However, the majority considered that better co-ordination should ultimately result in considerable savings and that, in any case, the cost of the operation should be regarded as secondary to the efficiency of the Commission's activities in that field.

149. The members of the Commission were unanimous in condemning once again the apartheid and racial discrimination practised in Southern Africa, but certain differences of opinion remained with regard to the form which such condemnation should take. In particular one representative objected to the polemical tone which certain terms imparted to draft resolution E/CN.4/L.1058/Rev.1 as a whole. Several representatives considered that, although the resolution was concerned with violations of human rights, it flatly condemned political situations which fell within the purview of other United Nations organs and that, by reiterating a number of points already made by such organs in other resolutions, it ran the risk of blunting their effect. Furthermore it was also aimed at countries which did not practise apartheid and which therefore should not be mentioned. Again, the paragraphs dealing with Southern Rhodesia seemed to those representatives to misread the real facts of the situation. In their view the Commission should confine itself to laying down directives and precise lines of conduct for the guidance of the Special Rapporteur and to expressing the main ideas voiced in the course of the discussion of such questions as the dissemination of information on apartheid and the establishment of a judicial committee for Namibia.

Adoption of resolutions

150. At its 1006th meeting the draft resolution submitted by Chile, India, Mauritania, Morocco, Nigeria, Pakistan, the Philippines, Poland, Senegal, United Arab Republic, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1057; see also paragraph 99 above), as orally modified (see paragraph 100 above), was adopted unanimously.

151. The text of the resolution adopted by the Commission at its 1006th meeting on 26 February 1969 is set forth in chapter XVIII of this report as resolution 3 (XXV).

152. At its 1009th meeting the Commission voted as follows on the draft resolution submitted by Chile (E/CN.4/L.1055/Rev.1; see also paragraph 94 above) and on the amendment to this draft resolution submitted by the Ukrainian Soviet Socialist Republic (E/CN.4/L.1061; see also paragraph 96 above):

(a) The amendment submitted by the Ukrainian Soviet Socialist Republic, as orally modified (see paragraph 97 above), was rejected by 5 votes to 3, with 21 abstentions;

(b) The draft resolution as a whole, as orally revised (see paragraph 10 above), was adopted by 14 votes to none, with 16 abstentions.

153. The text of the resolution adopted by the Commission at its 1009th meeting on 27 February 1969 is set forth in chapter XVIII of this report as resolution 4 (XXV).

154. At its 1010th meeting the Commission put to the vote the draft resolution submitted by India, Mauritania, Morocco, Nigeria, Pakistan, the Philippines, Senegal, United Arab Republic, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1058/Rev.1; see also paragraph 101 above), as orally amended (see paragraph 103 above). This draft resolution was adopted by 19 votes to none, with 9 abstentions.

155. The text of the resolution adopted by the Commission at its 1010th meeting on 27 February 1969 is set forth in chapter XVIII of this report as resolution 5 (XXV).

156. At its 1044th meeting, on 21 March 1969, the Chairman of the Commission announced that it had been agreed to appoint Mr. Hortencio J. Brillantes, of the Philippines, as the Special Rapporteur under resolution 5 (XXV) of the Commission.

B. Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission

157. By resolution 2 (XXIII), the Commission on Human Rights established an Ad Hoc Working Group of Experts composed of Mr. Ibrahima Boye (Senegal), Chairman - Rapporteur, Mr. Felix Ermacora (Austria), Mr. Branimir Janković (Yugoslavia), Mr. Luis Marchand-Stens (Peru), and Mr. Waldo Emerson Waldron-Ramsey (United Republic of Tanzania), which was asked to investigate charges of torture and ill-treatment of prisoners, detainees or persons in police custody in the Republic of South Africa.

158. At its twenty-fourth session, the Commission, having considered the Working Group's report (E/CN.4/950), adopted resolution 2 (XXIV), in which it endorsed the conclusions and recommendations of the Working Group and decided to expand the membership of the Group by the addition of one expert jurist from Asia, Mr. N.N. Jha (India). The Commission further decided to enlarge the mandate of the Working Group, which was requested to investigate the treatment of prisoners in Namibia, in Southern Rhodesia and in the African territories under Portuguese domination; to investigate the consequences which flowed from the illegal arrest and arraignment by the South African authorities of nationals of Namibia, a territory under the direct responsibility

of the United Nations; and, lastly, to make a thorough investigation of one of the Working Group's conclusions on the question whether the situation which existed in the Republic of South Africa revealed elements of the crime of genocide.

159. On the Commission's proposal, which was approved by the Economic and Social Council, the General Assembly adopted resolution 2440 (XXIII), in which, in particular, it addressed detailed recommendations to the Government of the Republic of South Africa.

160. At its twenty-fifth session, the Commission had before it the report prepared by the Ad Hoc Working Group pursuant to resolution 2 (XXIV) of the Commission (E/CN.4/984/ and Add.1-19).

161. The Commission considered this item at its 1008th meeting on 27 February 1969 and at its 1039th and 1040th meetings on 19 March 1969.

162. At the 1045th meeting, on 21 March 1969, the Chairman read a letter dated 20 March 1969 addressed to him by the Permanent Representative of Portugal to the United Nations Office at Geneva relating to the report of the Ad Hoc Working Group of Experts, the text of which was later distributed in document E/CN.4/L.1114.

Draft resolutions

163. Two draft resolutions were submitted (E/CN.4/L.1098 and E/CN.4/L.1103).

164. The first draft resolution submitted by Nigeria, Peru, the United Arab Republic, the United Republic of Tanzania and Yugoslavia (E/CN.4/L.1098) read as follows:

"The Commission on Human Rights,

Recalling its resolution 2 (XXIII) which established the Ad Hoc Working Group of Experts and resolution 2 (XXIV) which extended and enlarged the Working Group's mandate,

Further recalling resolution 2440 (XXIII) of the General Assembly which, inter alia, condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African police custody and prisons during interrogation and detention, as found in the report of the Working Group,

Recognizing the contribution of the report of the Working Group to the United Nations' continuing efforts to investigate and thus expose the gross and flagrant violations of human rights in Southern Africa,

Having examined the report of the Ad Hoc Working Group of Experts (E/CN.4/984 and Add.1-19),

1. Endorses the observations, conclusions and recommendations of the Ad Hoc Working Group of Experts;

2. Decides that the Working Group should continue to carry out its tasks along the lines outlined in operative paragraphs 3 (i) to (iv) of the Commission's resolution 2 (XXIV);

3. Decides further that the mandate of the Working Group shall also include the following:

- (a) the question of capital punishment in Southern Africa, in accordance with General Assembly resolution 2394 (XXIII),
- (b) the treatment meted out to political prisoners as well as to captured freedom fighters in Southern Africa,
- (c) an investigation into the conditions of Africans in the so-called Transit Camps, as well as on the so-called "Native Reserves" in the Republic of South Africa, as well as in Namibia, and in Southern Rhodesia,
- (d) a further investigation of all manifestations of apartheid present in the situation prevailing in the Republic of South Africa and as brought out in the report of the Working Group (E/CN.4/984/Add.18),
- (e) an investigation of all manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea Bissau, resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the imperialist Portuguese régime in Angola, Mozambique and Guinea Bissau;

4. Further decides that the Ad Hoc Working Group of Experts shall carry out its investigations for 2 years during which period it will submit a report each to the twenty-sixth and twenty-seventh sessions of Commission on Human Rights."

165. At the 1039th and 1040th meetings on 19 March 1969, in addition to a few drafting changes, the sponsors revised their proposal orally as follows:

- (a) in the last preambular paragraph, in accordance with the suggestion of the representative of Jamaica, the words "having examined" were replaced by the words "having received with appreciation";
- (b) in operative paragraph 1, in accordance with the suggestion of the representative of Jamaica, the word "endorses" was replaced by the word "welcomes";
- (c) in sub-paragraphs (a) and (b) of operative paragraph 3, in accordance with the suggestion of the representative of the Philippines, the words "an inquiry into" were inserted before the words "the question of capital punishment" and "the treatment";
- (d) in sub-paragraphs (d) and (e) of operative paragraph 3, the word "all" was deleted and the word "grave" was inserted before the word "manifestations";
- (e) in sub-paragraph (e) of operative paragraph 3, the word "imperialist" was replaced by the word "colonialist".

(f) in the light of the suggestions by various representatives, the sponsors revised operative paragraph 4 to read as follows "Further decides that the Ad Hoc Working Group of Experts shall carry out the tasks mentioned in paragraphs 2 and 3 above and submit a report to the twenty-sixth session and conclusions and recommendations to the twenty-seventh session of the Commission on Human Rights".

166. A statement of the financial implications of this draft resolution prepared by the Secretary-General was issued as document E/CN.4/L.1112.

167. The second draft resolution submitted by the Democratic Republic of the Congo, India, Morocco, Mauritania, Nigeria, United Arab Republic, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1103) read as follows:

"The Commission on Human Rights,

Recalling resolution 2 (XXIV) by which it decided to request the Ad Hoc Working Group of Experts appointed by its resolution 2 (XXIII) to, inter alia, investigate allegations of torture and ill-treatment of prisoners, detainees or prisoners in police custody in the Republic of South Africa, in Namibia, a territory under direct United Nations jurisdiction and illegally occupied by the Republic of South Africa, in the rebel United Kingdom colony of Southern Rhodesia, and in the African territories under Portuguese colonial rule,

Recalling General Assembly resolution 2145 (XXI) by which the latter abrogated South Africa's mandate over Namibia (formerly South West Africa) and also General Assembly resolution 2403 (XXIII) by which it, inter alia, reiterated its condemnation of the Government of South Africa for the latter's persistent refusal to withdraw from Namibia,

Further recalling General Assembly resolution 2307 (XXIII) on the policies of apartheid of the Government of South Africa as well as resolution 2396 (XXIII) which, inter alia, reaffirmed its recognition of the legitimacy of the struggle of the people of South Africa for all human rights, condemned that Government for its cruel, inhuman and degrading treatment of political prisoners and declared that captured freedom fighters should be treated as prisoners of war under international law,

Also recalling paragraph 1 of General Assembly resolution 2395 (XXIII) which reaffirmed the inalienable right of the peoples of the territories under Portuguese domination to self-determination, freedom and independence and also paragraph 12 of the same resolution which called upon the Government of Portugal to ensure the application to the situation of armed conflict and inhuman treatment of prisoners, of the Geneva Convention relative to the Treatment of Prisoners of War, August 1949,

Taking into account paragraph 1 of the General Assembly resolution 2383 (XXIII) which reaffirmed the inalienable right of the people of Zimbabwe, freedom and independence and the legitimacy of their struggle to attain that right, and also in paragraph 13 of the same resolution called upon the Government of the United Kingdom, in view of the armed conflict prevailing in the territory and the inhuman treatment of prisoners, to ensure the application of the Geneva Convention relative to the Treatment of Prisoners of War, August 1949,

Noting the grave concern felt by the General Assembly as contained in its resolution 2465 (XXIII), at the development in Southern Africa of the entente between the Governments of Portugal and South Africa and the illegal racist minority régime in Southern Rhodesia which, inter alia, can only result in further sufferings being inflicted upon political prisoners and detainees in prisons and in police custody, as well as upon captured freedom fighters throughout the area,

Further noting General Assembly resolution 2440 (XXIII) based on the report of the Ad Hoc Working Group of Experts (E/CN.4/950) established under resolution 2 (XXIII) of the Commission,

Gravely alarmed by the evidence of inhuman practices in southern Africa especially those that relate to the ill-treatment, torture and degradation of political prisoners and detainees whether in prisons or in police custody, and of captured freedom fighters, in the Republic of South Africa, Namibia, Southern Rhodesia, and in the territories under Portuguese colonial rule,

Determined to promote immediate and urgent action with a view to restoring the human rights and fundamental freedoms of the oppressed peoples of southern Africa,

Having considered the report of the Ad Hoc Working Group of Experts (E/CN.4/984 and Add. 1-19),

1. Commends the Ad Hoc Working Group of Experts for the valuable report it has submitted,
2. Affirms the legitimacy of the struggle of the people of Namibia to oppose the illegal South African régime in Namibia with a view to, ultimately, expelling that illegal régime from their land,
3. Again condemns any and every practice of torture and ill-treatment of prisoners and detainees in prisons and in police custody in South Africa,
4. Condemns any and every practice of torture and ill-treatment of prisoners and detainees in Namibia, Southern Rhodesia and in the African territories under Portuguese domination, as well as of persons in police custody in these territories,
5. Affirms that the Standard Minimum Rules for the Treatment of Prisoners of 1955 apply to all political prisoners or detainees, in prison or in police custody, throughout the Republic of South Africa, Namibia, a territory under direct United Nations responsibility, and presently under illegal South African occupation, the

rebel United Kingdom colony of Southern Rhodesia, and in the African territories under Portuguese domination. In the application of the above rules, the following are particularly emphasized:-

(a) young prisoners and juveniles should be separated from older prisoners,

(b) political prisoners, detainees, and opponents of apartheid in South Africa, racial discrimination in Southern Rhodesia, of Portuguese colonialism in Angola, Mozambique, and Guinea Bissau, and of the illegal South Africa régime in Namibia, should not be subjected to discriminatory and harsh treatment because of their political beliefs and opposition to the above and must, in any case, be kept separately from common law prisoners;

(c) conditions of incarceration of all prisoners in southern Africa, whether in prisons, in police custody, on Robbin Island, or in detention camps, has to be brought into conformity with the Standard Minimum Rules for the Treatment of Prisoners;

(d) the degrading and inhuman practices known as the "Tausa Dance" and "Carry-on" should be immediately terminated (in South African prisons);

(e) an immediate end has to be put to the exploitation of African convict labour;

(f) every effort should be made to put an immediate end to any encouragement by prison officials of the practice of homosexuality and lesbianism among prisoners and detainees;

(g) every person, especially non-white prisoners and detainees, should be provided with food of nutritional value adequate for health and strength of wholesome quality and well prepared and served; similarly, drinking-water should be available to everyone whenever needed;

(h) every prisoner and detainee should be provided with an outfit of clothing suitable for the climate, and all clothing, not excluding underclothing, should be kept clean and in proper condition;

(i) every prisoner and detainee should be provided with a separate bed and with separate and sufficient bedding which should be clean when issued and kept in good order and changed often enough to ensure cleanliness, and at all times should meet the varying climatic conditions;

(j) the toilet facilities provided in cells should be so constructed and located as to be adequate to meet the needs of prisoners and detainees in a clean and decent manner;

(k) the windows of the cells should be large enough to enable the prisoners to work by natural light, and shall be so constructed that they assure the entrance of fresh air;

(l) adequate shower and bathing facilities should be provided so that every prisoner or detainee may be enabled to have a bath or shower at a temperature suitable to the climate as frequently as necessary for general health standards according to social and geographical reasons;

(m) adequate and prompt medical facilities should be provided and those requiring specialist treatment should be transferred to specialized institutions or to civil hospitals;

(n) due care and attention should be taken to ensure that only a reasonable number of prisoners and detainees are placed in any prison cell;

(o) punishment by solitary confinement or reduction of diet should never be inflicted;

(p) prisoners and detainees should be allowed to communicate with their families and friends at frequent intervals and should be given sufficient time, under reasonable conditions of privacy, to meet their families, relatives and friends;

(q) warders for prisons should be selected with special reference to article 46(1) of the Standard Minimum Rules for the Treatment of Prisoners of 1955;

(r) adequate recreations, as well as sufficient facilities for daily exercise should be provided;

6. Calls upon the Government of the Republic of South Africa to ensure that the above recommendations are fully implemented and that investigations are immediately instituted against the prison officials and warders mentioned in the report of the Working Group, with a view to establishing their degree of responsibility,

7. Calls upon the Government of Portugal to take similar action as in paragraph 6 above, in respect of the prisoners in Angola, Mozambique, and Guinea Bissau,

8. Calls further upon the Government of the United Kingdom, as the administering power to initiate action along the lines stated above;

9. Urges the Council of Namibia to take similar action in respect of Namibia,

10. Affirms that the Geneva Convention relative to Treatment of Prisoners of War, 1949, and the Geneva Convention of Civilians, 1949, are applicable to the situation prevailing in Namibia,

11. Transmits the Report of the Ad Hoc Working Group of Experts on whether the policy of apartheid contains elements of genocide (E/CN.4/984/Add.18), to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities for its use by the Special Rapporteur to be appointed in terms of resolution 8 (XXI) of the Sub-Commission and resolution 13 (XXV) of the Commission,

12. Requests the Economic and Social Council to adopt the following resolution:-

'The Economic and Social Council,

Recalling resolution (XXV) of the Commission on Human Rights on the report of the Ad Hoc Working Group of Experts (E/CN.4/984 and Add.1-19); appointed under resolution 2 (XXIV) of the Commission.

Aware of the fact that the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, was prepared at a time when the situation in southern Africa was considerably different from that prevailing now;

1. Decides to transmit the report of the Working Group to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia, and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
2. Requests the General Assembly to enlarge the scope of the United Nations Trust Fund for South Africa to cover all affected persons in the territories in southern Africa, suffering from apartheid, racial discrimination and colonialism,
3. Expresses the hope that the General Assembly will examine, very soon, the question of the policies of apartheid, of racial discrimination, and the practices of Portuguese colonialism, in southern Africa, in the context of broadening the scope of the Convention on the Prevention and Punishment of Genocide, 1948,
4. Requests the General Assembly to adopt the following resolution:-

'The General Assembly,

Having considered the recommendation of the Economic and Social Council contained in resolution (XLVI) of the Council,

Recalling its resolution 2403 (XXIII) by which it, inter alia, reiterated its condemnation of the Government of the Republic of South Africa for the latter's persistent refusal to withdraw from Namibia,

Further recalling its resolution 2396 (XXIII) which, inter alia, re-affirmed its recognition of the legitimacy of the struggle of the people of South Africa for all human rights, condemned that Government for its cruel, inhuman and degrading treatment of political prisoners and declared that captured freedom fighters should be treated as prisoners of war under international law,

Further recalling paragraph 1 of its resolution 2395 (XXIII) which reaffirmed the inalienable right of the peoples of the territories under Portuguese domination to self-determination, freedom and independence, and in paragraph 12 of the same resolution called upon the Government of Portugal to ensure the application to the situation of armed conflict and inhuman treatment of prisoners, of the Geneva Convention relative to the Treatment of Prisoners of War, August 1949,

Taking into account paragraph 1 of its resolution 2383 (XXIII) which reaffirmed the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle to attain that right, and also paragraph 13 of the same resolution which called upon the Government of the United Kingdom, in view of the armed conflict prevailing in the territory and the inhuman treatment of prisoners, to ensure the application of the Geneva Convention relative to the Treatment of Prisoners of War, August 1949,

Noting its feeling of grave concern as contained in resolution 2465 (XXIII), at the development in southern Africa of the entente between the Governments of Portugal and South Africa and the illegal minority regime in Southern Rhodesia, which, inter alia, can only result in further sufferings being inflicted upon political prisoners and detainees in prisons and in police custody, as well as upon captured freedom fighters,

Further noting its resolution 2440 (XXIII) relating to the first report of the Ad Hoc Working Group of Experts established by resolution 2 (XXIII) of the Commission on Human Rights, gravely alarmed by the evidence of inhuman practices in southern Africa, especially those that relate to the ill-treatment, torture and degradation of political prisoners and detainees, whether in prisons or in police custody, and of captured freedom fighters, in the Republic of South Africa, Namibia, Southern Rhodesia and in the territories under Portuguese colonialism.

Determined to promote immediate and urgent action with a view to restoring human rights and fundamental freedoms of the oppressed peoples of southern Africa,

1. Reaffirms its recognition of the legitimacy of the struggle by the opponents of apartheid, of racial discrimination and of Portuguese colonialism in southern Africa to realize their human rights and fundamental freedoms,

2. Again condemns the Government of the Republic of South Africa for the inhuman and degrading treatment and torture meted out to political prisoners and detainees and to captured freedom fighters,

3. Strongly censures the Government of the Republic of South Africa for its illegal occupation of Namibia, a territory under the direct responsibility of the United Nations, and for the inhuman and degrading treatment and torture of Namibian political prisoners, detainees, and captured freedom fighters,

4. Condemns further the Government of Portugal for its inhuman and degrading treatment and torture of the political prisoners, detainees, and captured freedom fighters in Angola, Mozambique, Guinea Bissau and São Tomé,

5. Deplores the refusal of the Government of the United Kingdom to intervene in Southern Rhodesia and restore the human rights and fundamental freedoms of the people of Zimbabwe and in this manner automatically, ameliorate the conditions of political prisoners, detainees and captured freedom fighters in Southern Rhodesia

6. Calls upon the Government of the Republic of South Africa to observe the terms of the Geneva Convention regarding the Treatment of Prisoners of War, 1949, and to:-

(a) abolish the 180-day Law, the Terrorism Act, the Suppression of Communism Act, the Sabotage Act, the Sobukwe Clause, which are the most formidable weapons in its armoury of repressive laws,

(b) immediately repeal the Prison Act under which it is not possible to report on the conditions in the prisons,

(c) immediately release all political prisoners and detainees whether in prison or in police custody, as well as all captured freedom fighters,

(d) initiate investigations into the violations mentioned in the report of the Ad Hoc Working Group of Experts with a view to establishing the degree of responsibility of the officials named in the report (E/CN.4/984/Add.4, paragraph 4),

(e) indemnify all persons who have suffered in any way under the above laws;

7. Calls upon the Government of Portugal to observe the terms of the Geneva Convention 1949 on the Protection of Civilians in Time of War, and the Geneva Convention 1949 relative to the Treatment of Prisoners of War to observe and implement resolution 2444 (XXIII) of the General Assembly, and to:-

(a) apply the Standard Minimum Rules for the Treatment of Prisoners, 1955, in its African territories,

(b) drastically curb the powers of its Secret Police - PIDE - in its African territories,

(c) abolish the "palmatoria" and other forms of torture in its African territories,

(d) observe articles 7 to 11 of the Universal Declaration of Human Rights in its African territories,

(e) abolish all manifestations of forced labour in the above territories,

(f) indemnify all persons who have suffered damages resulting from the above,

(g) immediately release all political prisoners and detainees and captured freedom fighters whether in prison or in police custody;

8. Calls upon the Government of the United Kingdom to enforce in Southern Rhodesia the Standard Minimum Rules for Treatment of Prisoners, 1955, and the Geneva Convention relative to the Treatment of Prisoners of War, 1949, and to:-

(a) abolish the following illegal legislation, the Unlawful Organizations Act No. 38 of 1959 as amended, the Law and Order (Maintenance) Act No. 53 of 1960 as amended, Preservation of Constitutional Government Act No. 14 of 1963, Emergency Powers Act No. 48 of 1960 including as amended in 1968 by the illegal and racist minority regime, the Prisoners Act No. 9 of 1955 and the Federal Government Notice No. 42 of 1956,

(b) establish an effective system of remedies against violation of human rights in Southern Rhodesian police stations and prisons,

(c) bring about an immediate end to any and every case of torture and cruel, inhuman and degrading treatment of prisoners, detainees and captured freedom fighters, whether in prison or in police custody,

(d) improve the food given to all, especially non-white prisoners, and to increase the nutritional value by the addition of meat in particular and a variation in the courses, and to provide adequate pure drinking-water,

(e) provide adequate clothing to all African prisoners and detainees, keeping in mind the climatic requirements of the area,

(f) provide adequate bedding and separate beds for prisoners and detainees, again keeping in mind the climatic requirements of the area,

(g) provide toilet facilities located and constructed in a hygienic manner,

(h) ensure that only a reasonable number of prisoners are accommodated in a cell,

(i) ensure prompt and adequate medical care and attention;

(j) provide proper ventilation and lighting in the cell,

(k) provide sufficient means of recreation,

(l) abolish the restriction areas and detention camps,

(m) release immediately all political prisoners and detainees and captured freedom fighters, whether in prison or in police custody,

(n) indemnify all victims of the above;

9. Urges action by the United Nations to bring about the immediate application of the Standard Minimum Rules for the Treatment of Prisoners, 1955, the Geneva Convention of 1949 on the Protection of Civilians in Time of War, the Geneva Convention on the Prisoners of War, 1949, in Namibia, and to:-

(a) bring about the repeal of all South African legislation relating to detention without trial and conditions in prisons,

(b) ensure the immediate release of all Namibian citizens detained in Namibia as well as in South Africa,

(c) to ensure the indemnification by the Government of the Republic of South Africa of all Namibians who have suffered under the above laws,

(d) Take all possible means in order that one of the bodies of the United Nations may inspect frequently the prisons or the premises in which citizens of Namibia, a territory under direct United Nations responsibility, are incarcerated;

10. Requests the Secretary-General to establish and maintain an up-to-date register of political prisoners and detainees as well as captured freedom fighters held in the Republic of South Africa, Namibia, Southern Rhodesia, Angola, Mozambique, Guinea Bissau, and São Tomé,

11. Recommends that political prisoners and detainees and freedom fighters who have fled the territories mentioned above in paragraph 10, should be issued refugee passports without a return clause,

12. Requests the Secretary-General to report to the twenty-fifth Session of the General Assembly on the implementation of the role by the Government of the Republic of South Africa, the Government of Portugal and the Government of the United Kingdom,

13. Requests Member States to give maximum publicity to the report of the Working Group (E/CN.4/984 and Add.1-19) within their territories,

14. Further requests the Secretary-General to give the maximum possible publicity to the report of the Working Group in co-operation with the special agencies concerned, press and information media, student, religious, trade union and other bodies, inter-governmental and non-governmental organizations and organizations specifically concerned with opposing apartheid, racial discrimination and colonialism,

15. Also requests the Secretary-General to report to the twenty-fifth session of the General Assembly regarding action taken on paragraph 14 above'."

168. At the 1040th meeting on 19 March 1969, the representative of Finland made the following oral proposal with respect to procedure: "After a short discussion in the Commission on the draft resolution submitted by the representatives of the Democratic Republic of the Congo, India, Mauritania, Morocco, Nigeria, United Arab Republic, United Republic of Tanzania, and Yugoslavia, (E/CN.4/L.1103), the Commission agreed that owing to lack of time it could not complete its consideration thereof, but that it would include the full text of the draft resolution in its report and thus transmit it to the Economic and Social Council, leaving it to the Council to take such action as it may deem appropriate".

Issues discussed

169. At the 1008th meeting on 27 February 1969, the Chairman-Rapporteur of the Ad Hoc Working Group of Experts, Mr. Ibrahima Boye (Senegal), introducing the report of the Working Group (E/CN.4/984 and Add. 1-19) stated that the Working Group had requested the Governments of the Republic of South Africa and Portugal to allow it to go to the Republic of South Africa and the African territories under Portuguese domination for the purpose of visiting prisons and hearing the persons detained there; but no reply had been received from those Governments. Through the co-operation of several interested organizations, particularly African liberation movements, the Group had been able to hear seventy-six witnesses who were refugees in various countries, particularly in Africa, and to receive a number of written communications. Summarizing the conclusions of the Working Group's report, the Chairman-Rapporteur stated that the situation of prisoners in the Republic of South Africa described in the previous report (E/CN.4/950) had in no way improved. In Southern Rhodesia, too,

it had been established that African prisoners were treated with greater severity than others, and that political prisoners were subjected to harsher treatment than ordinary prisoners. Several cases of torture had been reported. A number of political prisoners who had been condemned to death were being kept waiting indefinitely without knowing whether their sentence would be carried out or commuted. In Namibia, the South African Government, in defiance of the decisions of the United Nations, were continuing to apply certain of its laws to the inhabitants of the Territory who were in prison or under detention, and to subject them to the same torture and ill-treatment as that endured by black prisoners of South African nationality. In the African territories under Portuguese domination, political prisoners were often tortured, and put to death in particularly cruel ways, and there were mass arrests and deportations of the civilian population to concentration camps. Lastly, the Group had considered that, in certain respects, there were elements of the crime of genocide in the actions of the South African Government. However, the Group was so far unable to affirm that, in the present state of South African legislation, the South African authorities had expressed an intention to commit genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Working Group had expressed the hope that the Convention would be revised in the light of the system of apartheid practised by the South African Government.

170. At the 1039th meeting, another member of the Ad Hoc Working Group, Mr. N.N. Jha (India), also gave some details, and made some comments on the work and conclusions and recommendations of the Working Group. Like the Vice-Chairman of the Working Group, Mr. Jankovic (Yugoslavia), he expressed appreciation of the help given by the Secretariat to the Working Group, in particular by the Principal Secretary, Mr. M. Tardu, and by the Assistant Secretary, Mr. J. Shoniwa.

171. Many representatives expressed indignation at the torture and ill-treatment which continued to be inflicted on political prisoners in southern Africa. It was stated that those extremely brutal manifestations of apartheid and racial discrimination were contrary to the most elementary principles of human rights adopted by the international community. Several delegations considered that the conclusions of the Ad Hoc Working Group, which they had noted with satisfaction, were fully confirmed by the text of a telegram dated 18 March 1969 from the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to the Chairman of the Commission on Human Rights.

172. The telegram (E/CN.4/L.1106) drew the Commission's urgent attention to the current trial of twelve Africans at Pietermaritzburg (Republic of South Africa), who had been accused of violating the provisions of the Suppression of Communism Act and the Terrorism Act of 1967. The Special Committee stressed that the trial was further evidence of complete defiance of the relevant decisions and recommendations of the United Nations, and especially of General Assembly resolution 2396 (XXIII) of 2 December 1968. It was stated, in particular, that the penal laws referred to violated generally accepted rules of law and criminal procedure; that several of the

accused and state witnesses had been captured in Southern Rhodesia and handed over to South Africa; that they had been kept for long periods under solitary confinement; and that one of the state witnesses had testified in court that he had been tortured by the police. The Special Committee wished to alert world public opinion, and had appealed to all States to make every effort to secure an end to the trial and the unconditional release of the prisoners. The attention of the Security Council had been drawn to those facts.

173. The sponsors of the five-Power draft resolution (E/CN.4/L.1098, see para. 164 above), supported by several delegations, considered that the Group's work was a valuable contribution to United Nations efforts to investigate and denounce flagrant violations of human rights in southern Africa. Those representatives believed that the Group's report (E/CN.4/984 and Add.1 - 19) contained a wealth of further evidence of the inhuman treatment to which political prisoners in that region were subjected. The sponsors of the draft stated that they fully supported the Group's recommendations and considered that the Commission should endorse them. They emphasized, in particular, the recommendations concerning the repeal of arbitrary laws, the urgent necessity of helping prisoners and their families, the proposed revision of the Genocide Convention in the light of the practice of apartheid by the south African authorities, and the need to give the Group's reports greater publicity.

174. Some other representatives, though expressing appreciation of the Group's work, considered that they could not at present accept all the conclusions and recommendations in the report, especially as the document was lengthy and its contents very complicated, and had been issued late; it had therefore not been possible to study it with the necessary care. In the light of that view, the sponsors revised their proposal by replacing the word "Endorses" in operative paragraph 1 by the word "Welcomes".

175. The sponsors, supported by several delegations, considered that in view of the seriousness of the situation brought to light by the report of the Working Group, the United Nations should continue to give close attention to that situation. They therefore proposed that the Group should continue its work and report to the Commission, at least in 1969 and 1970. The work would continue to be concerned with the matters referred to in Commission resolution 2 (XXIV). In addition, the Group would be asked to investigate important related matters mentioned in operative paragraph 3 of the five-Power draft resolution (E/CN.4/L.1098, see para. 164 above). The sponsors stated that those matters had already been considered by the Group in 1968, on the basis of evidence from various witnesses, and all that really needed to be done was to give the Commission's approval to those useful initiatives taken by the Group.

176. Some other representatives asked for clarifications or expressed doubts about the proposed widening of the Group's mandate. In particular, they thought that the proposed investigations into conditions in the "Native Reserves" and the manifestations of apartheid, colonialism and racial discrimination in various States and territories might perhaps go somewhat beyond the Group's basic terms of reference,

which were to concentrate on the treatment of prisoners, and that there might be some overlapping between the work of the Group under the expanded terms of reference and the activities of other United Nations bodies such as the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

177. On this point the co-sponsors said that the Group would be required to investigate only "grave" manifestations of apartheid, colonialism and racial discrimination in the countries concerned. In response to a question from a member of the Commission, one of the members of the ad hoc Working Group said that he interpreted that expression, which appeared in paragraphs 3 (d) and (e) of the revised draft, as essentially a request to that body to continue its efforts to find out whether elements of the crime of genocide existed in the States and territories in question. In his view, the reference in the proposal to the part of the report dealing with that problem (E/CN.4/984/Add.18) confirmed that interpretation. The Group had begun the study of that question so far as the Republic of South Africa was concerned, and it had received important evidence on the subject for other countries of southern Africa. It was important, therefore, to continue the consideration of that problem in those various States and territories. The reason why the word "genocide" had not been used in the text of the proposal was no doubt to avoid giving the impression that the issue was being pre-judged.

178. Several representatives said that those explanations removed their doubts as to the desirability of the proposed widening of the Group's mandate. Some delegations still thought, however, that the proposal might lead to duplication with the activities of other United Nations bodies.

179. According to the co-sponsors, who were supported by several delegations, the proposal in paragraph 4 of the draft to continue the Group for a period of more than one year was justified by the broadness of the mandate, and it had advantages from the point of view of obtaining the necessary appropriations and of the efficient organization of the Group's work. In response to a question from a member of the Commission, one of the members of the Ad Hoc Working Group explained that in principle it would be that body's intention not to undertake any travel in 1969 but to devote that year to hearing a number of witnesses in New York and to considering written communications. In 1970 the Group intended to carry its investigations further and for that purpose to hear a number of witnesses, probably in several countries.

180. Some representatives expressed doubts as to the need for continuing the Group. In particular they expressed their concern over what they considered to be the substantial financial implications which the proposal seemed to involve. They expressed the wish that the Group should make every effort to keep the cost of its work to a minimum.

181. Some other representatives thought it desirable to lay down the express requirement that the Group should submit "final" or "general" conclusions and recommendations to the twenty-seventh session of the Commission. That suggestion was not pursued, for the sponsors, supported by several other delegations, expressed the view that it was preferable not to lay down a rigid programme of work for the Group. In their view, care must be taken to avoid pre-judging the contents of the Group's next reports and the Commission's decisions on them. It was also affirmed that the word "final" was inappropriate, since the serious problems of apartheid would certainly not be resolved in two years and should be carefully considered for as long as they were encountered. For those reasons, the text of the draft was revised by the deletion of the words "for 2 years", and it was simply stated that the Group would submit conclusions and recommendations to the twenty-seventh session.

182. The co-sponsors submitted the eight-Power draft (E/CN.4/L.1103, see paragraph 167 above), on which a few representatives made some preliminary comments of substance. In particular, attention was drawn to new draft recommendations concerning the establishment by the Secretary-General of registers of prisoners in southern Africa and the issue of passports, with a return clause, to refugees from the countries in question. It was also pointed out that operative paragraph 3 of the draft resolution for submission to the General Assembly should be modified so as to take fully into account the revision procedure provided for in article XVI of the Convention on the Prevention and Punishment of the Crime of Genocide. Some representatives said they would have liked the Commission, at the twenty-fifth session, to engage in a somewhat more exhaustive discussion of the substance, but in the view of most delegations there was no time to consider with the necessary care, at that session, the complex proposal whose text had just been submitted.

183. Some delegations suggested that the Commission should postpone consideration of the draft to its next session, since in their view it was the Commission's duty to indicate clearly to the Economic and Social Council what its position was on a draft resolution submitted to the Council. In the view of those representatives, to transmit the proposal without first having taken a decision on the substance would be undesirable. Several other representatives, however, were of the opinion that to postpone the discussion of the draft to the Commission's next session would involve an unacceptable delay. They strongly emphasized that those questions of apartheid were urgent, for it was a matter of putting an end to suffering and of saving human life; and they therefore supported the oral proposal by Finland (see paragraph 168 above) that the Commission should include the eight-Power draft resolution in its report, so that the Economic and Social Council at its next session could take such action as it deemed appropriate.

Adoption of the first draft resolution

184. At its 1040th meeting, on 19 March 1969, the Commission adopted revised draft resolution E/CN.4/L.1098 (see paragraph 164 above) by 23 votes to none, with 5 abstentions. The text of the resolution adopted by the Commission is set forth in chapter XVIII of this report as resolution 21 (XXV).

Adoption of a procedural proposal on the second draft resolution

185. At its 1040th meeting, the Commission adopted the procedural proposal by Finland (see paragraph 168 above) by 23 votes to none, with 4 abstentions. In accordance with that proposal, after a short discussion in the Commission on the draft resolution submitted by the representatives of the Democratic Republic of the Congo, India, Mauritania, Morocco, Nigeria, United Arab Republic, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1103), the Commission agreed that owing to lack of time it could not complete its consideration thereof but that it would include the full text of the draft resolution in its report and thus transmit it to the Economic and Social Council, leaving it to the Council to take such action as it might deem appropriate.

C. Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council

186. Item 7(c) of the agenda adopted by the Commission (see paragraph 15 above) included two subdivisions: (i) resolution 1336 (XLIV) of the Economic and Social Council and resolution 6 (XXIV) of the Commission on Human Rights, and (ii) resolution 2394 (XXIII) of the General Assembly.

187. On item 7(c) as a whole, the Commission had before it an explanatory note by the Secretary-General (E/CN.4/985). The Commission also had before it, concerning sub-item (c)(i), a report by the Secretary-General (E/CN.4/999) prepared in accordance with paragraph 3 of resolution 6 (XXIV) of the Commission on Human Rights, which the Economic and Social Council had endorsed in its resolution 1336 (XLIV) of 31 May 1968, "Question of human rights in the territories occupied as a result of hostilities in the Middle East". In operative paragraph 3 of its resolution, the Commission had requested the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2. In paragraph 1, the Commission had noted with appreciation the resolutions adopted by the Security Council and the General Assembly in accordance with the relevant provisions of the Universal Declaration of Human Rights and the Geneva Convention of 1949, and in paragraph 2 it had affirmed the right of all the inhabitants who had 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.

188. As to sub-item (c)(ii), the Secretary-General's note (E/CN.4/985) contained the text of General Assembly resolution 2394 (XXIII) of 29 November 1968, in which the Commission was requested to keep under constant review the question of capital punishment in South Africa.

189. The members of the Commission also had before them confidential and non-confidential lists of communications and the replies of Governments, which the Secretary-General had had distributed pursuant to Economic and Social Council resolution 728F (XXVIII) of 30 July 1959. Moreover, in conformity with operative paragraph 2 of Council resolution 1235 (XLII) of 6 June 1967, the Secretary-General had had distributed to the members of the Commission, confidentially, the information contained in the communications he had received under Council resolution 728F (XXVIII), without divulging the identity of the authors of such communications in cases where they had expressed a wish to remain anonymous.

190. The Commission considered item 7(c) of its agenda at its 1009th to 1015th meetings, held from 27 February to 4 March 1969, concentrating, in accordance with the general wish, on item 7(c)(i). At its 1009th, 1012th and 1015th meetings, the Commission heard statements by the observer for Iraq.

Draft resolutions and amendments

191. Two draft resolutions (E/CN.4/L.1065) and (E/CN.4/L.1067) were submitted.

192. The first draft resolution submitted by India, Mauritania, Pakistan and Yugoslavia (E/CN.4/L.1065) read as follows:

"The Commission on Human Rights,

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

Recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341B (XXII) of 19 December 1967, resolution 6 (XXIV) of the Commission on Human Rights and resolution 1336 (XLIV) of the Economic and Social Council and General Assembly resolution 2452 (XXIII) of 19 December 1968 which called upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who fled the areas since the outbreak of hostilities,

Further recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel, and to respect human rights and fundamental freedoms,

Bearing in mind that the Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolution 2252 (ES-V) of 4 July 1967, Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, and resolution 6 (XXIV) of the Commission on Human Rights have called for the application of Geneva Conventions of 12 August 1949 in the territories occupied by Israel.

Noting that the Security Council has once again expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of resolution 237 (1967),

Noting resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968, and resolution 2443 (XXIII) of the General Assembly of 19 December 1968,

Deeply concerned about the reported continuation of human rights violations as well as violations of the Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

Having received the report of the Secretary-General contained in document E/CN.4/999,

1. Reaffirms the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return, and calls upon the Government of Israel to immediately implement the United Nations resolutions to this effect,
2. Deplores Israel's continued violations of human rights in the occupied territories, particularly the acts of destroying homes of Arab civilian population, deportation of inhabitants and the resorting to violence against inhabitants expressing their resentment to occupation, and calls upon the Government of Israel to put an immediate end to such acts,
3. Expresses its deep concern on Israel's refusal to abide by the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and calls once again upon the Government of Israel to fully respect and apply that Convention,
4. Decides to enlarge the mandate of the Ad Hoc Working Group of Experts to include the following:
 - (a) to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East;
 - (b) to receive communications, to hear witnesses, and use such modalities of procedure as it may deem necessary;
 - (c) to report, with its conclusions and recommendations, to the twenty-sixth session of the Commission on Human Rights;
5. Decides to include the question of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the twenty-sixth session of the Commission on Human Rights."

193. At its 1013th meeting, the sponsors of the first draft resolution (E/CN.4/L.1065) amended the introductory sentence of paragraph 4 as follows:

1. "Decides to establish a special Working Group of Experts composed of members of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII) and 3 (XXIV) of the Commission on Human Rights, with the following mandate".

194. At its 1014th meeting, the representative of the Secretary-General made a statement of the financial implications of the draft resolution (E/CN.4/L.1065).

195. The second draft resolution submitted by Guatemala, Jamaica, Peru, Uruguay and Venezuela in its revised form (E/CN.4/L.1067/Rev.1) read as follows:

"The Commission on Human Rights,

Deeply concerned at the conflict affecting the Middle East, which continues to constitute an explosive factor that might spark off a universal conflagration; and at the fact that the civil populations of the territories involved in that conflict have suffered and are suffering indescribably, offences representing flagrant violations of fundamental human rights having been committed against human life, safety and welfare,

Aware of its legal and moral obligation to foster universal respect for such rights and freedoms and to promote conditions which guarantee such respect, and to eliminate harm and suffering which constitute an affront to civilization,

Appeals fervently to all governments, their peoples and world public opinion to spare no efforts towards the attainment of a peaceful settlement of the conflict in the Middle East in conformity with the principles of the Charter of the United Nations and the relevant resolutions of the Security Council and, meanwhile, towards ensuring respect in that region for the fundamental rights of all human beings, which will do much to create conditions for the restoration of peace."

196. At the 1015th meeting, the sponsors of the draft resolution amended their text orally as follows in the light of the views expressed during the discussion and the suggestions made by several representatives:

(a) The first paragraph of the preamble was replaced by the following:

"Deeply concerned at the conflict affecting the Middle East, which continues to constitute an explosive factor that might spark off a universal conflagration, and at its effects on the civil population".

(b) In the second paragraph of the preamble, the words "such rights and freedoms" were replaced by the words "human rights and fundamental freedoms".

(c) The operative part was replaced by the following:

"Appeals fervently to all Governments, their peoples and world public opinion to spare no efforts towards the attainment of a peaceful settlement of the conflict affecting the Middle East, through observance of the principles of the Charter of the United Nations and by implementation of the relevant resolutions of the Security Council, including resolution 242 (1967) of 22 November 1967, and towards ensuring respect in that region for the fundamental rights of all human beings, which will do much to create conditions for the restoration of peace".

197. At the 1015th meeting, the Mauritanian representative submitted an oral amendment to replace the words "y compris" before the words "la résolution 242 (1967)" in the French text of the operative part by the word "notamment".

Issues discussed

198. Many members of the Commission drew attention to the various resolutions adopted by the main organs of the United Nations with a view to ensuring respect for human rights in the territories occupied as a result of the hostilities in the Middle East. They referred in particular to Security Council resolution 237 (1967), and to General Assembly resolution 2252 (ES-V), in which the Assembly welcomed with great satisfaction Security Council resolution 237 (1967). In its resolution 237, the Security Council, considering that essential and inalienable human rights should be respected even during the vicissitudes of war, called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities. The Security Council also recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949. The Commission on Human Rights had expressed similar concern in its resolution 6 (XXIV), endorsed by Economic and Social Council resolution 1336 (XLIV); and the International Conference of Teheran, in its resolution I (A/CONF.32/41), had made recommendations along the same lines. Moreover, on 9 March 1968, the Commission had sent a telegram requesting the Israel Government to desist forthwith from the destruction of the homes of the civilian Arab population living in areas occupied by Israel. Furthermore, specialized agencies, and specifically WHO, regional organizations, such as the Organization of African Unity, and non-governmental organizations had added their voices and efforts to those of the international community to persuade Israel to ensure effective protection of human rights in the territories occupied by its armed forces and to act in accordance with its international obligations.

199. A number of representatives noted that the Government of Israel had not heeded the urgent appeals and formal requests addressed to it. They said that, as the Secretary-General had related in the report he had submitted pursuant to paragraph 3 of Commission resolution 6 (XXIV) (E/CN.4/999, paragraphs 17 et seq.), the Israel Government had, since the adoption of that resolution, consistently evaded effective co-operation with him with a view to the implementation of Security Council resolution 237 (1967), despite the emphasis with which the Security Council had reiterated its recommendations in resolution 259 (1968). That refusal to co-operate and to carry out the humanitarian decisions of the United Nations had in their view tended to aggravate the political tension inherent in the situation and had only added to the distress of the occupied territories' inhabitants.

200. On the basis of the information available to them, confirmed by the impartial evidence they could produce, namely, the reports of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the International

Committee of the Red Cross, some representatives were of the opinion that the Government of Israel was persisting in flagrant, extensive and systematic violations of human rights in the occupied territories.

201. A number of representatives affirmed in that connexion that, in violation of article 13 of the Universal Declaration of Human Rights and in disregard of the relevant resolutions of the United Nations, and specifically of Security Council resolution 237 (1967) and Commission resolution 6 (XXIV), Israel was systematically preventing the refugees from returning to their homes. According to the statistics presented in the report of the Commissioner-General of UNRWA (A/7213), almost 500,000 inhabitants and refugees in the occupied territories had been removed from those areas as a result of military operations in 1967. Only about 14,000 persons had been able to return to their homes, despite the fact that most of the refugees wished to do so.

202. Replying to the charges thus brought against Israel, one representative said that the reason why more refugees had not returned to their homes was that they had not wished to do so, or had not been authorized by the governments of the Arab countries to use the permits issued for that purpose by the Israel authorities. The view was also expressed that the hardships and privations of all kinds to which those refugees continued to be exposed in improvised camps created a tragic situation which could be regarded as akin to genocide.

203. Several representatives stated, with specific examples in support of their allegations, that the policy applied by Israel in the occupied territories was characterized by many violations of the most fundamental rights and freedoms of the subjugated populations. They also said, among other things, that the destruction of the homes of persons suspected of hostility to the Israel occupation had continued in systematic fashion and that entire villages had been razed to the ground. Such actions could not be justified on alleged grounds of security or law and order. They had been described by the President of the International Committee of the Red Cross as manifestly at variance with the provisions of articles 33 and 53 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Attention was also drawn to deportation orders against intellectuals and notables, and to frequent acts of brutality, pillage and depredation, improper detention and bloodshed by the Israel armed forces and police. The Arab people were really being persecuted, both physically and morally. Refugee camps were subjected to unjustified firing and bombardment; even children and old people were not spared. According to some representatives, the inhuman treatment of prisoners of war merited special attention.

204. Several representatives said that all those actions constituted a violation not only of the principles of the Universal Declaration of Human Rights, but also of peremptory norms of international law and of the obligations derived from the

international conventions in force. It was stated in particular that the Israel Government had in effect refused to undertake to apply the fourth Geneva Convention of 1949, despite repeated requests by the International Red Cross. That refusal was the more serious as Israel was a Party to that Convention.

205. Some representatives thought there was a close similarity between the policy of apartheid applied in South Africa and the colonial and discriminatory policy applied by Israel in the occupied territories. They were therefore of the opinion that if racial discrimination in southern Africa was condemned as a violation of human rights and fundamental freedoms, actions constituting a manifestation of religious discrimination and intolerance should be condemned by the same token.

206. One representative drew the Commission's attention to the lot of the Jews in the Arab countries of the Middle East. According to him, the situation of the Jewish minorities in those countries had consistently deteriorated as the years passed by, and more particularly since the war of 1967. Jews were not only subject to serious restrictions affecting their freedom of movement and their right to practise a profession, but were exposed to arbitrary imprisonment and torture, so that the only solution for them was to obtain permission to emigrate. Some representatives replied that the Jews had never been ill treated in the Arab countries, and that those countries did not practise any form of discrimination, racial or otherwise. According to them, the representative to whom they were replying had furnished no proof in support of his allegations.

207. One representative argued that the Arab countries of the region should have made the necessary arrangements to receive refugees and that they had the means to do so. The reply was made that the refugees had the right to return to their own country, if they so desired, and that that was a natural and inalienable right of the individual. Some members emphasized the right of Palestinians to have their own country.

208. One representative disputed the violations with which Israel had been charged. Israel's policy in the occupied territories, he said, was intended to ensure the welfare of the people and the respect for freedoms, within the limits solely of the exigencies of maintaining law and order. He described the economic measures which had been adopted to improve living conditions for the inhabitants of those areas, particularly as regards the development and modernization of agriculture and the revival of trade. He pointed out that freedom of expression and freedom of movement had been fully maintained. The frontier with Jordan had remained open, and since the war of 1967, some 260,000 persons had crossed it in both directions. As to education, he noted that it was free at all levels in West Jordan, a system more advantageous than that applied in Israel. He admitted that Arab homes had been destroyed, but only to a very limited extent and only in cases where arms or explosives had been discovered in houses or where houses had been used to accommodate persons who are terrorists in the considered opinion of the Israel occupying authorities and this was

done in accordance with the laws applying on the West Bank or in Gaza which had not been changed by Israel. He categorically denied that persons detained or prisoners were deliberately ill-treated, and he affirmed that if any excesses occurred, those guilty would be punished. As to the alleged refusal by Israel to apply the fourth Geneva Convention of 1949, he pointed out that under article 9, that Convention had to be applied with the co-operation and under the scrutiny of the "Protecting Powers" which had to be designated by agreement between Israel and the Arab countries on application of the Arab country concerned. The Arab States, however, he pointed out, had obstinately refused to conclude an agreement with Israel on the matter, since for them that would have amounted to implicit recognition of the State of Israel. In the absence of such an agreement, Israel had nevertheless co-operated in the humanitarian activities undertaken by the International Committee of the Red Cross within the limits of its competence, and would continue to do so. Another representative pointed out, however, that such co-operation on a purely ad hoc and discretionary basis could not release Israel from its juridical obligation to apply that Convention.

209. In the course of the discussion, reference was made to the death sentences recently pronounced and carried out in Iraq against a number of persons charged with spying for Israel, including several Jews, and to the public display of their bodies which had taken place in that connexion. Some representatives expressed the view that the manner in which the trials had been held ran counter to the sense of justice and that the spectacular character of the executions had profoundly shocked international opinion as being contrary to the respect due to the dignity of the human person. The observer for Iraq replied that crimes of espionage were punishable by death in many countries and that international law did not prescribe any particular manner in which death sentences should be carried out. It was also pointed out that such crimes would not have had to be punished, if Israel ceased to maintain an espionage network in the area. Several representatives said that the question was a purely domestic one, coming within the exclusive jurisdiction of a sovereign State, and that no United Nations organ, including the Commission, had any right to deal with it. They also pointed out that the question was not on the Commission's agenda and had merely been referred to in order to divert attention from a particular item before the Commission, namely the violations of human rights in the occupied territories following the hostilities in the Middle East.

210. In the view of several representatives, the violations of human rights in the territories occupied by Israel were the direct consequence of that occupation. According to them, that situation could be ended only with the withdrawal of the Israel military forces. Other delegations affirmed that the situation was the outcome of the present conflict in the Middle East and could not really be brought to an end until peace was established. It was therefore essential above all to

support the efforts now being undertaken by the United Nations to obtain a peaceful settlement. Some representatives added that aggression was the main enemy of human rights and that occupation was the worst violation of those rights. It was maintained that in that spirit the Commission should support Security Council resolution 242 (1967), which affirmed that the fulfilment of Charter principles required the establishment of a just and lasting peace in the Middle East and presupposed therefore more particularly the evacuation of the occupied territories.

211. Some representatives said that the Commission should not concern itself with political matters, but should concentrate on its task, which was the protection of human rights. It was stated that the Commission should not set itself up as a Court to judge the belligerent States - for which task, incidentally, it lacked all the indispensable objective information - but that it should call upon those States, and aid them as far as possible, fully to respect human rights in the area pending the restoration of peace. It should also concern itself with the welfare of the civilian population affected by the hostilities of 1967 and more particularly of the Arab people living in the territories now occupied by Israel. Increased contributions by governments to the activities of UNRWA were referred to as a useful means to that end.

212. It was suggested that the Commission should appeal to the States involved in the conflict, urging them to create favourable conditions for the restoration of peace, the reduction of existing tensions and better respect for human rights in the areas affected by the conflict.

213. Some representatives considered that such an appeal could be addressed only to the occupying State, not to the victims of the occupation. Moreover, an appeal to goodwill was not sufficient. It was the Commission's duty to adopt, in addition, a precise text recommending specific measures, as it had done in the case of apartheid. On the other hand, according to other representatives, the situation in the Middle East could not be treated on the same footing as that in southern Africa, where no sign of improvement was discernible. In the Middle East, peace negotiations had been started, and it could legitimately be hoped that they would succeed. Nevertheless, some representatives insisted that the appeal referred to in draft resolution E/CN.4/L.1067 should be addressed, not to the Governments of the countries parties to the conflict in the Middle East, nor to their peoples, but to world opinion.

214. Some representatives also said that express reference must be made in the operative part of draft resolution E/CN.4/L.1067, which was intended to encourage the efforts to reach a peaceful settlement of the conflict, to Security Council resolution 242 (1967), which was basic in that respect, having been unanimously adopted and constituting the starting point of the negotiations for putting an end to

the conflict. Some representatives expressed the view, however, that the resolution was purely political in character, even if political and humanitarian considerations were admittedly difficult to keep apart; the Commission, which had to consider the strictly humanitarian aspect, should not refer solely to that resolution, since the Security Council had adopted other resolutions on the same question which were larger in scope.

215. As to the more specific draft resolution in document E/CN.4/L.1065, a number of representatives considered that, as a whole, it lacked objectivity, prejudged the result of efforts now in progress with a view to the restoration of peace and went beyond the Commission's competence. Paragraph 1, reaffirming the inalienable right of all the inhabitants who had left since the outbreak of hostilities to return, was widely approved as conforming to the principle of article 13 of the Universal Declaration.

216. So far as concerned the actions of Israel which the Commission was asked to deplore in paragraph 2 of the draft resolution, some members pointed out that the Commission did not possess all the information which would be required, if it was to reach an informed and fully impartial decision on the allegations made during the discussion by the representatives of States involved in the Middle East conflict. It was pointed out in that connexion that since the end of the Güssing mission in October 1967, the United Nations had been unable directly to collect information on the situation prevailing in the area from the humanitarian point of view.

217. Paragraph 3 of draft resolution E/CN.4/L.1065 also gave rise to objections. It was pointed out that the application of the Geneva Convention of 1949 might pose problems, since it did not refer to those taking part in hostilities who were protected by other conventions. Another speaker pointed out that it was precisely and solely for the benefit of inoffensive and defenceless civilians that the strict application of the Convention was being asked for.

218. The proposal in paragraph 4 of draft resolution E/CN.4/L.1065 to establish an ad hoc Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention, was criticized by certain representatives. It was pointed out that the Commission, though competent to consider violations of human rights, had no powers to carry out special investigations on particular problems without having been instructed to do so by a higher organ. It was also argued that a wiser course would be to invite the Government of Israel to receive the representative of the Secretary-General in accordance with Security Council resolution 259 (1968) and the Special three-member Committee established by General Assembly resolution 2443 (XXIII) of 19 December 1968 to investigate Israel practices affecting the human rights of the people in the occupied territories. Moreover, a procedure for enquiry was already provided for in article 149 of the Geneva Convention of 1949, and the draft resolution did not define the Commission's attitude with

regard to the possible application of that article. It might also prove difficult to reconcile the terms of reference of the special Working Groups of Experts with those of the Special Committee set up by the General Assembly. Lastly, some representatives considered that the proliferation of new bodies should be avoided, particularly in view of the financial implications.

219. The supporters of draft resolution E/CN.4/L.1065 said that in view of the aggravation of the situation in the territories occupied by Israel, and that country's persistent refusal to apply the relevant resolutions of United Nations organs, the Commission should take more energetic action. Since it had been noted that the Commission lacked the necessary basis of information for an objective appraisal of the situation as regards the alleged acts, it was eminently desirable that provision should be made for the proposed enquiries. It was significant that the Secretary-General, in his report to the Commission (E/CN.4/999) had been unable to give specific information on developments with regard to human rights and the Geneva Convention in the territories occupied by Israel. Draft resolution E/CN.4/L.1065 was intended to enable the Commission to obtain the information it had asked for in resolution 6 (XXIV).

220. The representative of Israel said that his Government would not co-operate in the application of the proposed resolution because it did not recognize the competence of the proposed ad hoc Working Group of Experts to investigate the application of the Geneva Convention of 1949.

Adoption of resolutions

221. At the 1014th meeting, the Commission voted on the draft resolution submitted by India, Mauritania, Pakistan and Yugoslavia, (E/CN.4/L.1065; see paragraph 192 above) as orally revised (see paragraph 193 above).

222. At the request of the Chilean representative, paragraph 1 was voted on separately and, at the request of the Moroccan representative, the vote on the draft resolution as a whole was taken by roll-call.

223. Paragraph 1 was adopted by 24 votes to 1, with 4 abstentions.

224. The draft resolution as a whole was adopted by 13 votes to 1, with 16 abstentions. The voting was as follows:

In favour: India, Iran, Lebanon, Mauritania, Morocco, Nigeria, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Israel.

Abstaining: Austria, Chile, Congo (Democratic Republic of), Finland, France, Greece, Guatemala, Italy, Jamaica, New Zealand, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

225. The text of the resolution adopted by the Commission at its 1014th meeting, on 4 March 1969, is set forth in chapter XVIII of this report as resolution 6 (XXV).

226. At the 1015th meeting, the Commission voted on the revised draft resolution submitted by Chile, Guatemala, Jamaica, Uruguay and Venezuela (E/CN.4/1067/Rev.1; see paragraph 195 above) as orally amended (see paragraph 196 above) and on the amendment to that draft resolution submitted orally by Mauritania (see paragraph 197 above).

227. The Mauritanian amendment was adopted by 14 votes to 4, with 13 abstentions.

228. The draft resolution as a whole, as amended, was adopted unanimously.

229. The text of the resolution adopted by the Commission at its 1015th meeting on 4 March 1969, is set forth in chapter XVIII of this report as resolution 7 (XXV).

D. Model rules of procedure for United Nations bodies dealing with violations of human rights (decision taken at the 1576th meeting of the Economic and Social Council on 19 December 1968).

230. The International Conference on Human Rights adopted resolution X entitled "Model rules of procedure for bodies dealing with violations of human rights", the text of which is reproduced in document A/CONF.32/41. In the operative paragraph of that resolution, the Conference recommended to the Economic and Social Council that it request the Commission on Human Rights to prepare at its earliest opportunity model rules of procedure for the guidance of the United Nations bodies concerned. The General Assembly, at its twenty-third session, adopted resolution 2442 (XXIII) of 19 December 1968 on the International Conference on Human Rights, in which it invited the Secretary-General and the United Nations organs and specialized agencies concerned to take action, as appropriate, on the resolutions and recommendations of the Conference. The Economic and Social Council, at its resumed forty-fifth session, decided, at its 1576th meeting, on 19 December 1968, to refer the request contained in the aforementioned resolution to the Commission on Human Rights and to ask the Commission to include its recommendations on the subject in its report to the Council's forty-sixth session.

231. The Commission considered the question referred to it by the Council at its 1013th, 1015th and 1016th meetings held on 3 and 4 March 1969. It had before it an explanatory note by the Secretary-General (E/CN.4/986).

Draft resolution

232. Austria and Finland submitted a draft resolution which, in its first revised form (E/CN.4/L.1063/Rev.1) read as follows:

The Commission on Human Rights

Recalling resolution X of the International Conference on Human Rights concerning model rules of procedure for bodies dealing with violations of human rights (A/CONF.32/41),

Mindful of General Assembly resolution 2442 (XXIII) which in its paragraph 9 invites the United Nations organs and specialized agencies concerned to take action, as appropriate, on the resolutions and recommendations of the Conference,

Conscious of the decision taken at the 1576th meeting of the ECOSOC on 19 December 1968 on resolution X of the Conference,

1. Requests the Secretary-General to prepare a preliminary draft of model rules of procedure for ad hoc bodies of the United Nations entrusted with the study of particular situations alleged to reveal a consistent pattern of violations of human rights, taking into account the relevant discussions at the International Conference on Human Rights and in the Commission on Human Rights,

2. Requests the Secretary-General to transmit his preliminary draft of model rules of procedures to the Sub-Commission on Prevention of Discrimination and Protection of Minorities prior to its 22nd session,

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit to the Commission on Human Rights at its 26th session for its consideration draft model rules of procedures.

233. The sponsors of the draft resolution taking into account suggestions made during the discussion by the representatives of Chile and India (see paragraph 241 below) further modified the operative part of their text which, in its second revised form (E/CN.4/L.1063/Rev.2) read as follows:

"1. Decides to prepare model rules of procedure for ad hoc bodies of The United Nations entrusted with the study of particular situations alleged to reveal a consistent pattern of violations of human rights,

2. Requests the Secretary-General to facilitate this task by submitting a draft of model rules of procedure to the Commission on Human Rights at its twenty-sixth session for its consideration, taking into account the relevant discussions at the International Conference on Human Rights and in the Commission on Human Rights."

Issues discussed

234. The members of the Commission were in general agreement that it was necessary and desirable to prepare at the earliest opportunity model rules of procedure for the guidance of all United Nations bodies dealing with violations of human rights, to enable them to discharge their functions in an orderly and efficient manner. It was apparent, in particular, that the rules of procedure normally applicable to United Nations bodies were unsuited to the special needs of ad hoc subsidiary bodies which were sometimes entrusted with very difficult missions. Those rules did not cover all the situations which could arise, for example, in the case of investigations of alleged violations of human rights involving the hearing of witnesses and other specific types of action. The existence of suitable rules of procedure was important also for the purpose of ensuring that, in the eyes of Governments and public opinion, the bodies concerned were performing their task with all the necessary objectivity and impartiality.

235. Some representatives, however, expressed doubts as to the usefulness of preparing model rules of procedure applicable to all United Nations bodies dealing with violations of human rights. They drew attention to the fact that at the International Conference on Human Rights at Teheran, all delegations had not shared the view expressed in resolution X that such rules of procedure were desirable. They pointed out that each body already possessed rules enabling it to perform its assigned tasks. They also considered it desirable to avoid treating the Commission's subsidiary bodies as tribunals called upon to apply international law. Those bodies engaged primarily in investigative work which did not lend itself to rules of procedure of a juridical nature and in the performance of which they had only to comply with the terms of reference given them by their parent body. These representatives also considered that any attempt to impose model rules of procedure on all existing or future working groups might well have the effect of hampering their operation and reducing their efficiency.

236. It was also pointed out that when the International Covenants on Human Rights came into force, all the bodies concerned would apply the procedures laid down in those Covenants and that, consequently, the proposed model rules would be of only temporary value. The view was expressed, however, that that did not in any way diminish their usefulness pending the entry into force of the Covenants and that they would remain useful even thereafter.

237. Several representatives agreed that the proposed rules would be useful but stressed the desirability of not laying down too rigid rules which might limit the freedom of action of the bodies concerned. The model rules should provide only basic guidance as to procedure, and ad hoc bodies should retain complete freedom to act as the situation required in cases not covered by the rules.

238. Most of the members of the Commission welcomed the solution proposed in draft resolution E/CN.4/L.1063/Rev.2. The sponsors of that text explained that it was based on resolution X of the International Conference on Human Rights, in which reference was made to Economic and Social Council resolution 1235 (XLII) of 6 June 1967, on General Assembly resolution 2442 (XXIII) of 14 December 1968 and on the decision taken at the 1576th meeting of the Council on 19 December 1968.

239. Some representatives felt, however, that the text proposed departed on one point, which they considered essential, from the wording used in Council resolution 1235 (XLII) which determined the Commission's competence in the matter. The Council referred in paragraph 2 of that resolution to "information relevant to gross violations of human rights and fundamental freedoms" and, in paragraph 3, to "a thorough study of situations which reveal a consistent pattern of violations of human rights". However, operative paragraph 1 of draft resolution E/CN.4/L.1063/Rev.2, used only the adjectives employed in paragraph 3 of the Council resolution and did not refer to "gross" violations as did paragraph 2 of that resolution. In view of the obvious intent of the Council's resolution, which was to enable the Commission to examine "gross" violations such as the policy of apartheid and racial discrimination practised in southern Africa, it was clear that the terms used in paragraph 3 corresponded

in substance, if not literally, to those in paragraph 2. Under that resolution, therefore, the Commission did not have authority to consider any violation whatsoever of human rights; its competence was limited to gross violations revealing a consistent pattern.

240. Against this argument, it was contended that there was a difference between the expression "gross violations" used in paragraph 2 of the Council's resolution and the expression "a consistent pattern of violations" used in paragraph 3. Paragraph 2 dealt with information on that subject which the Commission could obtain and examine, whereas paragraph 3 gave it some power of initiative in that field by authorizing it to study situations which revealed a consistent pattern of violations. It was therefore quite natural that the draft resolution should have used the wording in paragraph 3 of the Council's resolution, which was the basic provision defining the Commission's competence in the matter.

241. With regard to the procedure for preparing the model rules as proposed in draft resolution E/CN.4/L.1063/Rev.1 paragraph 232 above, it was pointed out that resolution X of the International Conference on Human Rights had recommended that the Commission be requested to prepare model rules of procedure, but that it had not been envisaged that the preparation of a preliminary draft should be entrusted to the Secretary-General as provided in paragraph 1 of the draft resolution. Doubts were also expressed whether it would be desirable for the preliminary draft to be transmitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities as provided in paragraph 2 of the draft resolution. It was argued that the Sub-Commission had already a heavy programme of work and that the task obviously fell outside its terms of reference. The sponsors further revised their draft resolution (E/CN.4/L.1063/Rev.2, see paragraph 233 above) in order to take into account those observations.

242. It was generally felt that, while the Commission had direct responsibility for the preparation of model rules, the Secretary-General should be asked to facilitate the Commission in its task by submitting to it a draft for consideration at its twenty-sixth session. It was pointed out that the Secretary-General could give the Commission the benefit of valuable experience in the matter, as evidenced by his report on methods of fact-finding (A/5694), which gave some useful examples relating to ad hoc bodies of the United Nations. It was also suggested that it might be useful to appoint a small working group to consider the draft and comment on it before it was submitted to the Commission.

Adoption of resolution

243. At its 1016th meeting, the Commission adopted the draft resolution submitted by Austria and Finland, as revised (E/CN.4/L.1063/Rev.2), see paragraph 233 above) by 22 votes to none, with 6 abstentions.

244. The text of the resolution adopted by the Commission at its 1016th meeting on 4 March 1969 is set forth in chapter XVIII of this report as resolution 8 (XXV).

V. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND
OF PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

(agenda item 4)

245. The question of the punishment of war criminals and of persons who have committed crimes against humanity has been considered during the last five years by the Commission on Human Rights, the Economic and Social Council and the General Assembly. It will be recalled, in particular, that, on the Commission's proposal, approved by the Economic and Social Council in its resolution 1158 (XLI) of 5 August 1966, the General Assembly, by its resolution 2391 (XXIII) of 26 November 1968, adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and opened it for signature, ratification and accession by the States entitled to become Parties to it.

246. In operative paragraph 4 of resolution 1158 (XLI), the Economic and Social Council had requested the Secretary-General to carry out a study as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto. By its resolution 13 (XXIV), the Commission on Human Rights requested the Secretary-General to submit that study in time for consideration by the twenty-fifth session of the Commission, and to include in it the examination of criteria for determining compensation to the victims of war crimes against humanity.

247. At its twenty-fifth session, the Commission had before it the study requested by resolution 1158 (XLI) of the Economic and Social Council (E/CN.4/983 and Add.1 and 2). In accordance with resolution 13 (XXIV) of the Commission, it contained a chapter XI on criteria for determining compensation to the victims of war crimes and crimes against humanity.

248. The Commission considered this item of its agenda at the 1016th to 1022nd meetings, from 4 to 7 March 1969.

Draft resolution and amendments

249. Poland and the USSR presented the following draft resolution (E/CN.4/L.1056).

A.

"The Commission on Human Rights,

Considering that the Economic and Social Council, in its resolution 1158 (XLI), invited the Commission on Human Rights 'to consider and make any further recommendations it believes desirable with a view to developing international co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity'.

Expressing its profound satisfaction at the adoption by the General Assembly on 26 November 1968 of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the States Parties to which undertake, in particular, to adopt all necessary measures, legislative or otherwise, with a view to making possible the extradition, in accordance with

international law, of persons who have committed war crimes or crimes against humanity,

Noting with satisfaction the study prepared by the Secretary-General as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto (E/CN.4/983 and Add.1), which refers, in particular, to the need for the adoption by States of the appropriate measures to ensure the extradition and punishment of persons guilty of these crimes,

Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

'The General Assembly,

Recalling its resolutions 3 (I) of 13 February 1946 and 170 (II) of 31 October 1947 on the extradition and punishment of war criminals, resolution 95 (I) of 11 December 1946 on affirmation of the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgement of the Tribunal, and resolutions 2338 (XXII) and 2391 (XXIII) on the punishment of war criminals and of persons who have committed crimes against humanity,

Recalling also the Declarations of 13 January 1942 and 30 October 1943, the Convention on the Prevention and Punishment of the Crime of Genocide and the other international instruments providing for the extradition and punishment of war criminals and of persons who have committed crimes against humanity,

Convinced that the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and equitable punishment by the courts of persons responsible for war crimes and crimes against humanity constitute an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security,

Noting with satisfaction that a number of States have already signed the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, adopted by the General Assembly on 26 November 1968,

1. Calls upon States to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and equitable punishment by the courts of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punished.

2. Calls upon all States to sign and ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity without delay;

3. Again calls upon States which have not yet ratified the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible;

4. Draws the attention of States to the special requirements of international solidarity against the crimes referred to in paragraph 1 of this resolution;

5. Requests all States to submit to the Secretary-General information on the measures taken by them in implementation of this resolution;

6. Requests the Secretary-General to submit to the General Assembly at its twenty-fifth session a report on progress in the implementation of this resolution;

7. Decides to consider the question of further measures to ensure the extradition and equitable punishment by the courts of war criminals and persons who have committed crimes against humanity as a priority item at its twenty-fifth session, and requests the Economic and Social Council to instruct the Commission on Human Rights to submit appropriate recommendations for consideration of this question in the General Assembly.'

B.

The Commission on Human Rights,

Recalling its resolution 13 (XXIV),

1. Requests the Secretary-General to prepare, in the light of the relevant international instruments, the views expressed in the Commission on Human Rights during its twenty-fifth session and any further information received from Governments concerning criteria for determining compensation to the victims of war crimes and crimes against humanity, a fuller study of the criteria for determining compensation to the victims of war crimes and crimes against humanity, including draft general principles governing the international legal order in the matter of liability to pay, without any discrimination whatsoever, equitable compensation to the victims of war crimes and crimes against humanity;

2. Decides to give high priority to this agenda item at its twenty-sixth session."

250. Italy, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which were later joined by Uruguay, submitted the following amendments (E/CN.4/L.1073) to the draft resolution submitted by Poland and the USSR (E/CN.4/L.1056):

I. PREAMBLE

"1. Second preambular paragraph: Delete "Expressing its profound satisfaction" and replace by "Noting".

2. Insert new third and fourth preambular paragraphs as follows: and renumber subsequent preambular paragraphs accordingly:

"Noting further that a number of States have already signed the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity",

"Recalling the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly in 1948".

3. Fifth preambular paragraph (formerly third): Replace the word "satisfaction" by the word "appreciation". Replace the words "which refers, in particular crimes" at the end of the paragraph by the words "and the criteria for determining compensation to the victims of war crimes and crimes against humanity".

4. Add new sixth preambular paragraph: "Convinced that the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity constitute an important element in the prevention of such crimes, and thereby the protection of human rights and fundamental freedoms".

II. OPERATIVE PART

5. Delete the remainder of part A and all of part B of the draft resolution and replace it by the following:

1. Invites all States concerned to take all possible measures for the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and punishment of war criminals and persons guilty of crimes against humanity who have not yet been brought to trial and punished,
2. Further invites eligible States which have not yet adhered to the Convention on the Prevention and Punishment of the Crimes of Genocide to do so as soon as possible,
3. Draws the attention to the special need for international action in order to ensure the prosecution and punishment of those responsible for war crimes and crimes against humanity,
4. Invites those Member States which have not yet done so to submit information to the Secretary-General on the question of arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto, and the criteria for determining compensation to the victims of such crimes,
5. Further invites Member States to provide the Secretary-General with comments on the general observations contained in paragraphs 405-412 of his study (E/CN.4/983),
6. Decides to consider the question of further measures to ensure the prosecution and punishment of war criminals and persons who have committed crimes against humanity and also the question of the criteria for determining compensation to the victims of such crimes at its twenty-sixth session, taking into consideration the views expressed in the Commission during its twenty-fifth session and any further information and comments received from Member States."

251. The revised draft resolution submitted by Poland and the USSR (E/CN.4/L.1056/Rev.1) read as follows:

"The Commission on Human Rights

Considering that the Economic and Social Council, in its resolution 1158 (XLI) invited the Commission on Human Rights 'to consider and make any further recommendations it believes desirable with a view to developing international

co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity',

Noting that on 26 November 1968 the General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the States Parties to which undertake, in particular, to adopt all necessary measures, legislative or otherwise, with a view to making possible the extradition, in accordance with international law, of persons who have committed war crimes or crimes against humanity,

Noting with appreciation the study prepared by the Secretary-General as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto and as regards the criteria for determining compensation to the victims of war crimes and crimes against humanity (E/CN.4/983 and Add.1),

1. Requests States which have not yet done so to submit information to the Secretary-General on matters concerning the arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, the exchange of documentation relating thereto and the criteria for determining compensation to the victims of such crimes;
2. Further requests Member States to submit to the Secretary-General comments on the general observations in paragraphs 405-412 of his study (E/CN.4/983);
3. Requests the Secretary-General to prepare, in the light of the relevant international instruments, of the views expressed in the Commission on Human Rights during its twenty-fifth session and any further information received from governments concerning criteria for determining compensation to the victims of war crimes and crimes against humanity, a fuller study of the criteria for determining compensation to the victims of war crimes and crimes against humanity;
4. Decides to consider the question of further measures to ensure the careful investigation of war crimes and crimes against humanity, and the detection, arrest, extradition and punishment of persons who have committed such crimes, and also the question of criteria for determining compensation to the victims of war crimes and crimes against humanity as a priority item at its twenty-sixth session in the light of the views expressed in the Commission during its twenty-fifth session and of any additional information and comments received from Member States;
5. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

Recalling its resolutions 3 (I) of 13 February 1946 and 170 (II) of 31 October 1947 on the extradition and punishment of war criminals, resolution 95 (I) of 11 December 1946 on affirmation of the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgement of the Tribunal, and resolutions 2338 (XXII) and 2391 (XXIII) on the punishment of war criminals and of persons who have committed crimes against humanity,

Recalling also the Declarations of 13 January 1942 and 30 October 1943, and the Convention on the Prevention and Punishment of the Crimes of Genocide, providing for the extradition and punishment of war criminals and of persons who have committed crimes against humanity,

Convinced that the thorough investigation of war crimes and crimes against humanity, and the detection, arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity, constitute an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security,

Noting that a number of States have already signed the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

1. Calls upon all the States concerned to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and for the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punished;
2. Calls upon States which have not yet signed or ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity to do so as soon as possible;
3. Expresses the hope that States which have been unable to vote for the adoption of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity will refrain from actions running counter to its main purposes;
4. Again calls upon States which have not yet become Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible;

5. Draws attention to the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity;
6. Requests all States to submit to the Secretary-General information on the measures taken by them in implementation of this resolution;
7. Requests the Secretary-General to submit to the General Assembly at its twenty-fifth session a report on progress in the implementation of this resolution;
8. Decides to consider the question of further measures to ensure the extradition and punishment of war criminals and persons who have committed crimes against humanity as a priority item at its twenty-fifth session."

252. Italy, New Zealand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, submitted amendments (E/CN.4/T.1073/Rev.1) to the revised draft resolution (E/CN.4/L.1056/Rev.1). These amendments were as follows:

1. PREAMBLE

"1. Insert after the second preambular paragraph the following two preambular paragraphs:

"Noting further that a number of States have already signed the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity",

"Recalling the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly in 1948".

2. Insert after the third preambular paragraph the following preambular paragraph:

"Convinced that the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity constitute an important element in the prevention of such crimes, and thereby the protection of human rights and fundamental freedoms".

2. OPERATIVE PARAGRAPHS

1. Before the present operative paragraph 1 insert the following as operative paragraphs 1, 2 and 3:

"1. Invites all States concerned to take all possible measures for the thorough investigation of war crimes and crimes against humanity, the detection, arrest, extradition and punishment of war criminals and persons guilty of crimes against humanity who have not yet been brought to trial and punished.

2. Further invites eligible States which have not yet adhered to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible.

3. Draws the attention to the special need for international action in order to ensure the prosecution and punishment of those responsible for war crimes and crimes against humanity."

2. In operative paragraph 4 (present operative paragraph 1) insert the word "Member" before the word "States".

3. Delete present operative paragraph 3.

4. Delete present operative paragraph 5.

5. Renumber operative paragraphs accordingly."

253. At the 1022nd meeting, held on 7 March 1969, the amendment to operative paragraph 1 of the five-Power draft (E/CN.4/L.1073/Rev.1, para.2) was orally modified by the insertion of the words "Members of the United Nations and of the specialized agencies" after the word "States".

254. Operative paragraph 2 of the draft resolution to be submitted to the General Assembly, contained in the five-Power proposal (E/CN.4/L.1056/Rev.1) was the subject of an oral amendment submitted by the Philippines at the 1021st meeting, on 7 March 1969. Under this amendment, the words, "Calls upon States" were replaced by the words "Invites the States concerned".

255. At the 1022nd meeting, on 7 March 1969, Venezuela submitted an oral amendment to operative paragraph 6 of the draft resolution for the General Assembly contained in the five-Power proposal. Under this amendment, the words "Members of the United Nations and of the specialized agencies" were inserted after the word "States".

Issues discussed

256. In the course of the discussion, it was agreed that the United Nations should energetically pursue consideration of the serious problems which arose in connexion with the prosecution and punishment of war criminals and those responsible for crimes against humanity. In accordance with the invitation addressed to it in Economic and Social Council resolution 1158 (XII), of 5 August 1966, the Commission must make recommendations concerning the development of international co-operation in that field. The Organization's efforts must be aimed at ensuring the punishment both of crimes committed in the past and of those being committed at present. It was stressed that the adoption of effective steps as regards the investigation of war crimes and crimes against humanity, and the detection, arrest, extradition and punishment of their authors, would be an important contribution to preventing such crimes and would thus greatly contribute to the protection of human rights and fundamental freedoms. The opinion was also expressed that such steps would stimulate co-operation between peoples and would tend to foster international peace and security.

257. Several representatives expressed their satisfaction with the Secretary-General's study (E/CN.4/983 and Add.1 and 2), which in their view contained a detailed analysis of the measures taken in a number of countries and an interesting account of the various problems which arose. It was agreed, however, that it would be necessary to obtain further information from government sources, as was requested both by the draft resolution submitted by Poland and the USSR (E/CN.4/L.1056 and Rev.1, see paras.249 and 251 above) and by the five-Power amendments (E/CN.4/L.1073 and Rev.1, see paras.250 and 252 above). Nevertheless, some representatives considered that the Secretary-General's study showed clearly enough in its present form in what spheres international co-operation seemed inadequate, in particular the exchange of documents (E/CN.4/983, chapter IV) and the extradition of criminals (E/CN.4/983, chapter VI); and in the view of those representatives the situation as described in the study would justify the formulation of certain recommendations. In the opinion of other representatives, however, the Commission would not be in a position to evaluate the situation as a whole and to make specific recommendations until it had obtained, not only additional information, but also the comments of Member States on the general observations contained in the study (E/CN.4/983, paras. 405-412). Such was the main significance of the five-Power amendments (E/CN.4/L.1073 and Rev.1. see paragraphs 250 and 252 above).

258. Some representatives said that the problems which arose in connexion with the punishment of war crimes and crimes against humanity could be illustrated by what they considered to be the lack of energy with which such crimes were being punished in a certain State which should, however, have been particularly interested in the matter. According to those representatives, many war criminals in that country had already benefited by the statute of limitations, and it was expected that all the authors of such crimes would so benefit on 31 December 1969. Those representatives also expressed the view that in that country many war criminals had not yet been tried, while many others had been condemned to light sentences, in no way commensurate with the seriousness of the crimes committed. In the opinion of those representatives, many unpunished criminals held important posts in the administration of the country in question; and that situation was in direct contrast with the one which existed, according to those delegations in some other countries, which were making every effort, on both the national and the regional levels, to ensure that the crimes in question were effectively punished.

259. Some other representatives thought that certain delegations were misusing the Commission as a platform for making unspecific and baseless allegations against a State which was not represented in it. In their opinion, such allegations, repeated at every session, in no way facilitated the Commission's task.

260. The debate was chiefly concerned with the contents and scope of the recommendations which the Commission should formulate, and on the point whether at the present session draft recommendations should be submitted to the General Assembly for its approval.

261. Several representatives said that, in their opinion, one of the most important and urgent recommendations was that an appeal should be made for signature and ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity by all States which had not yet taken that action. Such an appeal was provided for in the proposal submitted by Poland and the

USSR (E/CN.4/L.1056 and Rev.1, see paragraphs 249 and 251 above). In support of that proposal, it was stated, inter alia, that the Convention affirmed or confirmed in precise terms the determination of the United Nations not to leave those most serious violations of human rights unpunished, whatever the date on which such atrocities were committed, whether it was a matter of crimes committed in the past, present or future. The Convention had so far been signed by no more than seven States and only one of them had ratified it. According to the proposal's sponsors, who were supported by a number of representatives, it was essential that the Convention should enter into force and be extensively applied as soon as possible. The endeavour to achieve those aims would both satisfy the conscience of mankind as regards the punishment of past crimes and contribute effectively to preventing such atrocities from being committed, particularly by fascist and neo-nazi elements and by those who were applying the policy of apartheid. It would also encourage the groups which, in some of the countries directly concerned, were combatting neo-nazi tendencies and trying to ensure that the principle of the non-applicability of statutory limitations prevailed.

262. Some other representatives, while stressing their wish to contribute to the effective punishment of war crimes and crimes against humanity, declared that they could not associate themselves with the proposed appeal for the signature and ratification of the Convention, since their Governments had abstained or voted against it during the General Assembly vote on the subject. They recalled their various reasons for doing so. It was pointed out that only fifty-eight States had voted in the General Assembly in favour of the Convention; seven voted against and thirty-six abstained.

263. One representative said he could not accept an appeal to increase the number of signatures and ratifications of the Convention since the principles of statutory limitations and of the right of asylum for political crimes were enshrined in his country's constitution, and the Convention was not in keeping with those principles.

264. Some other delegations recalled that their countries had been of the opinion that they could not vote for the Convention since, in their view, it was not in harmony with the principle, embodied in their constitutions, of the non-retroactivity of penal law.

265. According to other representatives, the Convention was unacceptable, since, in article I, it declared to be "crimes against humanity" certain acts - referred to, incidentally, in excessively vague terms - which were not so defined either by their domestic penal law or by positive international law. Several members of the Commission, however, said that on that subject they fully agreed with the definition of crimes contained in article I, to which the revised draft resolution submitted by Poland and the USSR expressly referred (E/CN.4/L.1056/Rev.1, see paragraph 251 above). Several representatives said in particular that in their opinion the Convention had rightly included eviction by armed attack or occupation among crimes against humanity.

266. Lastly, some delegations were of the opinion that the Convention as a whole was not drafted with sufficient precision, in view of the fact that binding legal standards were involved.

267. Some of the representatives who had expressed reservations or objections concerning various aspects of the Convention affirmed that their countries' laws were nevertheless in complete harmony with that instrument's main intent, since they provided for the non-applicability of statutory limitations to war crimes and crimes against humanity as defined by positive international law. Rather than place the emphasis exclusively upon the Convention, those representatives considered that it would be preferable to recommend increased international co-operation in ensuring the punishment of criminals, both to States which had signed or ratified the Convention and to those which were unable to do so but whose domestic legislation provided for the non-applicability of statutory limitations to such crimes.

268. The revised terms of the draft resolution submitted by Poland and the USSR (see paragraph 251 above) did not satisfy a number of the representatives who had expressed reservations concerning the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. In particular, several members of the Commission considered that the wording of operative paragraph 3 of the draft resolution for adoption by the General Assembly, as included in the revised proposal by Poland and the USSR, was regrettable: in their opinion, it could imply, a contrario, that the States which had not been in a position to vote for the Convention were suspected of engaging in acts that would be contradictory to that instrument's basic objectives. The majority of the Commission, however, approved the invitation to States to sign and ratify the Convention, after the text of the relevant paragraph had been made more acceptable by the adoption of an oral amendment by the Philippines (see paragraph 254 above).

269. The appeal for ratification of the Convention on the Prevention and Punishment of the Crime of Genocide was accepted without any objection. While associating himself with that appeal, one representative expressed some doubt whether the Convention would be effective before an international penal court had been established to try the crime of genocide; another expressed reservations concerning the peremptory language in which the appeal was couched in the revised draft resolution submitted by Poland and the Union of Soviet Socialist Republics (E/CN.4/L.1056/Rev.1).

270. The recommendation concerning the particular need to take steps at the international level to ensure the prosecution and punishment of those responsible for war crimes and crimes against humanity, as contained in the draft resolution submitted by Poland and the USSR (see paragraph 251 above) and in the amendments (see paragraph 252 above) was also generally accepted.

271. As regards the consideration of criteria for determining compensation to the victims of war crimes and crimes against humanity, as requested by Commission resolution 13 (XXIV), it was noted that the Secretary-General had had information from only a small number of governments before him to provide a basis for his preliminary study (E/CN.4/983, chapter XI, and E/CN.4/983/Add.1 and 2). The initial draft resolution submitted by Poland and the USSR (E/CN.4/L.1056, part B, see paragraph 249 above) requested the Secretary-General to prepare, for the twenty-sixth session of the Commission, a fuller study of these criteria, taking account, inter alia, of any further information received from governments, and also to prepare draft general principles

governing the international legal order in the matter of liability to pay, without any discrimination whatsoever, equitable compensation to the victims. That problem affected a large number of persons who had been subject to nazi persecution. Those persons had not yet been compensated by the State which, according to the sponsors of the draft resolution, should be considered legally responsible. The sponsors of the draft proposal suggested that the principles to be established in that field should include, among others, the principle of equitable compensation without any discrimination; the non-applicability of statutory limitations to the claims of victims; and the non-refusal of claims on the pretext that no peace treaty had yet been concluded. The proposed draft statement of principles should define the categories of persons entitled to receive compensation. Lastly, it should be stated on whom lay the legal responsibility - physical persons, including State officials, corporate bodies and the State - it being understood that an obligation could rest only with the guilty State and not with the State which had itself suffered from such atrocities.

272. The representative of the Secretary-General assured the Commission that if the proposal were adopted, the Secretariat would give every possible assistance within the limits of its functions and responsibilities, but he raised the question to what extent the Secretary-General could assume responsibility for preparing such draft principles, since that was a task which might imply a judgement on measures adopted by certain governments and would be more de lege ferenda than de lege lata (E/CN.4/SR.1017).

273. Several representatives took the view that the Secretary-General should not be asked to undertake such a task entailing the exploration of very complex issues on which positive international law was to a large extent non-existent. Reservations were maintained regarding the revised proposal by Poland and the USSR (E/CN.4/L.1056/Rev.1, operative paragraph 3, see paragraph 251 above), which no longer asked for the preparation of draft principles but still proposed a fuller study of the criteria for determining compensation to victims. These representatives expressed the view that it would be premature to ask for such a study and that much more information should first be obtained from governments.

274. As to the choice of the United Nations organ that was to make various recommendations to States, some representatives, supporting the five-Power amendments (E/CN.4/1073 and Rev.1) thought that the Commission was not yet in a position to submit to the General Assembly, through the intermediary of the Economic and Social Council, precise draft recommendations, mainly because it had not yet been possible to give the Secretary-General's very comprehensive study the thorough consideration it deserved and because a number of governments had not yet provided information. The Commission should therefore above all ask States Members of the United Nations and of the specialized agencies which had not yet done so to communicate information to the Secretary-General on the various aspects of the problem and request Member States to send their comments on the general observations contained in that study (E/CN.4/983, paragraphs 405-412). In the light of such information and comments, the Commission would, it was to be hoped, be better able at its twenty-sixth session, to frame precise recommendations. In the meantime, States might be invited to take all the necessary action, and their attention should be drawn to the particular need for international co-operation in that field. There was absolutely no point, however, in

submitting such very general recommendations, which largely reiterated those previously adopted, to the General Assembly for approval. The recommendations proposed by Poland and the USSR concerning the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity - on the substance of which, incidentally, these representatives were not in agreement - might very well be discussed and adopted by the General Assembly on the proposal of any Member State.

275. Several other representatives, who supported the proposal of Poland and the USSR, considered, on the other hand, that the Commission should submit its recommendations (except that concerning compensation to victims) in the form of a draft resolution of the General Assembly. The importance and urgency of the question merited, in their view, the sustained attention of the principal organ of the United Nations. At recent sessions, the Assembly had considered the question of the punishment of those responsible for war crimes and crimes against humanity, and it had quite recently adopted an instrument of considerable scope: the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. The entry into force and the broad application of that instrument concerned all Member States, and a recommendation to that effect should therefore be made by the organ in which all those States were represented. In general, if the Commission adopted the proposed recommendations itself, without submitting them to the Assembly, public opinion would receive the impression that the United Nations now tended to attach less importance to the question, and the juridical validity of certain recommendations made to States directly by the Commission might be left in doubt. A majority of the Commission decided to submit its recommendations in the form of a draft resolution for adoption by the General Assembly.

Adoption of resolution

276. At its 1022nd meeting, on 7 March 1969, the Commission voted as follows on the revised draft resolution submitted by Poland and the USSR (E/CN.4/L.1056/Rev.1, see paragraph 251 above) and on the amendments relating thereto:

(a) The amendment by Italy, New Zealand, the United Kingdom, the United States of America and Uruguay (E/CN.4/L.1073/Rev.1, paragraph 4, see paragraph 252 above) for deleting the draft resolution for the General Assembly contained in operative paragraph 5 of the Polish and USSR draft was rejected by 12 votes to 11, with 8 abstentions. The vote was taken by roll-call, at the request of the USSR, and the results of the voting were as follows:

<u>In favour:</u>	Austria, France, Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.
<u>Against:</u>	India, Iran, Lebanon, Madagascar, Mauritania, Morocco, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.
<u>Abstaining:</u>	Chile, Congo (Democratic Republic of), Finland, Nigeria, Pakistan, Peru, United Republic of Tanzania, Venezuela.

After this vote, the amendments contained in document E/CN.4/L.1073/Rev.1 (see paragraph 252 above) were withdrawn, with the exception of those relating to operative paragraph 1 of the Polish and USSR draft and of the amendment for the deletion of operative paragraph 3.

(b) The five-Power amendment for the insertion of the words "Members of the United Nations and of the specialized agencies" in operative paragraph 1 of the five-Power draft (E/CN.4/L.1073/Rev.1, part 2, para.2, as orally revised, see paragraph 253 above) was adopted by 18 votes to 4, with 8 abstentions.

(c) Operative paragraph 1 of the draft, as amended, was adopted without objection.

(d) The five-Power amendment for the deletion of operative paragraph 3 of the Polish and USSR draft was adopted by 11 votes to 10, with 10 abstentions.

(e) At the request of the representative of Jamaica, operative paragraph 1 of the draft resolution for the General Assembly contained in the revised Polish and USSR proposal was put to the vote separately. This paragraph was adopted by 13 votes to 2, with 14 abstentions.

(f) The oral amendment of the Philippines to operative paragraph 2 of the draft resolution for the General Assembly (see paragraph 254 above) was adopted by 13 votes to none, with 17 abstentions.

(g) As amended, operative paragraph 2 of the draft resolution for the General Assembly proposed by Poland and the USSR was put to the vote separately, at the request of the representative of Jamaica. This paragraph was adopted by 13 votes to 3, with 14 abstentions.

(h) At the request of the United Kingdom representative, operative paragraph 3 of the draft resolution for the General Assembly proposed by Poland and the USSR was put to the vote separately. This paragraph was adopted by 14 votes to 1, with 14 abstentions.

(i) Operative paragraph 4 of the draft resolution for the General Assembly proposed by Poland and the USSR was put to the vote separately at the request of the representative of Chile. It was adopted by 20 votes to none, with 9 abstentions.

(j) In operative paragraph 6 of the draft resolution for the General Assembly proposed by Poland and the USSR, the Venezuelan oral amendment for the insertion of the words "Members of the United Nations and of the specialized agencies" (see paragraph 255 above) was adopted by 21 votes to 4, with 5 abstentions.

(k) The Polish and USSR draft resolution as a whole, as amended, was adopted by 16 votes to 2, with 12 abstentions.

277. The text of the resolution adopted by the Commission at its 1022nd meeting, on 7 March 1969, is set forth in chapter XVIII of this report as resolution 9 (XXV).

VI. MEASURES TO BE TAKEN AGAINST NAZISM AND
RACIAL INTOLERANCE

(agenda item 12)

278. This question was in particular the subject of General Assembly resolution 2331 (XXII) of 18 December 1967 in which the Assembly resolutely condemned any ideology, including nazism, which is based on racial intolerance and terror; and called upon all States to take immediate and effective measures against any such manifestations of nazism and racial intolerance.

279. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1 (XX), invited its Special Rapporteur, Mr. Hernán Santa-Cruz (Chile), to give due consideration, in his special study of racial discrimination in the political, economic, social and cultural spheres, to the problem of measures which should be taken to halt nazi activities wherever they occur.

280. The Commission on Human Rights at its twenty-fourth session once again resolutely condemned all ideologies, including nazism and apartheid, which are based on racial intolerance and terror, and requested the Sub-Commission to submit recommendations to the Commission on measures which could be taken to halt nazi activities wherever they occur.

281. The Special Rapporteur on racial discrimination in the political, economic, social and cultural spheres submitted a draft report containing a chapter on the revival of nazism, to the Sub-Commission at its twenty-first session (E/CN.4/Sub.2/288). In its resolution 6 (XXI), the Sub-Commission invited the Special Rapporteur to submit a final report to it at its twenty-second session.

282. On the proposal of the Commission, approved by the Economic and Social Council, the General Assembly, by its resolution 2438 (XXIII) of 19 December 1968, took note in particular of resolution II adopted on the subject by the International Conference on Human Rights at Teheran. It once again resolutely condemned nazism, apartheid and all similar ideologies and practices based on racial intolerance and terror. It called upon all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislation and other positive measures to outlaw groups which were disseminating propaganda for nazism, the policy of apartheid and other forms of racial intolerance. Further, the General Assembly requested the Secretary-General to submit to it a survey of information available on international instruments, legislation and other measures taken or envisaged, at the national and international levels, with a view to halting nazi and similar activities, such as apartheid.

283. At its twenty-fifth session, the Commission had before it both the texts of the above resolutions and the draft report of the Special Rapporteur to the Sub-Commission (E/CN.4/Sub.2/288). It also had before it a communication dated 5 March 1969 to the Chairman of the Commission from the representative of Poland (E/CN.4/L.1076).

284. The Commission considered this item of its agenda at its 1017th, 1018th, 1019th and 1020th meetings, on 5 and 6 March 1969, and at its 1022nd and 1023rd meetings, on 7 and 10 March 1969.

Draft resolution and amendments

285. Poland and the Ukrainian SSR submitted a draft resolution reading, as first revised, as follows (E/CN.4/L.1053/Rev.1):

'The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and by General Assembly resolutions 2331 (XXII) and 2438 (XXIII) on measures to be taken against nazism and racial intolerance,

Recognizing the need for the urgent implementation of these resolutions,

Having regard to the resolution on measures to be taken against nazism and racial intolerance which was adopted by the International Conference on Human Rights on 11 May 1968 and which provided that the question should be kept under continuing review by the appropriate organs of the United Nations,

Expressing its indignation at the fact that nazi organizations are entering into contact with and actively supporting the forces pursuing the criminal policy of apartheid and racism in the Republic of South Africa, Namibia, Southern Rhodesia, Angola and other colonial and dependent territories,

1. Reiterates its request to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its consideration of the special study of racial discrimination in the political, economic, social and cultural spheres, to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur;

2. Requests the Secretary-General to submit to the General Assembly information, prepared in accordance with General Assembly resolution 2438 (XXIII), on international instruments, legislation and other measures taken or envisaged, both at the national and international levels, with a view to halting nazi and similar activities, such as apartheid;

3. Decides to appoint a Special Rapporteur to make a study of the danger presented by nazism and neo-nazism to the development and safeguarding of human rights and fundamental freedoms;

4. Decides to retain this item on its agenda;

5. Requests the Economic and Social Council to recommend to the General Assembly the following draft resolution:

'The General Assembly,

Recalling its resolutions 2331 (XXII) and 2438 (XXIII) on measures to be taken against nazism and racial intolerance,

Observing that, on 1 September 1939, Hitlerite nazism began the Second World War, and recognizing that neo-nazism today represents a revival and development of the ideology and practice of the nazism of the past, which inflicted intolerable sufferings on mankind,

Reaffirms that nazism, neo-nazism, racism and similar ideologies and practices which are based on terror and racial intolerance, are incompatible with the purposes and principles of the Charter of the United Nations, constitute a large-scale and gross violation of human rights and fundamental freedoms, which jeopardizes peace and the security of peoples,

Expressing its profound concern at the further revival of activities by groups and organizations which are carriers of the inhuman nazi, neo-nazi, racist and other similar ideologies and practices,

Further expressing its indignation at the fact that nazi groups and organizations are allying themselves with and supporting the forces pursuing the criminal policy of apartheid,

Profoundly disquieted by the fact that not all States are responding to its appeals to outlaw and prohibit nazi and racist organizations and groups and to make membership of them a criminal offence,

1. Declares the policy and practice of nazi, neo-nazi and similar organizations and groups, whose activities are based on terror and racial intolerance, to be a crime against humanity;
2. Acknowledges the legality of the peoples' efforts to combat nazism, racism, apartheid and similar ideologies based on terror and racial intolerance;
3. Urgently calls upon those States which have not yet done so to take immediate and effective measures, including legislative measures, for the complete prohibition of nazi, neo-nazi and racist organizations and groups and for their prosecution in the courts;
4. Calls upon all States and peoples to take effective measures to protect young people against the influence of nazi, neo-nazi and similar ideologies and practices;
5. Approves the decision of the Commission on Human Rights to make a special study of the danger presented by nazism and neo-nazism to the development and safeguarding of human rights and fundamental freedoms;
6. Decides to declare 1 September (the day on which Hitlerite nazism began the Second World War) International Campaign against Nazism Day;
7. Calls upon all States and peoples and national and international organizations to celebrate International Campaign against Nazism Day annually on 1 September, with a view to the speedy and final eradication of nazism and similar ideologies and practices based on terror and racial intolerance;

8. Recommends the Governments of all States to promote the publication and dissemination of material connected with United Nations efforts to combat nazism in the past and material publicizing the danger of the present revival of nazism in a number of countries;

9. Requests States to submit to the Secretary-General of the United Nations, for transmission to the General Assembly at its twenty-fifth session, a report on the measures they have adopted and are adopting under paragraph 3 of this resolution;

10. Decides to retain on its agenda the item concerning measures to be taken against nazism and racial intolerance as a matter of top priority."

286. After further revision, the draft resolution submitted by Poland and the Ukrainian SSR read as follows (E/CN.4/L.1053/Rev.2/:

"The Commission on Human Rights

Guided by the purposes and principles of the Charter of the United Nations and by General Assembly resolutions 2331 (XXII) and 2438 (XXIII) on measures to be taken against nazism and racial intolerance,

Recognizing the need for the urgent implementation of these resolutions,

Having regard to the resolution on measures to be taken against nazism and racial intolerance which was adopted by the International Conference on Human Rights on 11 May 1968 and which provided that the question should be kept under continuing review by the appropriate organs of the United Nations,

Expressing its concern at the fact that nazi groups and organizations are allying themselves with and supporting the forces pursuing the criminal policy of apartheid and racism in the Republic of South Africa, Namibia and Southern Rhodesia,

Recalling its resolution 15 (XXIV) containing a request to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its consideration of the special study of racial discrimination in the political, economic, social and cultural spheres, to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur,

1. Decides to request Mr. Z. Resich (Poland) to submit to the Commission, at its twenty-sixth session, a working paper containing a study of the danger presented by nazism and neo-nazism to the development and safeguarding of human rights and fundamental freedoms;

2. Requests the Secretary-General to submit to the General Assembly information, prepared in accordance with General Assembly resolution 2438 (XXIII), on international instruments, legislation and other measures taken or envisaged, both at the national and international levels, with a view to halting nazi and similar activities, such as apartheid;

3. Decides to retain this item on its agenda;
4. Requests the Economic and Social Council to recommend to the General Assembly the following draft resolution:

The General Assembly,

Recalling its resolutions 2331 (XXII) and 2438 (XXIII) on measures to be taken against nazism and racial intolerance,

Observing that, on 1 September 1939, Hitlerite nazism began the Second World War, and recognizing that neo-nazism today represents a revival and development of the ideology and practice of the nazism of the past, which inflicted intolerable sufferings on mankind,

Reaffirms that nazism, neo-nazism, racism and similar ideologies and practices which are based on terror and racial intolerance are incompatible with the purposes and principles of the Charter of the United Nations and constitute a large-scale and gross violation of human rights and fundamental freedoms, which jeopardizes peace and the security of the peoples,

Expressing its profound concern at the further revival of activities by groups and organizations which are carriers of the malignant nazi, neo-nazi, racist and other similar ideologies and practices,

Profoundly disquieted by the fact that not all the States concerned are responding to its appeals to outlaw and prohibit nazi and racist organizations and groups and to make membership of them a criminal offence,

1. Declares to be criminal the existence, policy and practice of nazi, neo-nazi and similar organizations and groups whose activities are based on terror and racial intolerance;

2. Urgently calls upon those States concerned which have not yet done so to take immediate and effective measures, including legislative measures, for the complete prohibition of nazi, neo-nazi and racist organizations and groups and for their prosecution in the courts;

3. Calls upon all States to take effective measures to protect young people against the influence of nazi, neo-nazi and similar ideologies and practices;

4. Approves the decision of the Commission on Human Rights to make a special study of the danger presented by nazism and neo-nazism to the development and safeguarding of human rights and fundamental freedoms;

5. Decides to declare 1 September (the day on which Hitlerite nazism began the Second World War) International Campaign against Nazism Day;

6. Calls upon all States and peoples and national and international organizations to celebrate International Campaign against Nazism Day annually on 1 September, with a view to the speedy and final eradication of nazism and similar ideologies and practices based on terror and racial intolerance;

7. Recommends the Governments of all States to promote the publication and dissemination of material connected with United Nations efforts to combat nazism in the past and material publicising the danger of the present revival of nazism in a number of countries;

8. Requests States to submit to the Secretary-General of the United Nations for consideration at the twenty-fifth session of the General Assembly, information on the measures they have adopted and are adopting under this resolution;

9. Decides to retain on its agenda the item concerning measures to be taken against nazism and racial intolerance as a matter of top priority."

This revised proposal (E/CN.4/L.1053/Rev.2) incorporated, as a new operative paragraph 1 of the Commission's draft resolution, a text proposed by India (E/CN.4/L.1075). The Secretary-General presented a statement of financial implications (E/CN.4/L.1081) of the revised draft resolution submitted by Poland and the Ukrainian SSR

287. The revised draft resolution of Poland and the Ukrainian SSR (E/CN.4/L.1053/Rev.2) was orally revised as follows:

- (a) At the end of operative paragraph 1 of the Commission's draft resolution, the following words were added: "taking into account the provisions contained in the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/288)";
- (b) In the fourth line of operative paragraph 2 of the Commission's resolution, the word "racist", was inserted between the words "halting" and "nazi";
- (c) In the fifth paragraph of the preamble to the draft resolution for submission to the General Assembly, the words "with due regard to the principles contained in the Universal Declaration of Human Rights," were inserted between the word "appeals" and the words "to outlaw";
- (d) In operative paragraph 1 of the draft resolution for submission to the General Assembly, the words "Declares to be criminal the existence" were replaced by the words "Decisively condemns as criminal";
- (e) In operative paragraphs 5 and 6 of the draft resolution for submission to the General Assembly, the words "International Campaign against Nazism Day" were replaced by the words "International Day in memory of those who fell in the fight against nazism."

288. The United Kingdom representative submitted the following amendments (E/CN.4/L.1077):

VI. RESOLUTION OF THE COMMISSION ON HUMAN RIGHTS

1. In the fourth preambular paragraph replace the words 'the fact' by the word 'reports'.

II. DRAFT RESOLUTION FOR THE GENERAL ASSEMBLY

2. In the second preambular paragraph replace the words 'that neo-nazism today represents' by the words 'all the evils that could result from'.

3. In the third preambular paragraph insert the word 'totalitarian' between the word 'similar' and 'ideologies'.

4. In the fourth preambular paragraph replace the words 'Expressing its profound concern at the further' by the words 'Concerned at the possibility of the'. Further, replace the words 'which are carriers of the malignant nazi, neo-nazi, racist and other similar ideologies and practices' by the words 'professing totalitarian ideologies such as nazism'.

5. In operative paragraph 2, insert the words 'with due regard to the principles contained in the Universal Declaration of Human Rights' after the words 'legislative measures'.

6. In operative paragraph 8, insert the word 'Member' before the word 'States'."

289. The co-sponsors of the draft resolution in document E/CN.4/L.1056/Rev.2 accepted the United Kingdom amendment to insert the words "with due regard to the principles contained in the Universal Declaration of Human Rights" after the words "legislative measures" in operative paragraph 2 of the draft resolution for submission to the General Assembly.

290. Chile, Guatemala, Peru, Uruguay and Venezuela submitted the following amendments (E/CN.4/L.1079) to the revised draft resolution submitted by Poland and the Ukrainian SSR:

"1. In the first paragraph of the preamble, insert in the third line, between the words 'against' and 'nazism', the words 'totalitarian ideologies such as'.

2. Replace the fourth paragraph of the preamble by the following:

'Expressing its concern at the fact that the revival of groups and organizations professing totalitarian and racist ideologies promotes the criminal policy of apartheid, colonialism and racial intolerance,'

3. Insert the following paragraph at the end of the preamble:

'Noting with satisfaction that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its consideration of the special study of racial discrimination in the political, economic, social and cultural spheres, has decided to deal also with the question of the revival of nazism, and to submit recommendations on measures which should be taken to halt nazi activities wherever they occur.'

4. Replace operative paragraph 1 by the following:

'Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into consideration the debate on this agenda item at the twenty-fifth session, to deal, in the study which it is carrying out on the revival of nazism, with the danger of the revival of this ideology and with the way in which it may affect the existence and safeguarding of fundamental human rights and freedoms.

Invites the Governments of Member States and organizations possessing information on the subject to send such information to the Special Rapporteur for the study of racial discrimination in the political, social, economic and cultural spheres early enough to be taken into consideration in that study.'

5. Amend the draft resolution to be submitted to the General Assembly as follows:

(a) In the first paragraph of the preamble, insert the words 'totalitarian ideologies such as' between the words 'against' and 'nazism'.

The paragraph as a whole would thus read: 'Recalling its resolutions 2331 (XXII) and 2438 (XXIII) on measures to be taken against totalitarian ideologies such as nazism and racial intolerance,'.

(b) Amend the second paragraph of the preamble to read as follows: 'Observing that, on 1 September 1939, Hitlerite nazism began the Second World War, and recognizing the danger that the revival and development of nazism, which inflicted intolerable suffering on mankind, represents today,'.

(c) In the third paragraph of the preamble, replace the word 'neo-nazism' by the words 'including its present-day manifestations'.

The beginning of the paragraph would read: 'Reaffirming that nazism, including its present-day manifestations, racism and similar ideologies ...'

(d) Amend the fourth paragraph of the preamble to read as follows: 'Expressing its profound concern at the further revival of activities by groups and organizations which are carriers of the malignant ideologies and practices of nazism, including its present-day manifestations, racism and other similar ideologies and practices'.

- (e) Replace operative paragraph 1 by the following:

'Renews its strong condemnation of racism, nazism, apartheid and all other totalitarian ideologies and practices'.

(f) Replace operative paragraph 2 by the following:

'Urgently calls upon all States which consider such action necessary in view of the principles set forth in the Universal Declaration of Human Rights, to adopt the legislative and administrative measures necessary or desirable to combat such ideologies and practices'.

(g) Replace operative paragraph 3 by the following text:

'Calls upon all States to take effective measures to inculcate the Principles and Purposes of the United Nations Charter and the Universal Declaration of Human Rights in young people, and in that way to protect them against any influence of nazism and similar ideologies and practices'.

(h) Delete operative paragraph 4.

(i) Delete operative paragraph 5.

(j) In operative paragraph 6, replace the words 'celebrate International Campaign Against Nazism Day annually on 1 September' by the words 'set aside a day, to be observed each year on an appropriate date to be determined by each State and organization, in memory of the victims of the struggle against nazism.'

The paragraph as a whole would read: 'Calls upon all States and national and international organizations to set aside a day, to be observed each year on an appropriate date to be determined by each State and organization, in memory of the victims of the struggle against nazism and similar ideologies and practices based on terror and racial intolerance'.'"

291. At the 1022nd meeting, the co-sponsors of the amendment proposed in document E/CN.4/L.1078, paragraph 5 (f), withdrew their suggested amendment to operative paragraph 2 of the draft resolution for submission to the General Assembly, as proposed by Poland and Ukrainian SSR, in favour of the amendment suggested to that paragraph by the United Kingdom (E/CN.4/L.1077, paragraph 5), which was accepted by Poland and the Ukrainian SSR (see paragraph 289 above).

Issues discussed

292. It was agreed that the United Nations, and in particular the Commission on Human Rights, should continue to recommend the necessary steps to combat nazism and racial intolerance. Such ideologies and practices were a flagrant denial of the purposes and principles of the United Nations Charter and human rights, and of the fundamental freedoms contained in the Universal Declaration on Human Rights. It was essential to prevent the revival and growth of those ideologies and practices, the manifestations of which could jeopardize international peace and security and cause humanity intolerable suffering. In this connexion, many representatives referred to the resolution II of the International Conference on Human Rights in which it was stated that the question of measures to be taken against nazism and racial intolerance should be kept under continuing review by the appropriate organs of the United Nations so that appropriate measures could be taken promptly as required.

293. Discussion took place on defining the ideologies and principles which it was necessary to combat; and on the methods which should be recommended for doing so.

294. The sponsors of the draft resolution, supported by a number of representatives, considered that the Commission's recommendations should be directed against the policy and practice of nazi, neo-nazi and similar organizations and groups whose activities were based on terror and racial intolerance. That was the wording used in operative paragraph 1 of the draft resolution for submission to the General Assembly, and it had been retained in the successive versions of the Polish and Ukrainian proposal. The sponsors of the draft resolution, and some other delegations, laid particular emphasis on the serious dangers which they saw in neo-nazism, representing the revival and development of the ideology and practice of nazism under and in relation to present conditions. In their opinion, certain present-day organizations and groups definitely represented a revival of Hitlerite nazism. In particular, neo-nazi groups, whatever they were called, were based, like their predecessor and prototype, on racism, in other words, on a belief that one race was superior to others; these groups were also imperialistic, and glorified the use of force, in complete disregard for human rights. It would be perilous, in the opinion of those delegations, for the danger to be underestimated as it had been before the Second World War. The sponsors of the draft resolution claimed in particular that the neo-nazi movement was developing alarmingly in a country which had been the cradle of Hitlerite nazism. They saw the results of recent elections and the growing number of former Nazis in senior administrative and military posts as manifestations of such a trend in that country. They considered that the Commission and the General Assembly should therefore categorically condemn and declare criminal both nazism and, expressly, neo-nazism. The latter term had, in fact, been used in resolution II of the International Conference on Human Rights.

295. Other representatives, who supported the United Kingdom amendment (E/CN.4/L.1077, see paragraph 288 above) and the five-Power amendment (E/CN.4/L.1078; see paragraph 290 above), held that the concept of "neo-nazism" was ill-defined and might lend itself to excessively wide interpretation. In their opinion, the adoption of that term would open the way to abuse, particularly if the Commission recommended, as proposed by Poland and the Ukrainian SSR, that groups described as neo-nazi should be declared criminal and prohibited. Further, the word "neo-nazi" had not been used in the last two resolutions of the General Assembly or in resolution 15 (XXIV) of the Commission on Human Rights. Although there might be something of a tendency for the ideology of Hitlerite nazism to revive in more or less disguised forms, further and properly verified information was required on that point. If there was such a tendency, however, it would be preferable to speak of contemporary forms of nazism, or of the revival of nazism, rather than of neo-nazism.

296. Some of the representatives who expressed those opinions objected strongly to the attacks, according to them unfounded, against a State which was not represented in the Commission (see paragraph 294 above). In their view, the alleged revival of nazism in that country had not been established and they expressed the belief that the normal play of democratic forces in the State concerned would make it possible for that tendency to be checked and eradicated.

297. Several representatives preferred to speak of "nazism in its present-day manifestations" or "the revival and development of nazism" rather than of neo-nazism. That word was, however, used in operative paragraph 2 of the draft resolution for submission to the General Assembly.

298. Several representatives emphasized the close link which, in their view, existed between nazi and racist ideologies and practices on the one hand, and the policy of apartheid and colonialism, on the other. According to some representatives, those were in fact different aspects of the same pernicious tendency. The precise formulation of those ideas, however, gave rise to some discussion. One representative said that some parts of the world had suffered just as much as from the movements derived from nazism as from nazism itself.

299. The sponsors of the draft resolution, supported by a number of delegations, proposed that a passage should be included in the resolution of the Commission declaring that nazi groups and organizations were entering into contact with and actively supporting the forces pursuing the criminal policy of apartheid and racism in the Republic of South Africa, Namibia, Southern Rhodesia, Angola and other colonial territories (E/CN.4/L.1053/Rev.1, see paragraph 285 above). In that connexion, they quoted in particular the statement by the Chairman of the Ad Hoc Working Group of Experts established under Commission resolution 2 (XXIII) (E/CN.4/SR.1008).

300. Some other representatives considered that there was perhaps not sufficient evidence that the forces of apartheid and colonialism were being actively supported by contemporary nazi and racist movements, and that it would be more appropriate to say that the revival of nazi tendencies promoted apartheid and colonialism. They also were of the view that the draft resolution expressly mentioned certain countries and colonial territories, whereas, according to them, racism, nazism and other similar practices were also to be found in other countries. Those views were given expression in the five-Power amendment.

301. The draft resolution submitted by Poland and the Ukrainian SSR referred in various places to nazism, neo-nazism, racism, apartheid and similar ideologies and practices. While approving in principle the drawing of attention to those particularly odious and inhuman ideologies and practices, some representatives felt that it was illogical to restrict the proposed condemnation to those tendencies alone. The condemnation should, on the contrary, be extended to all totalitarian ideologies and practices, such as nazism, racism and apartheid. All totalitarian ideologies and practices were, in fact, characterized by a fundamental disregard for the human rights which the United Nations had to protect. In support of that view, which was given expression in the amendments submitted by the United Kingdom (E/CN.4/L.1077, see paragraph 288 above) and by the five Powers (E/CN.4/L.1078, see paragraph 290 above), it was pointed out, in particular, that General Assembly resolution 2331 (XXII) had used the expression "totalitarian" ideologies and practices.

302. The sponsors of the draft resolution, supported by some other delegations, were of the opinion that it was unnecessary to apply the adjective "totalitarian" to nazism since the totalitarian nature of the nazi movement had long been generally recognized. Above all, according to those representatives, the formula suggested by the five Powers tended

to weaken and distort, in an inadmissible way, the meaning of the draft, the purpose of which was to condemn certain particularly dangerous practices. Nevertheless, several delegations preferred to condemn not only those particular practices and ideologies, but also all other totalitarian ideologies and practices.

303. The discussion of measures to combat the above-mentioned ideologies and practices centred on the measures which the Commission itself could take with the assistance of the Sub-Commission, and on those which the Commission should recommend to the General Assembly.

304. The sponsors of the draft resolution and some other representatives were of the opinion that the Commission should appoint a special rapporteur to submit to its next session a working paper on the question of the danger presented by nazism and neo-nazism to the development and safeguarding of human rights and fundamental freedoms. According to those representatives, that was a very important and urgent task, quite different from that requested of the Sub-Commission by Commission resolution 15 (XXIV). The study by the Sub-Commission's Special Rapporteur dealt, in fact, with racial discrimination in several fields, and the question of the measures to be taken against nazism constituted but one chapter of that general study. The Commission's Special Rapporteur would, of course benefit by the relevant parts of Mr. Santa Cruz's study, which was not yet finished, but his work would be entirely concentrated on the dangers of nazism and neo-nazism.

305. In opposition to that proposal, several representatives were of the opinion that the proposed new study would duplicate the study which the Special Rapporteur of the Sub-Commission was in the process of completing. According to those delegations the proposal of Poland and the Ukrainian SSR seemed to reflect a somewhat inconsistent attitude towards the Commission's subsidiary body, to which the Commission had nevertheless, in 1968, specifically entrusted the task of studying the question. Instead of exposing itself to such criticisms and having too many special rapporteurs, the Commission should confirm the terms of reference of the Sub-Commission and its Special Rapporteur by requesting Mr. Santa Cruz to study the dangers presented by the revival of nazism and the way in which it could affect respect for human rights.

306. As to the measures which should be recommended to the General Assembly, the sponsors of the draft resolution proposed in the first place that the Assembly should declare the policy and practice of nazi, neo-nazi and similar organizations and groups, whose activities were based on terror and racial intolerance, to be a crime against humanity (E/CN.4/L.1053/Rev.1, see paragraph 285 above). That wording had been revised successively to "declares to be criminal" and "decisively condemns as criminal" such policies and practices (E/CN.4/L.1053/Rev.2 and oral revision, see paragraphs 286 and 289 above). The sponsors of the draft, supported by some other delegations, felt that the main organ of the United Nations should not merely reiterate a general condemnation, but should unequivocally affirm the criminal nature of such policies and practices, which led directly to the most monstrous violations of human rights.

307. Some other delegations were opposed to such a condemnation, which, in their view, was too imprecisely worded and led to the use - reprehensible in their opinion - of the method of analogy in criminal law. They preferred to repeat the form of condemnation used in previous resolutions, in which the word "criminal" was not employed. That was the purpose of the five-Power amendment (E/CN.4/L.1078, see paragraph 290 above).

308. The sponsors of the draft had proposed that States should be called upon to take effective measures, including legislative measures, for the complete prohibition of nazi, neo-nazi and racist organizations and groups and for their prosecution in the courts (E/CN.4/L.1053/Rev.1, see paragraph 285 above). In the view of those delegations, and of some others which supported them, that was an essential recommendation, and one which had, incidentally, been taken from resolutions of the General Assembly and the International Conference on Human Rights at Teheran. Other representatives objected to that wording, which might well, in their view, lead to abuses, since it could result in the persecution of groups solely on account of the views they expressed. In the opinion of those delegations, the principle of the freedom of expression required that such measures could be taken only for the repression of specifically defined activities. A number of representatives accepted a compromise wording, which would retain the paragraph proposed by Poland and the Ukrainian SSR and insert a clause - such as was contained, incidentally, in previous Assembly resolutions - safeguarding the rights of the accused and worded as follows: "with due regard to the principles contained in the Universal Declaration of Human Rights". The sponsors of the draft resolution, who accepted that clause, nevertheless recalled that there was an article in the Universal Declaration forbidding the use of the Declaration as a pretext for engaging in activities contrary to the rights set forth therein.

309. The draft resolution contained paragraphs concerning efforts to combat the ideologies and practices in question through publicity and educational measures. Several representatives supported, in particular, the invitation to States to take effective measures to protect young people against the influence of those ideologies and practices (E/CN.4/L.1053/Rev.2, see paragraph 286 above), since in their opinion experience seemed to show that those ideologies found an audience particularly among certain groups of young people. Several other delegations were not in favour of the proposed wording, which, in their view, was too negative and could encourage undesirable methods of censure. They preferred the five-Power wording (E/CN.4/L.1078, see paragraph 290 above), which, in a positive way, emphasized the inculcation in young people of the principles of the Charter and the Universal Declaration of Human Rights.

310. The sponsors of the draft resolution proposed that the General Assembly declare 1 September - the day on which nazism had begun the Second World War - International Day in memory of those who fell in the fight against nazism (E/CN.4/L.1053/Rev.2 and oral revision, see paragraph 287 (e) above). They felt that that anniversary should be commemorated and that the efforts of those who fought against nazism should be thus encouraged and commended, on a day which would be the same in all countries. A number of representatives were of the opinion that each State should be left free to choose the date which it considered the most appropriate in the light of its own historical circumstances. Some delegations expressed doubts about having too many international days proclaimed by the United Nations.

Adoption of resolution

311. At its 1022nd session, held on 7 March 1969, the Commission voted as follows on the revised draft resolution submitted by Poland and the Ukrainian SSR (see paragraphs 286 and 287 above) and on the relevant amendments.

312. The amendment proposed by Chile, Guatemala, Peru, Uruguay and Venezuela (E/CN.4/L.1078, paragraph 1, see paragraph 290 above) to the first paragraph of the preamble to the draft resolution submitted by Poland and the Ukrainian SSR was adopted by 15 votes to 7, with 8 abstentions.

313. The five-Power amendment to the fourth paragraph of the preamble to the draft resolution submitted by Poland and the Ukrainian SSR was adopted by 13 votes to 9, with 8 abstentions.

314. The five-Power amendment adding a new paragraph at the end of the preamble to the draft resolution submitted by Poland and the Ukrainian SSR was adopted by 18 votes to 6, with 4 abstentions.

315. At the request of the representative of the Ukrainian SSR, the two paragraphs proposed by the five Powers to replace operative paragraph 1 of the draft resolution submitted by Poland and the Ukrainian SSR were put to the vote separately. At the request of the representative of the Ukrainian SSR, a vote was taken by roll-call on the first paragraph proposed by the five Powers. This paragraph was adopted by 15 votes to 13, with 2 abstentions, the votes being cast as follows:

In favour: Austria, Chile, Finland, France, Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Congo (Democratic Republic of), India, Iran, Lebanon, Madagascar, Morocco, Nigeria, Poland, Ukrainian Soviet Socialist Republic, United Arab Republic, United Republic of Tanzania, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Pakistan, Philippines.

316. The second paragraph proposed by the five powers to replace operative paragraph 1 of the draft resolution submitted by Poland and the Ukrainian SSR was adopted by 19 votes to none, with 11 abstentions.

317. The five-Power amendment concerning the first paragraph of the preamble to the draft resolution for submission to the General Assembly, contained in the draft resolution submitted by Poland and the Ukrainian SSR (E/CN.4/L.1078, paragraph 5(a), see paragraph 290 above) was adopted by 15 votes to 8, with 7 abstentions.

318. The five-Power amendment concerning the second paragraph of the preamble to the draft resolution for submission to the General Assembly was adopted by 15 votes to 4, with 10 abstentions. In consequence of this vote, the amendment proposed by the United Kingdom to this paragraph (E/CN.4/L.1077, paragraph 2, see paragraph 288 above) was not put to the vote.

319. The five-Power amendment concerning the third paragraph of the preamble to the draft resolution for submission to the General Assembly was adopted by 21 votes to 4, with 3 abstentions.

320. The United Kingdom amendment (E/CN.4/L.1077, paragraph 3, see paragraph 288 above) concerning the third paragraph of the preamble to the draft resolution for submission to the General Assembly was adopted by 13 votes to none, with 16 abstentions.

321. At the request of the representative of the United Arab Republic, the amendments proposed by the United Kingdom to the fourth paragraph of the preamble to the draft resolution for submission to the General Assembly were put to the vote separately. The first of these amendments (E/CN.4/L.1077, paragraph 4, see paragraph 288 above) was rejected by 12 votes to 7, with 11 abstentions. The second United Kingdom amendment to the fourth paragraph of the preamble to the draft resolution for submission to the General Assembly was rejected by 12 votes to 8, with 10 abstentions.

322. The five-Power amendment to the fourth paragraph of the preamble to the draft resolution for submission to the General Assembly was adopted by 18 votes to 5, with 7 abstentions.

323. At the request of the United Kingdom representative, a separate vote was taken on the word "profound" in the last paragraph of the preamble to the draft resolution for submission to the General Assembly. The word was retained by 10 votes to 4, with 15 abstentions.

324. At the request of the United States representative, the last paragraph of the preamble to the draft resolution for submission to the General Assembly, as amended orally (see paragraph 287 (c) above), was put to the vote separately. At the request of the representative of the USSR, a vote by roll-call was taken on this paragraph, which was adopted by 17 votes to 2, with 11 abstentions, the votes being cast as follows:

In favour: Austria, Congo (Democratic Republic of), India, Iran, Israel, Italy, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Peru, Poland, Ukrainian SSR, United Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Finland, France, Greece, Guatemala, Jamaica, New Zealand, Philippines, United Republic of Tanzania, Uruguay, Venezuela.

325. The five-Power amendment concerning operative paragraph 1 of the draft resolution for submission to the General Assembly was adopted by 18 votes to 8, with 3 abstentions.
326. At the request of the United Kingdom representative, the word "neo-nazi" in operative paragraph 2 of the draft resolution for submission to the General Assembly was put to the vote separately. The word was adopted by 13 votes to 7, with 10 abstentions.
327. The five-Power amendment concerning operative paragraph 3 of the draft resolution for submission to the General Assembly was adopted by 20 votes to 2, with 7 abstentions.
328. The five-Power amendment to delete operative paragraph 4 of the draft resolution for submission to the General Assembly was adopted by 12 votes to 9, with 8 abstentions.
329. The five-Power amendment to delete operative paragraph 5 of the draft resolution for submission to the General Assembly was adopted by 10 votes to 8, with 10 abstentions.
330. The five-Power amendment to operative paragraph 6 of the draft resolution for submission to the General Assembly was adopted by 15 votes to 4, with 10 abstentions.
331. The United Kingdom amendment (E/CN.4/L.1077; see paragraph 288 above) as orally revised by the United Kingdom representative at the 1022nd meeting adding the words "Members of the United Nations and of the specialized agencies" after the word "States", in operative paragraph 8 of the draft resolution for submission to the General Assembly, was adopted by 22 votes to 5, with 2 abstentions.
332. The draft resolution proposed by Poland and the Ukrainian SSR, as a whole, as amended, was adopted by 29 votes to none, with 1 abstention.
333. The text of the resolution adopted by the Commission at its 1022nd meeting on 7 March 1969 is set forth in chapter XVIII of this report as resolution 10 (XXV).

VII. QUESTION OF THE REALIZATION OF THE ECONOMIC AND SOCIAL RIGHTS
CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN
THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS (resolution 11 (XXIV) of the Commission)

STUDY OF SPECIAL PROBLEMS RELATING TO HUMAN RIGHTS
IN DEVELOPING COUNTRIES

(agenda items 9 and 15)

334. The Commission adopted at its twenty-fourth session resolution 11 (XXIV) entitled "Study of the question of the realization of economic and social rights contained in the Universal Declaration of Human Rights". In paragraph 1 of that resolution it requested the Secretary-General to prepare, in consultation with interested specialized agencies, a preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, with a view to submitting it to the Commission in time for its consideration at the twenty-fifth session. The Commission had also decided to consider at its twenty-fifth session the question of the appointment of a Special Rapporteur to be entrusted with the task of preparing a comprehensive report on the issues mentioned in paragraph 1, on the basis of the preliminary study, discussions in the Commission and other available material. The Commission had before it the preliminary study prepared by the Secretary-General (E/CN.4/988).

335. In its resolution 15 (XXIII), the Commission decided to consider at its twenty-fourth session as a matter of priority the item entitled "Study of special problems relating to human rights in developing countries". For lack of time, however, it had not been able to do so and had postponed consideration of that item until its twenty-fifth session (E/4475, para. 411). The Commission had before it an explanatory note on the subject by the Secretary-General (E/CN.4/977).

336. In accordance with its resolution 1 (XXV) concerning the organization of work (see above, paragraph 31) the Commission considered together the two items set out above which constitute items 9 and 15 of its agenda. It discussed these items at its 1021st, 1023rd, 1025th, 1027th, 1029th, 1030th and 1031st meetings, held on 7, 10, 11, 12 and 13 March 1969.

337. At its 1031st meeting the Commission heard the representative of the United Nations Educational, Scientific and Cultural Organization. At its 1021st meeting it heard the representative of Pax Romana, a non-governmental organization in consultative status (Category B).

Draft resolutions and amendments

338. Several draft resolutions were submitted relating either to item 9 only (E/CN.4/L.1066 and E/CN.4/L.1083), or to both item 9 and item 15 of the agenda (E/CN.4/L.1060, E/CN.4/L.1082 and E/CN.4/L.1087).

339. Statements of the financial implications of draft resolutions E/CN.4/L.1060/Rev.1 and E/CN.4/L.1066/Rev.1, and of draft resolution E/CN.4/L.1083 were prepared by the Secretary-General. These were circulated as documents E/CN.4/L.1074 and E/CN.4/L.1097 respectively.

340. In its revised form, the draft resolution submitted by the Democratic Republic of the Congo, Guatemala, India, Mauritania, Morocco, Nigeria, Pakistan, Senegal, Uruguay and Venezuela (E/CN.4/L.1060/Rev.1) read as follows:

"The Commission on Human Rights,

Having received the Secretary-General's preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (E/CN.4/988 and Add.1) prepared in accordance with its resolution 11 (XXIV),

Noting that in its resolution 11 (XXIV) the Commission decided to consider at its twenty-fifth session the question of the appointment of a Special Rapporteur to be entrusted with the task of preparing a comprehensive report on the basis of the preliminary study of the Secretary-General, discussions in the Commission and other available material,

Submits to the Economic and Social Council the following draft resolution for its consideration and adoption:

" The Economic and Social Council,

Noting resolution (XXV) of the Commission on Human Rights,

Being desirous of making an effort to enhance the enjoyment of economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights and set forth in the International Covenant on Economic, Social and Cultural Rights, particularly during the forthcoming second development decade,

Bearing in mind the recommendations of the International Conference on Human Rights, held in Teheran, in particular resolutions XVII and XXI of the Conference, and the recommendations in resolution 2431 (XXIII) of the General Assembly and in particular paragraph 4 thereof,

1. Decides to confirm the appointment made by the Commission on Human Rights of Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations on the realization of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights with particular reference to the special problems of the developing countries in this respect, for submission to the Commission on Human Rights at its twenty-seventh session in 1971,
2. Invites States Members of the United Nations and States members of the specialized agencies to provide full co-operation to the Special Rapporteur in the fulfilment of his task;
3. Invites the full co-operation of the specialized agencies, regional inter-governmental organizations and the various organs and bodies of the United Nations concerned,
4. Requests the Secretary-General to provide all facilities and assistance as required to the Special Rapporteur,

5. Recommends to the General Assembly to provide for adequate financial resources with a view particularly to providing services of qualified consultants to assist the Special Rapporteur in the performance of his task as well as for adequate means of consultation between the Special Rapporteur, the various United Nations organs, bodies and offices, the specialized agencies and regional inter-governmental organizations,

6. Decides to give a high priority to the report of the Special Rapporteur at its twenty-seventh session."

341. The representative of Chile proposed an amendment to this draft resolution, which in its revised form (E/CN.4/L.1070/Rev.2) read as follows:

"Add to the proposed draft resolution a part B reading as follows:

Mindful again of the fact that, under Article 56 of the Charter, all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, including the promotion of higher standards of living, full employment, and conditions of economic and social progress;

Recalling that the first United Nations Conference on Trade and Development adopted a set of economic principles - whose application is still pending - which were designed to promote the development of countries with under-developed economies;

Considering that a stable organic development of the economically weak countries requires the adoption of policies of harmonization and interdependence between economic growth and social and cultural progress;

1. Declares:

(a) that the universal satisfaction of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights depends basically on the rapid economic and social development of the developing countries of Asia, Africa and Latin America, which are inhabited by more than one-half of the world's population, whose lot continues to deteriorate as a result of the tendencies which characterize international economic relations;

(b) that the ultimate objective of any effort to promote economic development should be the social development of peoples and the welfare of every human being;

(c) that the provisions of article 28 of the Universal Declaration of Human Rights, which lays down that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, implies, at the national level, the existence of a just social order and, at the international level, the assurance of an international division of labour which favours and does not hamper the economic and social development of the developing countries;

(d) that the developing countries bear the primary responsibility for development, but that only through efficient, concomitant international action will it be possible to achieve a fuller mobilization and more effective utilization of domestic resources;

2. Urges governments to concentrate their efforts on economic and social development, ensuring the broadest possible public participation in such efforts;

3. Also recommends to Governments of developing countries that in drawing up and implementing their national development plans, they accord balanced priority to programmes of economic development social development and human and cultural advancement;

4. Affirms, moreover, that in their development policies, Governments should ensure the participation of all members of society in productive and socially useful work and in the solution of problems of national development, in equitable and adequate remuneration for work and in protection against unemployment, thereby creating the material conditions necessary for the enjoyment, in practice, of economic and social rights by all human beings; to these ends, reforms of social, economic and institutional structures should be carried out as and when necessary;

5. Urges all States Members of the United Nations and of the specialized agencies to take, on the threshold of the Second Development Decade, convergent measures designed to transform international economic relations so as to ensure a just international division of labour and, thereby, a rapid development of the economically backward areas;

6. Recommends the Economic and Social Council to remind the General Assembly that, when formulating the development strategy for the Second Development Decade, it should bear in mind the fact that the final object of development is to ensure the dignity of all human beings throughout the world, that is to say the simultaneous and joint enjoyment of all civil, political, economic, social and cultural rights;

7. Recommends the Special Rapporteur referred to in part A of this resolution to take into account, in the preparation of his report, the declarations and recommendations contained in the preceding paragraphs."

342. In its revised form, the draft resolution submitted by Austria, Poland, and the Ukrainian Soviet Socialist Republic (E/CN.4/L.1066/Rev.1) read as follows:

"The Commission on Human Rights,

Guided by the Charter of the United Nations under which all its Members pledged themselves to take joint and separate action in co-operation with the United Nations Organization to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

Recalling its resolution 11 (XXIV) on the study of the question of the realization of economic and social rights contained in the Universal Declaration of Human Rights,

Considering the recommendations of the International Conference on Human Rights at Teheran in its resolution XXI that economic, social and cultural rights should receive increasing attention in the activities of the United Nations and its specialized agencies in the general context of measures in the field of human rights and fundamental freedoms in view of the increasing importance of realizing these rights in the modern world, and that the United Nations should intensify the co-ordinating function of its own bodies and of the specialized agencies in the field of formulation and study of the problems of economic, social and cultural rights,

Having examined the preliminary study of issues relating to the realization of economic and social rights, contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, prepared by the Secretary-General (E/CN.4/988 and Add.1),

1. Expresses its thanks to the Secretary-General for the preliminary study prepared by him of issues relating to the realization of economic and social rights, contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights;
2. Decides to retain in the agenda of the twenty-sixth session of the Commission on Human Rights the item on the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights;
3. Submits the following draft resolution for the consideration and approval of the Economic and Social Council:

'The Economic and Social Council,

Considering resolution XXI of 12 May 1968 of the International Conference on Human Rights and resolution ... (XXV) of the Commission on Human Rights,

Convinced of the need for the adoption of the appropriate effective measures for the further more complete realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

1. Decides to confirm Mr., appointed by the Commission on Human Rights, as Special Rapporteur for the preparation of a comprehensive report and recommendations on issues relating to the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, on the basis of the above-mentioned preliminary study and other materials, including the recommendations of the International Conference on Human Rights at Teheran as well as the records of discussions which have taken place in United Nations bodies;
2. Requests the Secretary-General, the specialized agencies and Governments to give the Rapporteur every assistance in the preparation of his report, including the provision of documentation relating to the subject of the report;

3. Urges Governments to concentrate efforts on economic and social development, in particular, on ensuring the participation of all members of society in productive and socially useful labour and in the solution of problems of national development, on the equitable and adequate remuneration of labour and on protection against unemployment, thereby creating the material conditions for the practical enjoyment of economic and social rights by all human beings;

4. Requests Governments also to give attention to the legislative consolidation of the economic and social rights of the individual and to the development and improvement of legal means of protecting these rights, inter alia, by judicial measures;

5. Requests the Secretary-General urgently to continue, as part of the advisory services in the field of human rights and fundamental freedoms, the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic and social rights.'"

343. The sponsors of draft resolutions E/CN.4/L.1060/Rev.1 and E/CN.4/L.1066/Rev.1 combined the substance of their proposals in a single text. This new draft resolution (E/CN.4/L.1082), submitted by Austria, Democratic Republic of the Congo, Guatemala, India, Madagascar, Mauritania, Morocco, Nigeria, Pakistan, Poland, Senegal, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Uruguay, Venezuela and Yugoslavia, read as follows:

"The Commission on Human Rights,

Guided by the Charter of the United Nations under which all its members pledged themselves to take joint and separate action in co-operation with the United Nations Organization to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

Noting that in its resolution 11 (XXIV) the Commission decided to consider at its twenty-fifth session the question of the appointment of a Special Rapporteur to be entrusted with the task of preparing a comprehensive report on the basis of the preliminary study of the Secretary-General, discussions in the Commission and other available material,

Considering the recommendations of the International Conference on Human Rights at Teheran in its resolutions XVII and XXI that economic, social and cultural rights should receive increasing attention in the activities of the United Nations and its specialized agencies in the general context of measures in the field of human rights and fundamental freedoms in view of the increasing importance of realizing these rights in the modern world, and that the United Nations should intensify the co-ordinating function of its own bodies and of the specialized agencies in the field of formulation and study of the problems of economic, social and cultural rights,

Having received the Secretary-General's preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (E/CN.4/988 and Add.1) prepared in accordance with its resolution 11 (XXIV),

1. Decides to appoint Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations including the question of the role of the Commission in this respect, on the realization of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard, for submission to the Commission on Human Rights at its twenty-seventh session in 1971,
2. Decides to retain on the agenda of the twenty-sixth session of the Commission on Human Rights the item on the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights and the study of special problems relating to human rights in developing countries with a view to hearing a progress report from the Special Rapporteur,
3. Decides to give a high priority to the report of the Special Rapporteur at its twenty-seventh session,

Submits to the Economic and Social Council the following draft resolution for its consideration and adoption:

The Economic and Social Council,

Noting resolution (XXV) of the Commission on Human Rights,

Being desirous of making an effort to enhance the enjoyment of economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights and set forth in the International Covenant on Economic, Social and Cultural Rights, particularly during the forthcoming second development decade,

Bearing in mind the recommendations of the International Conference on Human Rights, held at Teheran, in particular resolutions XVII and XXI of the Conference, and the recommendations in resolution 2436 (XXIII) of the General Assembly and in particular paragraph 4 thereof,

Convinced of the need for the adoption of the appropriate effective measures for universal realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

1. Urges Governments to concentrate efforts on economic and social development, in particular, on ensuring the participation of all members of society in productive and socially useful labour and in the solution of problems of national development, on the equitable and adequate remuneration of labour and on protection against unemployment, thereby creating the material conditions which, while respecting the freedom and the dignity of all individuals, will make possible the full enjoyment of economic and social rights;
2. Requests Governments also to give attention to the legislative consolidation of the economic and social rights of the individual and to the development and improvement of legal means of protecting these rights, inter alia, by judicial measures;
3. Requests the Secretary-General urgently to continue, as part of the advisory services in the field of human rights and fundamental freedoms, the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic and social rights;
4. Decides to confirm the appointment made by the Commission on Human Rights of Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations, including the question of the role of the Commission in this respect, on the realization of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard, for submission to the Commission on Human Rights at its twenty-seventh session in 1971;
5. Invites States Members of the United Nations and States members of the specialized agencies to provide full co-operation to the Special Rapporteur in the fulfilment of his task;
6. Invites also the full co-operation of the specialized agencies, regional inter-governmental organizations and the various organs and bodies of the United Nations concerned,
7. Requests the Secretary-General to provide all facilities and assistance as required by the Special Rapporteur.¹¹

344. The sponsors of draft resolution E/CN.4/L.1082, having accepted several amendments suggested during the discussion, revised their text orally as follows:

- (a) in the last preambular paragraph, the words "with appreciation" were added after the words "Having received";
- (b) in operative paragraph 1 and in paragraph 4 of the draft resolution submitted to the Economic and Social Council, the words "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status", were inserted after the words "on the realization",
- (c) operative paragraph 1 of the draft resolution submitted to the Economic and Social Council was reworded to read:

"1. Urges Governments, while respecting the freedom of dignity of all individuals, to concentrate efforts on economic and social development, in particular, on ensuring the broadest possible participation of all members of society in productive and socially useful labour and in the solution of problems of national development, on the equitable and adequate remuneration of labour and on protection against unemployment, the hazards of ill-health and old age, thereby creating the material conditions which will make possible the full enjoyment of economic, social and cultural rights";

- (d) in operative paragraph 2 of the draft resolution submitted to the Economic and Social Council, the words "legislative consolidation" were replaced by the words "consolidation, by legislative and other means such as collective bargaining."
- (e) operative paragraph 3 of the draft resolution submitted to the Economic and Social Council was reworded to read: "Requests the Secretary-General urgently to continue the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights and also to consider the use for this purpose of the advisory service in the field of human rights";

(f) operative paragraph 6 of the draft resolution submitted to the Economic and Social Council was reworded to read:

"6. Invites also the full co-operation of the specialized agencies, inter-governmental organizations and the various organs and bodies of the United Nations concerned, as well as non-governmental organizations in consultative status with the Economic and Social Council;"

345. The Chilean representative proposed an amendment to that draft resolution which, in its revised form (E/CN.4/L.1088/Rev.1), read as follows:

"1. In operative paragraph 1, delete the word: 'comprehensive' and the words 'together with his conclusions and recommendations'.

2. Replace operative paragraph 2, by the following:

'Instructs the Special Rapporteur to prepare, in the light of the above-mentioned preliminary study by the Secretary-General and the discussions in the Commission at its twenty-fifth session, a preliminary report, for consideration by the Commission at its twenty-sixth session, containing proposals relating to:

(a) the outline of the study and a programme of work for completing it in 1971;

(b) the methodology of the study; and

(c) a plan for assembling the information required for the preparation of the study.'

3. Add the following words at the end of paragraph 4 of the draft resolution submitted to the Economic and Social Council: 'and approves the procedure agreed upon by the Commission on Human Rights for the preparation of the study'.

4. In the same paragraph of the draft resolution, delete the word 'comprehensive' and the words 'together with his conclusions and recommendations'."

346. At the 1030th meeting, the Chilean representative agreed to withdraw his amendments on the understanding that they would be reflected in the report and taken into account by the Special Rapporteur (see paragraph 363 below).

347. The draft resolution submitted by Finland, India, Mauritania, Poland, Senegal, United Arab Republic, United Republic of Tanzania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Yugoslavia (E/CN.4/L.1083) read as follows:

"The Commission on Human Rights

Having considered item 9 of its agenda on realization of economic and social rights, contained in the Universal Declaration of Human Rights and in the International Convention on Economic, Social and Cultural Rights,

Taking into account UNESCO General Conference resolution, unanimously adopted on 19 November 1968, according to which the Director General of UNESCO was authorized to initiate some arrangements on the occasion of the centenary of V. I. Lenin and in particular, to organize the symposium 'V. I. Lenin and the problems of development of science, culture and education',

Noting the significant practical and theoretical contribution of Lenin, prominent humanist to the development and realization of economic, social and cultural rights,

Bearing in mind the centenary of Lenin, which will occur in 1970,

1. Welcomes the decision of the UNESCO General Conference to make arrangements on the occasion of the centenary of Lenin and notes the historical influence of his humanistic ideas and activity on the development and realization of economic, social and cultural rights.

2. Requests the Chairman of the Commission on Human Rights to enter into consultation with the Director General of UNESCO on the participation, in accordance with the procedure of UNESCO, of a representative of the Commission in the symposium to be organized on the occasion of the centenary of V. I. Lenin.

3. Decides to hear at one of its meetings during the twenty-sixth session communications of representatives in the Commission, who may wish to do so, on the role of the humanistic ideas of Lenin and his activities in ensuring and developing economic, social and cultural rights."

348. The sponsors of draft resolution E/CN.4/L.1083 agreed to several changes suggested during the discussion and orally amended their text in the following manner:

- (a) in the second preambular paragraph, the word "unanimously" was deleted;
- (b) operative paragraph 3 was deleted.

349. In its revised form the draft resolution submitted by Chile (E/CN.4/L.1087/Rev.1) read as follows:

"The Commission on Human Rights,

Mindful of resolution XVII of the International Conference on Human Rights, especially those paragraphs which proclaim the profound interconnexion between the realization of human rights and economic and social development, draw attention to the widening gap between standards of living in the economically developed and developing countries, express concern at the continuance of conditions of poverty, squalor, disease and illiteracy and emphasize the international factors which influence that state of affairs,

Recalling that the first United Nations Conference on Trade and Development adopted a set of economic principles - whose application is still pending - which were designed to promote the development of countries with under-developed economies;

1. Declares:

(a) that the universal satisfaction of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights depends to a very large degree on the rapid economic and social development of the developing countries of Asia, Africa and Latin America, which are inhabited by more than one-half of the world's population, whose lot continues to deteriorate as a result of the tendencies which characterize international economic relations;

(b) that the ultimate objective of any effort to promote economic development should be social development of peoples, the welfare of every human being and the full development of his personality;

(c) that the provisions of article 28 of the Universal Declaration of Human Rights, which lays down that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, implies, at the national level, among other things, the existence of a just social order and, at the international level, the assurance of an international division of labour which favours the economic and social development of the developing countries.

(d) that the developing countries bear the primary responsibility for development, but that only through efficient, concomitant international action will it be possible to achieve a fuller mobilization and more effective utilization of domestic resources;

2. Urges Governments to ensure in their economic and social development policies, the broadest possible public participation in such efforts;

3. Also recommends to Governments of developing countries that in drawing up and implementing their national development plans, they accord balanced priority to programmes of economic development, social development and human and cultural advancement;

4. Urges all States Members of the United Nations and of the specialized agencies to take, on the threshold of the Second Development Decade, convergent measures designed to transform international economic relations so as to ensure an international division of labour different from that existing at present and capable of furthering a rapid development of the economically backward areas, thus promoting the fullest enjoyment by individuals of their economic, social and cultural rights;

5. Recommends the Economic and Social Council to remind the General Assembly that, when formulating the development strategy for the Second Development Decade, it should bear in mind the fact that the final object of development is to ensure the dignity of all human beings throughout the world, that is to say the simultaneous and joint enjoyment of all civil, political, economic, social and cultural rights."

350. The sponsor of draft resolution E/CN.4/L.1087/Rev.1 agreed to several changes suggested during the discussion and orally amended his text in the following manner:

- (a) In paragraph 1, the word "Declares" was replaced by the word "Affirms";
- (b) In paragraph 1(a), the word "satisfaction" in the English text was replaced by the word "enjoyment" and the words "of Asia, Africa and Latin America" were deleted;
- (c) Paragraph 1(c) was replaced by a new paragraph 2 reading as follows:

"Recognizes that:

- (a) the existence of a just social order, at the national level, is a basis of the effective enjoyment of economic, social and cultural rights;
- (b) the provisions of article 28 of the Universal Declaration of Human Rights which lays down that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, implies, among other things, the existence of a system of international relations which ensures an equitable international division of labour which favours the economic and social development of the developing countries";
- (d) Paragraph 1(d) (now paragraph 3) was reworded to read.

"Recognizes further that the developing countries bear the primary responsibility for their development, but that only through efficient, concomitant international action will it be possible to achieve a fuller mobilization and more effective utilization of domestic resources;"

- (e) Paragraph 2 (now paragraph 4) was reworded as follows:

"4. Urges Governments to ensure in their economic and social development efforts the broadest possible popular participation therein;"

- (f) In paragraph 4 (now paragraph 6), the word "equitable" was inserted before the words "international division of labour" and the words "thus promoting the fullest enjoyment" were replaced by the words "thus promoting therein the fullest enjoyment".

Issues discussed

351. There was general agreement among the members of the Commission in recognizing that the question of the realization of economic, social and cultural rights was of primary importance in the world of today. Many members recalled how the notion of those rights had first taken form, how it had progressively developed and how it had finally compelled recognition at both the national and the international levels. They stressed that the normative action of the United Nations, based on the Charter, had greatly contributed to that development and that a decisive step had been taken with the adoption of the International Covenant on Economic, Social and Cultural Rights, which conferred on the principles set forth in the Universal Declaration of Human Rights the status of legal rules destined to become mandatory for States.

352. At the present stage of development in that field, according to the majority of speakers, certain basic affirmations no longer gave rise to any significant opposition. To take, in the first place, the interdependence between civil and political rights on the one hand, and economic, social and cultural rights on the other, it was difficult

to conceive how one set of rights could be truly exercised if realization of the others was not ensured at least to some extent. They should, therefore, be accorded the same importance. As the International Conference on Human Rights had rightly proclaimed, since human rights and fundamental freedoms were indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible.

353. Another axiom also affirmed by the Conference was that there were very close links between the realization of economic, social and cultural rights and economic development, and that below a certain level of development those rights could not be realized. Some representatives maintained that economic development was an indispensable prerequisite for any effective realization of economic, social and cultural rights. They pointed out that those rights might not be assured even at a high level of economic development. They therefore laid stress on the responsibility of each State to use the means at its disposal to further the realization of those rights as much as possible, within an integrated programme of economic and social advancement.

354. It was pointed out, however, that care should be taken to avoid the danger of basing development policy too exclusively on economic aspects and considering human beings as no more than means of production. The measures taken within the framework of national development plans should not ignore the human factors properly speaking. In that respect, reference was made to the Papal Encyclical Populorum progressio, according to which the full development of man, in the dignity of his person and respect for his fundamental freedoms, should be the final objective of any socio-economic development policy. It was pointed out, furthermore, that the material development of a country did not in itself provide any absolute guarantee that individuals would realize their economic, social and cultural rights. It was therefore necessary for the population to participate in the development process and for that process to be carried out in the general interest. The existence of a just social order was in that respect essential. Development, it was said, should not serve to profit a minority group, nor should it be pursued at the expense of the present generation alone.

355. It was likewise observed that, in so far as development entailed a change, often profound, in methods of production and distribution, and consequently even changes in the structure of society and the scale of values of the people, it was important to ensure that those changes took place gradually, without giving rise to social upheavals accompanied by evils such as inflation and corruption. There again, development should not be isolated from the human phenomenon as a whole.

356. Several representatives referred to the terms in which the Teheran Proclamation and Conference resolution (XVII) had stressed that the ever-widening gap separating the economically developed from the developing countries hampered the effective observance of human rights in the international community. In the light of the disappointing results of the second session of the United Nations Conference on Trade and Development, and on the threshold of the second United Nations Development Decade, they thought it desirable for the Commission to draw attention to the urgent need to remedy that situation by appropriate international action.

357. It was emphasized in that connexion that international co-operation was a determining factor as to the possibility of applying all economic, social and cultural rights everywhere, and particularly in countries whose material resources were still insufficient. In the view of many representatives, under-development was due not only to the inadequacy of the efforts made by the countries in question, but also and above all to insufficient international co-operation. From that angle, economic, social and cultural rights were of a specific character, which distinguished them from other human rights, since, although primary responsibility for their application devolved upon each State, they also largely depended on the assistance which the international community could provide. Article 22 of the Universal Declaration of Human Rights was significant in that respect. Solidarity among States must therefore be strengthened, if the universal realization of economic, social and cultural rights proclaimed in the Universal Declaration and in the Covenant was to be assured.

358. The fact that the assurance of these rights in concrete terms posed particularly acute problems in the developing countries should not, according to several representatives, obscure the fact that it also raised difficulties in the industrialized countries. The latter were themselves unsettled by the new discoveries, which called for major internal changes, and it was already clear that in the post-industrial society which was now taking shape, the very advances of science and technology, while holding out an enormous potential for the realization of the rights in question, might also present new problems. Seen in that light, all countries were interdependent, and the principle of universality should prevail.

359. The members of the Commission also expressed the view that despite its gaps and somewhat general conclusions, the preliminary study prepared by the Secretary-General (E/CN.4/988 and Add.1) was a very useful summary of the problems relating to the application of economic, social and cultural rights as a whole. It might serve as a basis for the work which the Commission now had to continue on the subject on the lines laid down by its resolution 11 (XXIV).

360. Views differed as to the manner in which the Commission should proceed. For most representatives, the more searching and more detailed study proposed at the present stage called for the appointment of a Special Rapporteur, who would have to bring the work to a successful conclusion with all the necessary assistance. That solution, according to them, was a logical sequel to resolution 11 (XXIV) and they accordingly supported draft resolution E/CN.4/L.1082.

361. Other representatives argued that the appointment of a Special Rapporteur was not necessary, quite apart from the fact that it would have financial implications on which they had reservations. As certain representatives said it was for the Commission itself to continue the task, which in any case exceeded in scope and complexity the capacities of any one man. The Commission possessed a large body of material for the purpose. In addition to the Secretary-General's preliminary study, which might serve as a guide, the Commission was free to draw on the abundant documentation existing in a field actively explored by several specialized agencies, the regional economic commissions and other United Nations bodies concerned with economic and social matters. The view was also expressed that the Commission should not undertake the consideration of matters within the province of other United Nations bodies but should seek to determine what was its own role in this field. For this purpose, a Rapporteur was not necessary, nor was any further study required.

362. Views also differed on the terms of reference to be given to the Special Rapporteur. A majority considered that it would be undesirable to define them too precisely at the present stage and that the Special Rapporteur should not be given very strict instructions which would limit his initiative. When he had submitted, at the twenty-sixth session, the progress report referred to in paragraph 2 of draft resolution E/CN.4/L.1082, the Commission could decide on the future orientation of its work and determine, on more solid grounds, the scope of the study to be submitted to it in 1971.

363. Another view was that, having regard to the vastness of the subject, the scope of the study to be entrusted to the Special Rapporteur should be determined now, in order to adapt its contents to the Commission's technical possibilities and to avoid coverage of questions which did not come within its purview but within the direct competence of other United Nations organs. The Special Rapporteur should therefore be requested, in the first instance, to submit to the Commission, at its twenty-sixth session, a preliminary report containing proposals on (a) the outline of the study and a programme of work for completing it in 1971; (b) the methodology of the study; and (c) a plan for assembling the information required for the preparation of the study. These instructions were submitted as a formal amendment (E/CN.4/L.1088/Rev.1) to draft resolution E/CN.4/L.1082. The sponsor, however, agreed to withdraw it (see paragraph 346 above) on the express understanding that the points set forth in his amendment would be included in the progress report referred to in paragraph 2 of draft resolution E/CN.4/L.1082.

364. As to the contents of the proposed study itself, it was suggested that the relationship between the economic and social reality and the application of the corresponding rights should be considered. The study should be carried out without regard to any ideological partisan considerations and should take into account only the objective relationship between the effective realization of economic, social and cultural rights and the level of development of the countries. The study should aim to be complete, in the sense that it should cover economic, social and cultural rights in all parts of the world, make allowance for the different economic and social systems, and identify the various means and methods used for the promotion of those rights. It was emphasized that without disregarding the existence of problems common to the developing and the advanced countries, or of problems peculiar to the advanced countries, the study should, while retaining a universal character, give particular attention to the specific problems of the developing countries.

365. Among other aspects of the question which, according to some representatives, should be treated in the study, mention was made of the scope of the rules and principles set forth in existing international instruments, the co-ordination of the activities of the United Nations and the specialized agencies, the relevant national legislation, the role of the State, of the public sector and of individuals in the realization of economic and social rights, the degree to which the relevant rules and principles are applied, the impact of economic, social and cultural rights on the dignity of man and the full development of his personality, and methods of ensuring the application of these rights at the national and international levels. The problem of the priorities to be established in order to ensure progressively to all individuals the full realization of the rights in question also deserved attention. The contribution of the younger generations to economic and social development and to the promotion of human rights, and the situation of marginal groups in society, should not be neglected. The need to guarantee rights to all without any discrimination should

be emphasized. It was pointed out that the table of contents in the Secretary-General's preliminary study (E/CN.4/988 and Add.1) offered, on all those points, a good outline, which might be a useful guide to the Special Rapporteur. In addition, the material of the Warsaw Seminar on the Realization of Economic and Social Rights (1967) and the conclusions set forth in the Seminar's report (ST/TAO/HR.31) provided pertinent information. The Seminars held at Kabul in 1964 and at Dakar in 1966 might also be taken into consideration.

366. Some representatives stressed the desirability, as suggested in paragraph 217 of the preliminary study, of considering the preparatory work that would have to be done, when the Covenant on Economic, Social and Cultural Rights came into force, in order to set in motion the reporting procedure provided in the Covenant.

367. Many representatives stressed the importance of defining the precise part to be played by the Commission in a matter comprising many different aspects and relating to sectors of activity already covered by other United Nations bodies. They welcomed the fact that in paragraph 1 of draft resolution E/CN.4/L.1082 the Special Rapporteur had been requested to include that subject in his study.

368. In the opinion of some representatives, the Commission should set itself the primary task of ensuring that human rights were not sacrificed in the process of economic development. It should concentrate on promoting the individual's fundamental rights and work for the erection of the material conditions required for social advancement. In addition, having become aware of its proper role in the United Nations system, it should ask how it could most effectively contribute to the realization of economic, social and cultural rights. It was urged, however, that the Commission should avoid too theoretical a concept of human rights, and should view those rights in the social and economic context in which man lived.

369. Taking that broad view of the part to be played by the Commission in this matter, a number of representatives supported draft resolution E/CN.4/L.1087/Rev.1. In their opinion, the Commission should, on the threshold of the Second United Nations Development Decade and at a time when a global development strategy was being worked out, express its concern at the obstacles which at present hampered the realization of economic, social and cultural rights, use its influence to ensure that the programme of the Development Decade was directed towards the realization of those rights, and draw the attention of bodies dealing with economic matters to the fact that the ultimate objective of development was to ensure human dignity.

370. Some representatives took exception to the draft resolution because it dealt with matters relating to economic development which were of a technical nature outside the competence of the Commission and its members. It was pointed out, however, that draft resolution E/CN.4/L.1087/Rev.1 was no more specifically economic than resolution XVII adopted by the International Conference on Human Rights at Teheran, which had in fact been entitled "Economic development and human rights". Moreover, the draft resolution before the Commission reproduced the main ideas contained in the Teheran resolution. Much of its wording was also borrowed from the Charter of Algiers, which summarized the economic and social objectives agreed upon by the developing countries. The advocates of the draft resolution took the view that it would be useful to restate some of the facts and principles contained in those important documents.

371. Without disagreeing with the general tenor of draft resolution E/CN.4/L.1087/Rev.1, several representatives considered that some of its provisions were premature, in that the Commission appeared to be stating its views on questions which should in fact be the subject of the Special Rapporteur's study. The Commission's competence to deal with controversial matters, such as the international division of labour, was also called in question. Exception was similarly taken to the statement that the lot of the developing countries continued to deteriorate.

372. Several members of the Commission considered that, within the context of the co-ordination of all activities under the United Nations, it would be desirable that the Commission should be represented at the symposium organized by the United Nations Educational, Scientific and Cultural Organization on the theme: "V.I. Lenin and the problems of development of science, culture and education". That idea was set forth in draft resolution E/CN.4/L.1083. The sponsors of that draft resolution recalled the important contribution, both theoretical and practical, made by Lenin to the development of economic, social and cultural rights, as well as to the effective realization of those rights, not only for his own people, but for mankind as a whole and also stressed the historical influence of his humanistic ideas in activity in this field.

373. Several representatives expressed other views on the draft resolution on the grounds that a dangerous precedent might be created by its adoption and that it was inconsistent with the spirit of part I of Economic and Social Council resolution 1368 (XLV) of 2 August 1968. In their opinion, the Commission should not participate in the celebration of anniversaries of national heroes, even those who were internationally famous and of exceptional historical significance. It was also pointed out that, without casting doubt on Lenin's historical significance, one was entitled to question whether the term "prominent humanist", used in the preamble to the draft resolution, was appropriate. It should, moreover, be borne in mind that Lenin had been the founder of a political movement which was extremely active throughout the world and which was strongly opposed in a number of countries.

374. Some representatives dissented in particular with regard to operative paragraph 3 of the draft resolution, according to which communications on the role of Lenin in ensuring economic, social and cultural rights would be heard at one of the meetings of the Commission's twenty-sixth session. In their opinion, the Commission had too full an agenda to be able to devote time to incidental activities of that kind. In a spirit of conciliation and in order to facilitate the adoption of the draft resolution, the sponsors agreed to delete paragraph 3.

Adoption of resolutions

375. At its 1030th meeting, the Commission voted on the draft resolution submitted by Austria, Democratic Republic of the Congo, Guatemala, India, Madagascar, Mauritania, Morocco, Nigeria, Pakistan, Poland, Senegal, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Uruguay, Venezuela and Yugoslavia (E/CN.4/L.1082; see paragraph 343 above), as orally amended (see paragraph 344 above).

376. The draft resolution was adopted by 30 votes to none, with 1 abstention.

377. The text of the resolution adopted by the Commission at its 1030th meeting, on 13 March 1969, is set forth in chapter XVIII of this report as resolution 14 (XXV).

378. At its 1031st meeting, the Commission voted on the draft resolution submitted by Chile (E/CN.4/L.1087/Rev.1; see paragraph 349 above) as orally amended (see paragraph 350 above). At the request of the Chilean representative, the vote was taken by roll-call. The draft resolution was adopted by 18 votes to none, with 13 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Finland, India, Iran, Jamaica, Lebanon, Madagascar, Mauritania, Morocco, Pakistan, Peru, Philippines, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Austria, France, Greece, Guatemala, Israel, Italy, Nigeria, New Zealand, Poland, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

379. The text of the resolution adopted by the Commission at its 1031st meeting, on 13 March 1969, is set forth in chapter XVIII of this report as resolution 15 (XXV).

380. At its 1031st meeting, the Commission voted on the draft resolution submitted by Finland, India, Mauritania, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1083; see paragraph 347 above), as orally amended (see paragraph 348 above). At the request of the representative of the United States of America, the vote was taken by roll-call. The draft resolution was adopted by 15 votes to 2, with 12 abstentions. The voting was as follows:

In favour: Finland, France, India, Iran, Lebanon, Madagascar, Mauritania, Morocco, Nigeria, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Chile, Congo (Democratic Republic of), Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, Pakistan, Peru, Philippines.

381. The text of the resolution adopted by the Commission at its 1031st meeting, on 13 March 1969, is set forth in chapter XVIII of this report as resolution 16 (XXV).

382. At the 1045th meeting on 21 March 1969, the Chairman announced that it was agreed that the representative of Mauritania on the Commission, Mrs. Abdallahi Ould Daddah Turkia, would represent the Commission, under paragraph 2 of resolution 16 (XXV) in the symposium to be organized by UNESCO on the occasion of the centenary of V.I. Lenin.

VIII. REPORTS AND STUDIES OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
(agenda item 8)

383. The Commission considered item 8 of its agenda, "Reports and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: (a) report of the twenty-first session of the Sub-Commission; (b) resolutions 2 (XXI) and 3 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; (c) outstanding parts of the report of the twentieth session of the Sub-Commission; (d) draft principles on freedom and non-discrimination in the matter of political rights; (e) study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country; (f) study of discrimination against persons born out of wedlock", at its 1024th, 1026th and 1028th meetings on 10, 11 and 12 March 1969, and at its 1032nd to 1036th meetings on 14, 17 and 18 March 1969.

384. The documents which the Commission had before it in connexion with each sub-item of item 8 are referred to separately below. The Commission also had before it a note by the Secretary-General (E/CN.4/987) drawing attention to the relevant resolutions of the reports of the Sub-Commission which required action by the Commission and describing the stage which the consideration by United Nations organs of sub-items (d), (e) and (f) had reached up to the time of the Commission's twenty-fifth session.

385. The Commission considered separately sub-items (a), (b), (c) and (d). In respect of sub-items (e) and (f), the Commission did not consider them at the twenty-fifth session but, in its resolution 19 (XXV), decided to consider, and give priority to, the question corresponding to sub-item (e) at its twenty-seventh session and the question corresponding to sub-item (f) at its twenty-eighth session (see paragraph 463 below). Resolution 19 (XXV) also made provisions for the further consideration of sub-item (d) at the twenty-sixth session of the Commission.

A. Report of the twenty-first session of the Sub-Commission

386. The Commission had before it the report of the twenty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/976), chapter XIII of which contained six draft resolutions (numbered from I to VI) for action by the Commission. These draft resolutions were: I, on review of further developments in fields with which the Sub-Commission has been concerned; II, on procedure for dealing with communications relating to violations of human rights and fundamental freedoms; III, on protection of minorities; IV, on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism; V, on genocide; VI, on the report of the Sub-Commission. Upon the suggestion of the Chairman, the Commission agreed to consider draft resolutions III, IV and V under sub-item (a) of item 8, draft resolution VI under sub-item (c) of that item and draft resolution I under item 10. It was understood that the discussion, under sub-item (a), in particular of draft resolution III on protection of minorities, would provide the opportunity for general remarks on the Sub-Commission's report as a whole.

387. The Commission considered sub-item (a) at its 1024th and 1026th meetings on 10 and 11 March 1969.

388. At its 1024th meeting the Commission heard a statement by a representative of the Anti-Slavery Society.

Draft resolutions and amendments

389. Three draft resolutions proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities were before the Commission for consideration and action: draft resolution III on protection of minorities; draft resolution IV on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism; and draft resolution V on genocide. The text of these draft resolutions was contained in chapter XIII of the report of the twenty-first session of the Sub-Commission (E/CN.4/976).

390. At the 1026th meeting on 11 March 1969, Chile proposed an oral amendment to operative paragraph 1 of the draft resolution which draft resolution IV of the Sub-Commission recommended for adoption by the Economic and Social Council. The amendment consisted of reformulating that paragraph to read as follows: "Confirms the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Mohamed Awad as Special Rapporteur to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV)."

391. At the 1026th meeting on 11 March 1969, the Union of Soviet Socialist Republics proposed an oral amendment to operative paragraph 2 of the draft resolution which draft resolution V of the Sub-Commission recommended for adoption by the Economic and Social Council. The purpose of the amendment was to bring that paragraph into harmony with the corresponding paragraph (operative paragraph 4) of resolution 9 (XXV) of the Commission by substituting for it the following: "Again calls upon States which have not yet become parties to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible".

392. At the 1026th meeting, the United States orally proposed that the Commission defer consideration of draft resolution V.

Issues discussed

393. In connexion with the discussion of draft resolution III on protection of minorities, one representative^{9/} referred to the situation of the Jewish minority in the Union of Soviet Socialist Republics, including the Ukrainian SSR^{10/}, and contended that the over

^{9/} At its 1045th meeting on 21 March 1969, the Commission rejected by 7 votes to 6 with 9 abstentions the proposal of the representatives of the Ukrainian SSR and the USSR to replace the words "one representative" by the words "the representative of Israel".

^{10/} At its 1045th meeting on 21 March 1969, the Commission rejected by 6 votes to 5 with 11 abstentions the proposal of the representatives of the Ukrainian SSR and the USSR to replace the words "the Union of Soviet Socialist Republics, including the Ukrainian SSR" by the words "in a country".

three million Jews who lived there experienced a tragic plight, were subjected to discrimination in the areas of religion, language, education and culture and were the target of a campaign of denunciation in which the Government was also implicated. He opposed efforts at forced assimilation of Jews in the Soviet Union and appealed that those who could not live as Jews in that country should be allowed to find a haven elsewhere. The representative drew attention to the inherent dangers and dire consequences of anti-Semitism and called for an end to all practices and manifestations tending to victimize Jews. Another representative shared the concern expressed for the fate of Jews in the Soviet Union, and emphasized the importance of the right of everyone to leave any country, including his own.

394. The representatives of these countries said that the Israel representative's allegations were unfounded and slandered both their peoples and their Governments. His statement not only revealed complete ignorance of the situation of the Jewish citizens of these countries, but also contained a deliberate and unwarranted charge of anti-Semitism. Anti-Semitism was at variance with friendship between peoples, but the Israel representative obviously wished to fan the flames of anti-Semitism in order to defend Zionism, which was a reactionary ideology based on the propagation of ideas of racial superiority and intolerance. They strongly objected to his statement, and pointed out that there was no discrimination of any kind against Jews in the Soviet Union. At the cost of great sacrifices, the Soviet people had saved the Jews of many countries from complete annihilation under nazism. Soviet citizens of Jewish nationality enjoyed full equality of rights and participated actively in the country's political, economic, social and cultural life and their freedom of religious belief and conscience was protected by the Constitution and was exercised without any restrictions, as could be confirmed particularly by many religious leaders who had recently visited Moscow. In the opinion of the representative, the allegation that a deliberate policy of anti-Semitism was being fostered in the Soviet Union was absurd and was fabricated by Zionism which was indeed combatted in the Soviet Union as a manifestation of racism and imperialism which deliberately cultivated anti-Semitism in order to pursue its own chauvinistic aims. The representative stated that very few Soviet Jews wished to emigrate and added that he did not recognize the right of the representative of Israel to speak for the nationals of other countries. As regards Jews in the Ukrainian SSR, it was emphasized that they lived a full life in that Soviet Republic and statistics showed that they had made progress in the field of education and in the liberal professions which was out of proportion to their numbers to the point that it could be said that they had attained preferential treatment. It was emphasized that Jews were full citizens in the Ukraine and had no wish to be "protected" by Israel, whose aggressive policy they rejected together with the entire Ukrainian people.

395. One representative expressed the view that it was hypocritical for Israel, whose representative made the allegations referred to in paragraph 393 above, to pose as a defender of human rights when, only a few days previously, the Commission had declared that Israel had violated human rights in the Arab territories it had occupied and when Zionism was a racialist, expansionist and warlike philosophy of the same nature as nazism. Zionism also imposed claims of allegiance on many Jews who rejected them and resisted the pressure brought upon them to emigrate.

396. Brief reference was made in the Commission to the question of the treatment of some minorities in the United States of America. One representative suggested that instead of criticizing other countries, that State should eliminate racial discrimination within its own territory. Another representative, however, observed that the United States Government had always fully and openly acknowledged the serious problem of its own minorities, particularly that of the black community, and was adopting measures to improve the situation.

397. Referring to a statement made by a representative from a non-governmental organization, one member refuted any inference that the Government of Venezuela was in any way responsible for the unfortunate situation of the Amerindians of the Amazon Basin and stated that the aborigines in that country enjoyed all the benefits and privileges of citizenship on a footing of equality.

398. Commenting on the provisions of draft resolution III, one representative welcomed the Sub-Commission's decision to proceed, following approval by the Economic and Social Council, with the study of the protection of minorities and expressed the hope that it would enable the Sub-Commission to agree eventually on a satisfactory definition of "minorities". In this connexion, there was agreement in the Commission that when reference was made to the protection of minorities, the concept did not apply to white racist minorities in Southern Africa who were dominating and oppressing the indigenous non-white majorities and, far from needing protection themselves, denied it to the native populations.

399. One representative expressed concern that the study of the protection of minorities envisaged in draft resolution III might delay the consideration of other important questions before the Sub-Commission, while another representative was of the opinion that the subject deserved fully the detailed attention which the Sub-Commission proposed to give it.

400. In connexion with the discussion of draft resolution IV, it was noted in the Commission that the membership in the Sub-Commission of Mr. Mohamed Awad, who had been appointed (E/CN.4/976, paragraph 60) by the Sub-Commission at its 555th meeting as its Special Rapporteur to carry out the study on the question of slavery, had expired on 31 December 1968, and that Mr. Awad was not a candidate for re-election to the Sub-Commission. This problem led to an exchange of views in the course of which the various alternative ways of dealing with it were referred to and many representatives paid tribute to the qualities of Mr. Awad while one representative although acknowledging his esteem for Mr. Awad, was of the opinion that difficulties might arise if the Special Rapporteur was a national of the same country as a member of the Sub-Commission. The Commission in the end reached the decision, expressed in its resolution 12 (XXV), to recommend that the Economic and Social Council confirm Mr. Awad as the Special Rapporteur on the question of slavery on the explicit understanding, to be reflected in the report, that this decision was limited to the particular case at hand, was based on the recognition of the outstanding knowledge, expertise and other

qualifications of Mr. Awad and his contribution to the advancement of the cause of human rights, and was in no way to be interpreted as constituting a precedent affecting the general practice of appointing Special Rapporteurs from among Sub-Commission's members.

401. At its 1026th meeting, the representative of the Secretary-General indicated that provisions would have to be made for the additional expenditure which would have to be incurred for the travel of a Special Rapporteur who was not a member of the Sub-Commission for the presentation of his reports to that body.

402. One representative stressed that the slave trade still existed and was a source of profit to many. In his view, INTERPOL, which had played such a useful part in suppressing the international traffic in narcotic drugs, should be asked to co-operate in anti-slavery measures on a world-wide basis, as well as in measures against prostitution, which was in many respects similar to slavery.

403. As regards the consideration of draft resolution V, some representatives doubted the usefulness and wisdom of the decision of the Sub-Commission, for which the approval of the Economic and Social Council was being sought, to undertake a study of the question of the prevention and punishment of the crime of genocide (operative paragraph 3 of the draft resolution for the Council contained in draft resolution V of the Sub-Commission). In the view of those representatives, the aim of punishing genocide could most effectively be pursued by encouraging the widest possible acceptance of the 1948 Convention on the subject, which had already received a remarkably high number of ratifications or accessions. The prevention of genocide, on the other hand, was a somewhat nebulous and at times hopeless endeavour, although genocide was still practised in some parts of the world. Accordingly, in the view of these representatives, the study proposed by the Sub-Commission did not appear necessary, particularly taking into account the number of other important studies currently pursued by the Sub-Commission and the financial implications of the project contemplated in draft resolution V, consideration of which should be deferred by the Commission pending further examination and clarification by the Sub-Commission.

404. Other representatives, however, felt that the study proposed by the Sub-Commission would have merit in that it would focus attention on what was still a vital problem which should continue to attract the attention of human rights organs. One representative thought that, once authorization for the study was obtained from the Council, the Sub-Commission would be in a position to render its scope more precise and to accomplish productive work in accordance with its usual procedures in these matters.

Adoption of resolutions

405. At its 1026th meeting on 11 March 1969 the Commission voted on the draft resolutions proposed by the Sub-Commission (E/CN.4/976, chapter XIII) as follows:-

- (a) Draft resolution III on the protection of minorities was adopted unanimously;

- (b) Draft resolution IV on slavery, as orally amended by Chile (see paragraph 390 above) without objection, was adopted by 26 votes to none, with one abstention;
- (c) The proposal of the United States to defer consideration of draft resolution V on genocide was rejected by 13 to 2, with 12 abstentions;
- (d) The amendment of the Union of Soviet Socialist Republics (see paragraph 391 above) to draft resolution V on genocide was adopted by 22 votes to none, with 5 abstentions, and

the draft resolution as a whole, as amended, was adopted by 25 votes to none, with 2 abstentions.

406. The text of the resolutions adopted by the Commission at its 1026th meeting on 11 March 1969, are set forth in Chapter XVIII of this report as resolutions 11 (XXV), 12 (XXV) and 13 (XXV).

B. Resolution 2 (XXI) and 3 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

407. The Commission considered sub-item (b) of item 8 at its 1026th, 1028th and 1032nd to 1035th meetings on 11, 12, 14 and 17 March 1969.

408. As indicated in a note by the Secretary-General (E/CN.4/985, paragraphs 6 and 7), which was before the Commission, on 14 October 1968 the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted resolution 2 (XXI) (E/CN.4/976, chapter VI), which set out a draft resolution for consideration and adoption by the Commission on procedure for dealing with communications relating to violations of human rights and fundamental freedoms. The text of the draft resolution was contained in the report of the twenty-first session of the Sub-Commission (*ibid.*, chapter XIII, draft resolution II) which was before the Commission in connexion with sub-item (a) of item 8. By resolution 3 (XXI) of 14 October 1968, the text of which was also contained in the report of its twenty-first session (*ibid.*, chapter V), the Sub-Commission, after recalling Economic and Social Council resolution 1235 (XLII) of 6 June 1967 relating to the 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, decided to draw the attention of the Commission on Human Rights to the Sub-Commission's discussion on that subject at its 541st, 542nd and 543rd meetings. (E/CN.4/Sub.2/SR.541-543)

Draft resolutions and amendments

409. The Commission had before it, for consideration and action, a draft resolution on procedure for dealing with communications relating to violations of human rights

and fundamental freedoms proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which read as follows (E/CN.4/976, chapter XIII, draft resolution II):

Procedure for dealing with communications relating to violations of human rights and fundamental freedoms

"The Commission on Human Rights,

Having considered resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the adoption of the following draft resolution by the Economic and Social Council:

'The Economic and Social Council,

Noting resolution ... (XXV) of the Commission on Human Rights and resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, to meet at least once a year for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) with a view to bringing to the attention of the Sub-Commission those communications, together with replies of governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms;
2. Requests the Secretary-General
 - (a) To furnish to the members of the working group every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief indication of them, together with the text of any replies received from governments,
 - (b) To make available to the members of the working group at their meetings the originals of such communications on the list as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,

- (c) To circulate to the members of the Sub-Commission in the working languages the originals of such communications as are referred to the Sub-Commission by the working group;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the communications and any replies of governments relating thereto, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violations of human rights requiring consideration by the Commission;

4. Requests the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:

- (a) Whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII),

- (b) Whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Council after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

5. Decides that if the Council appoints an ad hoc committee to carry on an investigation with the consent of the State concerned:

- (a) The composition of the committee shall be determined by the Council,
- (b) The committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,
- (c) The committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential,
- (d) The committee shall report to the Commission on Human Rights and to the Council with such observations and suggestions as it may deem appropriate;

6. Decides that if the consent of the State concerned to an investigation is not forthcoming the Council may decide what further steps may be taken;

7. Decides to authorize the Secretary-General to assign adequate staff and to provide all facilities and arrangements which may be required to carry out this resolution.!"

410. At the 1034th meeting on 17 March 1969, the United Kingdom submitted amendments to draft resolution II proposed by the Sub-Commission which, as orally revised by the sponsor, read as follows (E/CN.4/L.1093):

Draft resolution for the
Economic and Social Council

Paragraph 1

Delete the words "at least" in the third line.

Delete the word "gross" in the final line.

Paragraph 3

After the words "relating thereto" insert the words "and other relevant information".

Delete the word "gross" in the penultimate line.

Paragraph 4 (b)

Substitute for the word "Council" the word "Commission".

Paragraph 5

In the opening sentence and in sub-paragraph (a) substitute for the word "Council" the word "Commission".

In sub-paragraph (d) delete the words "and to the Council".

411. At the 1034th meeting on 17 March 1969, India and the United Republic of Tanzania submitted amendments to the above draft resolution which, as orally revised by the sponsors, read as follows (E/CN.4/L.1094):

Draft resolution for the
Economic and Social Council

1. In operative paragraph 1 of the draft resolution add, after the words "five of its members" the words "with due regard to geographical distribution".
2. In the same operative paragraph 1 add, after the words "at least once a year" the words "in private meetings".
3. Add at end of operative paragraph 1 the words "within the terms of reference of the Sub-Commission".
4. After existing operative paragraph 1, add the following three paragraphs to become operative paragraphs 2, 3 and 4 respectively:
 - "2. Decides that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should as the first stage in the implementation of this resolution devise at its twenty-second session appropriate procedure for dealing with the question of admissibility of communications received by the Secretary-General under Council resolution 728 F (XXVIII);

- "3. Requests the Secretary-General to prepare a document on the question of admissibility of communications for the Sub-Commission's consideration at its next session.
- "4. Decides that all actions envisaged in the implementation of this resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendation to the Economic and Social Council."
5. In operative paragraph 2, sub-paragraph (a) of the same draft resolution replace the words "working group" with the words "Sub-Commission on Prevention of Discrimination and Protection of Minorities".
6. In operative paragraph 3 of the same draft resolution, after the words "to consider" add the words "in private meetings in accordance with paragraph 1 above".
7. In operative paragraph 3 of the same draft resolution, after the word "communications" add the words "brought before it in accordance with the decision of a majority of the members of the working group".
8. Delete operative paragraphs 4 (b), 5 and 6 of the draft resolution.

412. At the 1034th meeting on 17 March 1969, the United States of America proposed an oral sub-amendment relating to paragraph 4 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094) to replace by a comma the semi-colon at the end of the proposed new operative paragraph 2 and to add there the words "in accordance with resolution 1235 (XLII) of the Economic and Social Council".

Issues discussed

413. There was a large measure of agreement in the Commission that the matter of dealing with communications relating to violations of human rights was very delicate and should be proceeded with most carefully and cautiously. Many representatives emphasized the need for devising a system which would inspire confidence, would ensure objectivity, would be as effective as possible and would eliminate or minimize the opportunities for abuse.

414. Representatives who, in principle, supported the draft resolution proposed by the Sub-Commission were of the opinion that it was fully compatible with, and had been arrived at in pursuance of the relevant decisions and resolutions of the Commission itself, of the Economic and Social Council and of the General Assembly.

415. In reviewing the legislative history of the question, reference was made in this connexion to General Assembly resolution 2144 (XXI) of 26 October 1966 in which the Assembly invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur; to Commission resolution 8 (XXIII) of 16 March 1967 by which the Commission had decided to give annual consideration to the question of violations of human rights, had requested the Economic and Social Council to authorize the Commission to examine information relevant to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, had requested the Sub-Commission to prepare, for the

use of the Commission in its examination of the question of violations, a report containing information on violations of human rights and fundamental freedoms from all available sources, and had invited the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination and of apartheid, with particular reference to colonial and other dependent territories; and to Economic and Social Council resolution 1235 (XLII) of 6 June 1967 in which the Council, in response to resolution 8 (XXIII) of the Commission, authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid, and to racial discrimination, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) and decided that the Commission on Human Rights may, in appropriate cases, and after careful consideration of the information thus made available to it, make a thorough study of situations which reveal a consistent pattern of violations of human rights as exemplified by the policy of apartheid and racial discrimination, and report, with recommendations thereon, to the Economic and Social Council.

416. Representatives who in general favoured draft resolution II maintained that the aforementioned resolutions constituted a solid legal foundation and ample constitutional justification for the draft resolution proposed by the Sub-Commission. They thought that the draft resolution contained nothing new or revolutionary but merely suggested, in conformity with the directives and requests addressed to the Sub-Commission by the Commission, a procedure of great practical value intended, by providing machinery for screening the thousands of communications received, to facilitate the performance of the tasks entrusted to the Sub-Commission, as the Commission's agent, with regard to communications concerning human rights, and to assist the Commission in the discharge of its proper responsibilities in respect of cases of serious violations of human rights. It was stressed in this connexion that the procedure recommended by the Sub-Commission represented a welcome, although still modest, forward step in the process of strengthening the ability of the United Nations to ensure respect for human rights and to combat violations. This step, it was felt, was in harmony with the trend evident and apparent in the decisions of competent United Nations organs in the last few years towards moving from the stage of the elaboration of norms and standards - a task now essentially completed - to that of their application and implementation. Some proponents of the draft remarked in this connexion that any method designed to take into account, and give appropriate consideration to, communications concerning violations of human rights emanating from individuals inevitably rated as one of the most important issues to come before the Commission for, after all, it was the individual who was the repository of all human rights and the ultimate beneficiary of their observance.

417. Accordingly, the view was expressed that private persons must have the opportunity to draw the attention of the competent United Nations organs to cases in which those rights were not fully guaranteed and that the draft resolution was a small advance in the long struggle of Member States, especially the developing countries, to secure the enjoyment of human rights. The Commission, it was felt, should not work solely at the governmental level; it would be tragic if the system of individual petitions

established by United Nations practice was discontinued, since such a step would be tantamount to admitting that private individuals could no longer believe that the Commission was seriously concerned about violations of human rights.

418. Some representatives, although not opposing the broad lines and the objectives of the draft resolution, were impelled to suggest that it should be modified and adapted in certain respects so as to widen its acceptability and dispel the misgivings which it had generated in some quarters. There was a convergence of views in the Commission on taking care to avoid giving credence to communications which were manifestly unfounded, and to ensure, as was the case in comparable procedures put into effect within the framework of the ILO or certain regional inter-governmental organizations, the confidential nature of the proceedings envisaged in the draft resolution so as to avoid premature and irresponsible publicity which would dissipate the trust of governments, and to make certain, as far as possible, that the procedure would not be politicized but would be insulated from inter-State controversies and disputes. Another point of agreement was that the composition of the Working Group of the Sub-Commission which the draft resolution proposed to establish should be such as to observe the principle of equitable geographical representation. Some representatives thought that the human rights and fundamental freedoms, the violations of which would be revealed by the communications referred to in the draft resolution, would have to be specified, for example, by stipulating that the rights contemplated were those laid down in such instruments as the Universal Declaration of Human Rights and the International Covenants. Other points made with the aim of improving the draft resolution, on which opinion was divided, are touched upon in subsequent paragraphs summarizing the discussion of the amendments to the draft resolution.

419. Some representatives had misgivings about the usefulness of the draft resolution and doubts about its constitutionality. The view was expressed in this connexion that the procedure it proposed seemed both unjustifiable and confusing, the latter stemming from the Sub-Commission's unwillingness to distinguish between the question of the prevention of discrimination and the protection of minorities, which properly came within its competence, and the more general question of gross violations of human rights, which did not, but was reserved for consideration by the Commission alone. According to this view, the successive steps envisaged by the recommended method amounted to a complicated and, indeed, a reactionary procedure in that it would hamper and unnecessarily delay and set back the efforts of the Commission to give expeditious consideration to cases of gross violations of human rights, a task which the Commission and other competent organs of the United Nations were empowered to perform and had in fact been performing since the founding of the Organization. On the basis of this assessment, it was held by some representatives that the Commission should defer action on the draft resolution and refer it back to the Sub-Commission for reconsideration in the light of the discussion which took place in the Commission on the subject, and one representative orally proposed a draft resolution to that effect which he later withdrew. In this connexion, several representatives observed that the impending enlargement of the Sub-Commission and the determination of its composition in conformity with the principle of equitable geographical representation would offer the possibility of a further examination of the matter in an essentially new forum in which the benefit of fresh viewpoints would be available. The approach of the old Sub-Commission, it was argued, would be unlikely to coincide with that of its larger and more representative successor, and it would be unfair to deprive the new Sub-Commission of the opportunity to pronounce itself on a question of basic importance.

420. Some representatives resolutely opposed the Sub-Commission's proposal and vigorously criticized it. In their view, the draft resolution was unacceptable on several grounds and for a variety of reasons. Among those mentioned were that, in

the opinion of the representatives, the draft resolution violated the United Nations Charter, and in particular the provisions of its Article 2 relating to the sovereignty of States and the prohibition of intervention by the Organization in matters which are essentially within the domestic jurisdiction of any State; contravened or misconstrued the applicable resolutions and decisions of United Nations organs, especially resolution 728 F (XXVIII) of the Economic and Social Council, which governed procedures with regard to communications concerning human rights; transgressed or ignored the relevant rules of international law, of which the individual was not one of the subjects and which protected States against procedures to the operation of which they had not given their consent in treaty form; constituted an unauthorized and illegal substitution for the procedure regarding the examination of complaints by individuals envisaged by the Optional Protocol to the International Covenant on Civil and Political Rights; tended to compromise and undermine powers of the Commission to deal itself with flagrant violations of human rights to the exclusion of the Sub-Commission; went beyond the terms of reference of both the Commission and the Sub-Commission, which would be acting ultra-vires by approving and applying it; and opened up the possibility of exposing States to calumny, as had happened in the past, it being well known that communications from certain groups were prone to contain unsubstantiated and irresponsible accusations against States which were sometimes based on biased press reports or came from other prejudiced sources.

421. With particular reference to Economic and Social Council resolution 728 F (XXVIII), representatives who found the draft resolution proposed by the Sub-Commission unacceptable argued that the Commission's own powers in the matter of communications concerning human rights were laid down in that resolution of the Council. It was recalled that operative paragraph 1 of resolution 728 F (XXVIII) approved "the statement that the Commission on Human Rights recognizes that it has no power to take any action in regard to any complaints concerning human rights"; that operative paragraph 3 gave members of the Sub-Commission "the same facilities as are enjoyed by members of the Commission under the present resolution," but only "with respect to communications dealing with discrimination and minorities". The Sub-Commission was thus requesting the Commission to authorize a procedure for dealing with communications in respect of which the Commission itself was not empowered to act, and to authorize the appointment by the Sub-Commission of a working group to consider all communications and not merely those dealing with discrimination and minorities. It was the contention of representatives opposed to the draft resolution that Council resolution 728 F (XXVIII) was still perfectly valid and was not superseded or impaired by Council resolution 1235 (XLII) of 6 June 1967, to which proponents of the draft had made reference, since that resolution was not adopted on the subject of communications concerning human rights, but on the question of violations of human rights and fundamental freedoms. It was stated that although the Council, in the latter resolution, had authorized the Commission to examine information relevant to gross violations of human rights and fundamental freedoms and had empowered it to make a thorough study of situations which reveal a consistent pattern of violations of human rights, that resolution did not abrogate resolution 728 F (XXVIII) nor did it remove the limitations imposed by the Council as regards the handling of communications. It was argued that the Commission could take a decision on the proposal of the Sub-Commission only after it had disposed of the question of the status of resolution 728 F (XXVIII) which had in any event not been repealed.

422. With particular reference to the intent of Council resolution 1235 (XLII), opponents of the Sub-Commission's proposal asserted that that resolution focussed on cases of systematic and gross violations of human rights perpetrated on a consistent

pattern by governments, complained against by governments, and threatening international peace and security, foremost among which were the policies of apartheid and racial discrimination pursued in southern Africa; it was the duty of the Commission, and the Commission alone, to deal with such cases as it saw fit in each instance, preserving flexibility of action and refraining from abdicating its responsibilities to the Sub-Commission or bestowing its approval on a procedure which, besides being cumbersome and expensive, clearly exceeded the Commission's mandate.

423. In reply, representatives supporting the draft resolution proposed by the Sub-Commission contended that both the general tenor and the specific provisions of Council resolution 1235 (XLII) had superseded and invalidated that part of resolution 728 F (XXVIII) relating to the lack of power by the Commission to take any action in regard to any complaints concerning human rights, and that, communications being a primary source of the "information" which the Commission, under operative paragraphs 2 and 3 of Economic and Social Council resolution 1235 (XLII), was authorized to examine and consider, it could not be claimed that the Commission had no power to deal with any and all communications or to request the assistance of the Sub-Commission on the matter and even to delegate to this latter body some of its authority so as to be able to perform its functions more effectively, all the while retaining the final power of decision.

424. As regards the violation of sovereignty, some of the representatives in question asserted that, as the procedure proposed by the Sub-Commission was based on the consent of the State which would be concerned in each case, no infringement of sovereignty would be involved. In this connexion, one representative remarked that the Commission, which had on several occasions set up groups mandated to investigate the practices of States whose consent or co-operation were not forthcoming, should have no apprehensions about a procedure predicated on the existence of the consent of the affected State. One representative also pointed out that the principle of sovereignty was not immutable, since its scope was being narrowed by developments in international law, and that the procedure proposed by the Sub-Commission was in effect more solicitous of the sovereignty of States than that under the Optional Protocol to the International Covenant on Civil and Political Rights: under article 1 of the Protocol, any State Party to the Covenant that became a party to the Protocol recognized the competence of the Human Rights Committee to receive and consider individual communications. The Sub-Commission proposal, however, departed from a different premise, for it imposed no a priori obligations on States, but merely provided that, if individual communications appeared to reveal a consistent pattern of gross violations of human rights and fundamental freedoms, the machinery outlined in the draft resolution might be put into motion, but only with the consent of the State concerned. The observation was also made that, in any case, the draft resolution provided only for a provisional procedure, until such time as the Optional Protocol came into force and a more effective procedure for the protection of human rights became available and accessible to individuals; meanwhile, however, in view of the difficulty of predicting the length of time which would be required for the Protocol to enter into force, the proposal of the Sub-Commission was a commendable alternative and was essential to progress in the international observance of human rights.

425. Some of the amendments to the draft resolution proposed by the Sub-Commission submitted by the United Kingdom, on the one hand (E/CN.4/L.1093), and India and the United Republic of Tanzania on the other (E/CN.4/L.1094), generated some discussion in the Commission.

426. Some representatives viewed the proposal to add the words "within the terms of reference of the Sub-Commission" at the end of operative paragraph 1 of the draft resolution as implying that the Sub-Commission should confine itself to the consideration of communications relating only to the prevention of discrimination or the protection of minorities. Other representatives, however, disagreed, maintaining that the words in question would add little to the meaning of the paragraph, since it was axiomatic that the Sub-Commission should stay within its terms of reference. In this connexion, one representative pointed out that the terms of reference of the Sub-Commission included the directive "to perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights"^{11/} and that, therefore, the interpretation that the Sub-Commission should be limited to matters reflected in its title was untenable; the Commission could refer to the Sub-Commission any question which the Commission, under its own terms of reference, was empowered to deal with.

427. Views were exchanged on the issue of the admissibility of communications and the formulation of standards relating thereto. Many representatives felt that the elaboration of some criteria for determining which of the thousands of communications initially reaching the Sub-Commission should be treated as admissible would greatly assist the Sub-Commission in the execution of its task, although one representative drew attention to the problem of distinguishing between admissibility of petitions or communications and the evidence offered in support thereof. Another representative found the use of the term "admissibility" with its established juridical connotation, inappropriate, and would have preferred the use of the word "sifting" so as not to imply that a juridical proceeding was involved. This argument was replied to with a clarification by the sponsors of the relevant amendment that the term "admissibility" was used in its generic sense which referred to a process of selection or screening, and not in its technical sense as a term of legal art.

428. The reference, in the new operative paragraph 2 proposed by India and the United Republic of Tanzania, to "the first stage in the implementation" of the resolution, elicited some fears on the part of some representatives that the phrase might imply a suspension of the operation of the whole procedure for dealing with communications relating to violations pending the elaboration of criteria for their admissibility. Sponsors of the amendment, however, explained that this was not their intention.

429. In support of the United Kingdom amendments the effect of which would be to keep all the stages of the procedure for dealing with communications within the confines of the Commission instead of letting it extend to the level of the Council, it was said that this arrangement would be in keeping with the responsibilities of the Commission and would prevent the issue from becoming politicized.

^{11/} Official Records of the Economic and Social Council, Ninth Session, Supplement No. 10 (E/1371), para. 13

430. The United Kingdom amendment to insert, after the words "relating thereto" in operative paragraph 3 of the draft resolution for the Council, the words "and other relevant information" received considerable support in the Commission. The amendment was considered to be in line with the feeling expressed by several representatives that, in determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violations of human rights, the Sub-Commission should be enabled to draw upon sources of information other than communications from individuals which oftentimes did not give the complete picture. It was mentioned in this respect that this factor had also been taken into account in the relevant provisions of resolution 8 (XXIII) of the Commission.

431. The amendments submitted by India and the United Republic of Tanzania to delete operative paragraphs 4(b), 5 and 6 of the draft resolution proposed by the Commission, and thus eliminate the stage of the procedure providing for the possibility of an investigation of the relevant case by an ad hoc committee, met with criticism by some representatives, who viewed it as leading to the emasculation of the draft resolution. One of the co-sponsors of the amendment, however, stressed that the proposed deletion was not aimed at derogating from the right of the Commission to proceed with an investigation if it saw fit, nor to impede the evolution of the process leading to a fuller and more comprehensive protection of human rights and the more effective combatting of their denial and violations. On the contrary, the purpose of the amendment was to preserve the freedom of the Commission to decide and act in the light of the circumstances of each particular case.

432. There was considerable support in the Commission for the amendment tending to delete operative paragraph 6 of the draft resolution which provided that if the consent of the State concerned was not forthcoming the Council may decide what further steps may be taken. Representatives favouring the deletion of that provision emphasised that they thought it unwise to lay the groundwork for a departure from the basic element on which the whole procedure was predicated, the consent of the State concerned.

Adoption of resolution

433. At the 1035th meeting on 17 March 1969, the Commission voted on draft resolution II proposed by the Sub-Commission (see paragraph 409 above) and the amendments thereto (see paragraphs 410-412 above), as follows:

(a) The amendment of India and the United Republic of Tanzania to add, after the words "five of its members" in operative paragraph 1 of the draft resolution for the Economic and Social Council, the words "with due regard to geographical distribution" (E/CN.4/L.1094, paragraph 1), was adopted by 26 votes to none, with 2 abstentions.

(b) The amendment of the United Kingdom to delete the words "at least" in operative paragraph 1 of the draft resolution for the Council (E/CN.4/L.1093), was adopted by 23 votes to none, with 5 abstentions.

(c) The amendment of India and the United Republic of Tanzania to add, in operative paragraph 1 of the draft resolution for the Council, after the words "once a year", the words "in private meetings" (E/CN.4/L.1094, paragraph 2), was adopted by 26 votes to none, with 3 abstentions.

(d) The amendment of the United Kingdom to delete the word "gross" in operative paragraph 1 of the draft resolution for the Council (E/CN.4/L.1093) was rejected by 10 votes to 10, with 8 abstentions.

(e) The amendment of India and the United Republic of Tanzania to add, at the end of operative paragraph 1 of the draft resolution for the Council, the words "within the terms of reference of the Sub-Commission" (E/CN.4/L.1094, paragraph 3), was adopted by 16 votes to 3, with 11 abstentions.

(f) The oral sub-amendment of the United States to add the words "in accordance with resolution 1235 (XLII) of the Economic and Social Council" at the end of new operative paragraph 2 of the draft resolution for the Council proposed in paragraph 4 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094), was adopted by 18 votes to none, with 12 abstentions.

(g) At the request of the United Kingdom, a separate vote was taken on the retention of the words "as the first stage in the implementation of this resolution" in the new operative paragraph 2 of the resolution for the Council, proposed in paragraph 4 of the text of the amendments of India and the United Republic of Tanzania. These words were retained by 12 votes to 10, with 8 abstentions.

(h) The new operative paragraph 2 of the draft resolution for the Council proposed in paragraph 4 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094), as a whole, as amended, was adopted by 23 votes to 2, with 6 abstentions.

(i) The new operative paragraph 3 of the draft resolution for the Council proposed in paragraph 4 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094) was adopted by 19 votes to none, with 11 abstentions.

(j) Reserving decision as to its exact placing in the text of the resolution as would be finally adopted, the Commission voted on the new operative paragraph 4 of the resolution for the Council proposed in paragraph 4 of the text of the amendments by India and the United Republic of Tanzania, and adopted it by 24 votes to none, with 6 abstentions. Subsequently it was decided to number that paragraph as paragraph 8 in the text of the resolution as finally adopted.

(k) The amendment contained in paragraph 5 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094) to replace, in operative paragraph 2, sub-paragraph (a), of the draft resolution for the Council, the words "working group" with the words "Sub-Commission on Prevention of Discrimination and Protection of Minorities", was adopted by 20 votes to none, with 11 abstentions.

(l) The amendment contained in paragraph 6 of the text of the amendments of India and the United Republic of Tanzania (E/CN.4/L.1094) to add, in operative paragraph 3 of the resolution for the Council, after the words "to consider", the words "in private meetings in accordance with paragraph 1 above", was adopted by 28 votes to none, with 3 abstentions.

(m) The amendment contained in paragraph 7 of the text of the amendments of India and the United Republic of Tanzania to add, in operative paragraph 3 of the draft resolution for the Council, after the word "communications", the words "brought before it in accordance with the decision of a majority of the members of the working group" was adopted by 13 votes to 7 with 17 abstentions. After the result of the voting was announced Maritania stated it had erroneously cast a negative vote whereas it had intended to vote affirmatively.

(n) The amendment of the United Kingdom to insert, after the words "relating thereto" in operative paragraph 3 of the draft resolution for the Council, the words "and other relevant information" (E/CN.4/L.1093) was adopted by 17 votes to 7, with 7 abstentions.

(o) In view of the result of the vote under (d) above, the United Kingdom withdrew the amendment to delete the word "gross" in operative paragraph 3 of the draft resolution for the Council (E/CN.4/L.1093).

(p) At the request of Uruguay, a vote by division was taken on the amendment in paragraph 6 of the text of the amendments by India and the United Republic of Tanzania (E/CN.4/L.1094) to delete operative paragraphs 4(b), 5 and 6 of the draft resolution for the Council.

(q) At the request of the United Kingdom, a roll-call vote was taken on the amendment of India and the United Republic of Tanzania to delete operative paragraph 4(b); it was rejected by 12 votes to 14 with 5 abstentions. The vote was as follows:

In favour: India, Lebanon, Madagascar, Mauritania, Morocco, Nigeria, Poland, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Chile, Finland, Guatemala, Iran, Italy, Jamaica, New Zealand, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Austria, Congo (Democratic Republic of), France, Greece, Pakistan.

(r) The amendment of the United Kingdom to substitute in operative paragraph 4(b) of the draft resolution for the Council the word "Commission" for the word "Council" (E/CN.4/L.1093) was adopted by 17 votes to 2 with 10 abstentions.

(s) At the request of the United Kingdom, a roll-call vote was taken on the amendment of India and the United Republic of Tanzania to delete operative paragraph 5 of the draft resolution for the Council; it was rejected by 13 votes to 13 with 5 abstentions. The vote was as follows:

In favour: India, Italy, Lebanon, Madagascar, Mauritania, Morocco, Nigeria, Poland, Ukrainian SSR, Union of Soviet Socialist Republic, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Chile, Finland, Guatemala, Iran, Israel, Jamaica, New Zealand, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Austria, Congo (Democratic Republic of), France, Greece, Pakistan.

(t) The Commission agreed that, on the basis of the result of the votes under (r) and (s) above, the amendments of the United Kingdom to operative paragraph 5 of the draft resolution for the Council (E/CN.4/L.1093) to substitute, in the opening sentence and in sub-paragraph (a), the words "Commission" for the word "Council", and to delete, in sub-paragraph (d), the words "and to the Council", were consequential and should be adopted without a vote.

(u) At the request of Jamaica, a separate vote was taken on the retention of sub-paragraph (b) of operative paragraph (5) of the draft resolution for the Council. The sub-paragraph was retained by 12 votes to 6 with 12 abstentions.

(v) The amendment of India and the United Republic of Tanzania to delete operative paragraph 6 of the draft resolution for the Council was adopted by 18 votes to 5 with 8 abstentions.

(w) The draft resolution as a whole, as amended, was adopted by 15 votes to 4 with 12 abstentions.

434. At the 1035th meeting, the United Arab Republic orally proposed that the title of the resolution which had just been adopted by the Commission be changed to read "Procedure for dealing with communications on prevention of discrimination and protection of minorities". The proposal was rejected by 9 votes to 12 with 6 abstentions.

435. The text of the resolution adopted by the Commission at its 1035th meeting on 17 March 1969, is set forth in chapter XVIII of this report as resolution 17 (XXV).

C. Outstanding parts of the report of the twentieth session of the Sub-Commission.

436. The Commission considered sub-item (c), "Outstanding parts of the report of the twentieth session of the Sub-Commission", at its 1035th meeting on 17 March 1969. In connexion with this sub-item, the Commission had before it the report of the twentieth session of the Sub-Commission (E/CN.4/947) and a note by the Secretary-General (E/CN.4/947, para. 3).

437. The Commission at its twenty-fourth session had taken note of the reports of the eighteenth and nineteenth sessions of the Sub-Commission but not of the report of the twentieth session (E/CN.4/947). This report contained resolution 7 (XX), on Genocide, in which the Sub-Commission recommended a draft resolution for adoption by the Commission.

438. In operative paragraph 3 of its resolution 10 (XXIV), the Commission decided to consider resolution 7 (XX) at a later session. In the meantime, the Sub-Commission was informed of the action of the General Assembly at its twenty-third session which affected resolution 7 (XX) of the Sub-Commission (E/CN.4/976, paragraph 128) and the Sub-Commission adopted resolution 8 (XXI), on genocide, which included a draft resolution (E/CN.4/976, chapter XIII, draft resolution V) requesting the Commission to recommend it for adoption by the Economic and Social Council. At its twenty-fifth session, the Commission considered this draft resolution under sub-item (a) of item 8 and, at its 1026th meeting on 11 March 1969, adopted resolution 13 (XXV) on genocide (see para 405 above).

439. As had been decided at its 1024th meeting, the Commission considered under sub-item (c) draft resolution VI, on taking note of the report of the twenty-first session of the Sub-Commission, which had been proposed by the Sub-Commission in chapter XIII of its report (E/CN.4/976). It was agreed to add to draft resolution VI of the Sub-Commission a reference to taking note of the report of the twentieth session of the Sub-Commission.

Adoption of resolution

440. Draft resolution VI, as amended, was adopted without objection at the 1035th meeting on 17 March 1969.

441. The text of the resolution adopted by the Commission at its 1035th meeting on 17 March 1969 is set forth in chapter XVIII of this report as resolution 18 (XXV).

D. Draft principles on freedom and non-discrimination in the matter of political rights

442. The Commission began consideration of, but did not complete, sub-item (d), "Draft principles on freedom and non-discrimination in the matter of political rights", at its 1033rd meeting on 14 March 1969 and at its 1036th meeting on 18 March 1969.

443. The final report on the Study of Discrimination in the matter of political rights was examined by the Commission on Human Rights at its eighteenth session in 1962. The Special Rapporteur, Mr. Hernán Santa Cruz (Chile) was present on the invitation of the Commission and participated in the Commission's meetings when his study, and the relevant chapter of the Sub-Commission's report, were under consideration (E/3616/Rev.1, paras. 162-192).

444. In resolution 4 (XVIII), the Commission requested the Secretary-General to transmit to the Governments of States Members of the United Nations and of the specialized agencies and to non-governmental organizations in consultative status the report of the Special Rapporteur and the text of the draft principles on freedom and non-discrimination in the matter of political rights as well as certain suggestions made by the Commission on the Status of Women (E/CN.6/L.336), so that they might communicate their comments on the substance of the draft principles and the form in which such principles should be embodied. The replies of Governments were circulated in documents E/CN.4/837 and Add.1-8 and E/CN.4/845 and Add.1.

445. In operative paragraph 2 of its resolution 10 (XXIV) of 5 March 1968, the Commission decided to resume consideration, at an appropriate time, of the Study of Discrimination in the Matter of Political Rights and of the draft principles on freedom and non-discrimination in the matter of political rights.^{12/}

446. A note by the Secretary-General concerning the sub-item (E/CN.4/987, paras. 4-6) was before the Commission. In response to a request made at the 1033rd meeting of the Commission on 14 March 1969, the Secretariat prepared and circulated a tabular presentation of general principles on freedom and non-discrimination in the matter of political rights and related provisions in the International Covenant on Civil and Political Rights.

447. Owing to the very little time available at the twenty-fifth session, the Commission was unable to consider the substance of the study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights. Instead, the discussion in the Commission centred on their great importance and the desirability of giving them full consideration on a basis of priority at the twenty-sixth session. In this connexion, many representatives deplored the inability of the Commission, at successive sessions, to deal with the study and the draft principles, which retained their validity, and paid warm tribute to the Special Rapporteur of the Sub-Commission on the subject, Mr. Hernán Santa Cruz, who, with great skill, expertise and dedication, had prepared the study and had submitted the principles for consideration by the Sub-Commission.

448. At the 1036th meeting, on 18 March 1969, Chile formally proposed that further substantive consideration of sub-item (d) be adjourned to the twenty-sixth session. This proposal was approved without objection. It was understood that the Secretariat would supply the Commission with information concerning the history of the study and the draft principles and the evolution of their consideration by the Commission, as well as a detailed comparative chart of the draft principles and related provisions of the International Covenant on Civil and Political Rights. Further action on this sub-item was taken in conjunction with sub-items (e) and (f). (see paragraphs 456-463 below).

E. Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country

F. Study of discrimination against persons born out of wedlock

449. Owing to lack of time, the Commission at its 1036th meeting on 18 March 1969, did not consider the substance of sub-item (e) "Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country", and sub-item (f), "Study of discrimination against persons born out of wedlock", but limited itself to a brief discussion of the modalities of their consideration by the Commission at future sessions.

^{12/} United Nations publication, Sales No. 63.XIV.2, for the Russian text of the study see E/CN.4/Sub.2/213 and for the text of the draft principles see E/CN.4/330, resolution I (XIV), Annex.

450. The final report on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country was given preliminary consideration by the Commission on Human Rights at its nineteenth session, in 1963. In resolution 4 (XIX), the Commission inter alia, requested the Secretary-General to transmit the study, and the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, prepared by the Sub-Commission, to the Governments of Member States and to non-governmental organizations so that they might communicate their comments on the substance of the draft principles and the form in which these principles should be embodied.

451. On recommendation of the Commission, the Economic and Social Council, in resolution 1015 D (XXXVII) of 30 July 1964, requested the Secretary-General to make arrangements for the Special Rapporteur, Mr. José D. Ingles (Philippines) to attend the meetings of the Commission when it undertakes the consideration of his report.

452. In operative paragraph 2 of its resolution 10 (XXIV), the Commission decided to resume consideration, at an appropriate time, of the Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country 13/, which was before the Commission at its twenty-fifth session in connexion with sub-item (e).

453. By its resolution 1 (XIX) adopted in 1967, the Sub-Commission transmitted to the Commission on Human Rights, for consideration as soon as possible, the final report on the study of discrimination against persons born out of wedlock, as well as the summary records of the discussion at the nineteenth session of the Sub-Commission. By the same resolution, the Sub-Commission also transmitted to the Commission, in an annex to this resolution, the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, for consideration and decision as to what further action should be taken thereon.

454. In operative paragraph 2 of its resolution 10 (XXIV), the Commission decided to resume, at an appropriate time, the consideration of the Study of discrimination against persons born out of wedlock 14/, which was before the Commission at its twenty-fifth session in connexion with sub-item (f).

455. In connexion with sub-items (e) and (f), the Commission also had before it a note by the Secretary-General (E/CN.4/987, paras. 7-11).

Draft resolutions and amendments concerning items 8 (d), (e) and (f)

456. At the 1036th meeting on 18 March 1969, the United States of America submitted a draft resolution (E/CN.4/L.1096) which read as follows:

13/ United Nations publication, Sales No. 64.XIV.2.

14/ United Nations publication, Sales No. E.68.XIV.3.

"The Commission of Human Rights,

Taking note of the fact that important studies completed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities have not yet received the attention by the Commission which they merit,

Determined to allot adequate time at future sessions of the Commission to permit thorough consideration of these studies,

Recalling the suggestions made by the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission concerning the studies of the Sub-Commission (E/CN.4/990, para. 16),

Decides to give priority at the twenty-sixth, twenty-seventh and twenty-eighth sessions of the Commission to the consideration of these studies, as follows:

- (a) Draft principles on freedom and non-discrimination in the matter of political rights, at the twenty-sixth session;
- (b) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, at the twenty-seventh session;
- (c) Study of discrimination against persons born out of wedlock, at the twenty-eighth session."

457. At the 1036th meeting, the Philippines orally proposed an amendment which was accepted by the sponsor and which would substitute for the operative part of the resolution the following:

"Decides

- (a) to continue and conclude its discussion and consideration of the study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights at the twenty-sixth session;
- (b) to consider at the twenty-seventh session the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and at the twenty-eighth session the study of discrimination against persons born out of wedlock."

458. At the 1036th meeting, the sponsor of the draft resolution, the United States of America, proposed an oral sub-amendment to the above amendment of the Philippines which would insert, in sub-paragraph (b) of operative paragraph 1, between the words "to consider" and "at the twenty-seventh", the words "and give priority", and between the words "twenty-seventh session" and "the study of discrimination in respect of ...", the word "to".

Issues discussed

459. Several representatives emphasized the importance which they attached to sub-item (d) and sub-items (e) and (f) and expressed regret that the Commission appeared to have neglected them for a number of years. There was strong sentiment in the Commission that no further postponement of the substantive consideration of the questions corresponding to the above sub-items should be allowed, and that a definite schedule for their examination at future sessions should be adopted by the Commission.

460. In respect of sub-item (d), in particular (see also above, paragraphs 448-449), some representatives felt that not only should a decision be taken to give it priority at the twenty-sixth session, but also that a decision should be taken at the twenty-fifth session as to the number of meetings which would be devoted to the consideration of the question corresponding to that sub-item at the twenty-sixth session. However, they added that they were prepared not to insist on condition that an explicit understanding to the effect that the question corresponding to sub-item (d) would be given priority at the twenty-sixth session, would be recorded in the report.

461. Some representatives opposed the part of the draft resolution (E/CN.4/L.1096) and the amendments thereto which sought to establish that the Commission would, as a matter of priority, consider the question corresponding to sub-item (e) at its twenty-seventh session and the question corresponding to sub-item (f) at its twenty-eighth session. They felt that it was unwise and contrary to practice to bind the Commission so much in advance and to settle matters which properly belonged to decisions connected with the organization of the work of each of the future sessions concerned. The opinion was expressed in this connexion that it was difficult to anticipate so much in advance the questions which might be confronting the Commission in 1971 or 1972; some important questions requiring priority might come up, and for that reason it was best to leave the relevant decisions to be taken in the light of contemporary circumstances.

Adoption of resolution

462. At its 1036th meeting on 18 March 1969, the Commission voted on the draft resolution submitted by the United States of America (E/CN.4/L.1096) as revised by the sponsor, through, inter alia, the acceptance of the oral amendment by the Philippines, as follows:

(a) At the request of the Union of Soviet Socialist Republics, a separate vote was taken on the retention of sub-paragraph (b) of operative paragraph 1 of the revised text. The sub-paragraph was retained by 21 votes to 4, with 3 abstentions.

(b) The revised draft resolution, as a whole, was adopted by 23 votes to none, with 5 abstentions.

463. The text of the resolution adopted by the Commission at its 1036th meeting on 18 March 1969, is set forth in Chapter XVIII of this report as resolution 19 (XXV).

IX. INTERNATIONAL YEAR FOR HUMAN RIGHTS: ACTION ARISING
OUT OF THE RESOLUTIONS OF THE INTERNATIONAL CONFERENCE
ON HUMAN RIGHTS (RESOLUTION 2442 (XXIII) OF THE GENERAL ASSEMBLY)

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

(agenda items 14 and 20)

International Year for Human Rights: action arising out of the resolutions of the
International Conference on Human Rights (resolution 2442 (XXIII) of the
General Assembly)

464. By resolution 1961 (XVIII) of 12 December 1963, the General Assembly designated the year 1968 as the International Year for Human Rights. In resolutions 2081 (XX) of 20 December 1965 and 2217 (XXI) of 19 December 1966 the General Assembly approved a programme of measures and activities to be undertaken in connexion with the International Year for Human Rights, by States Members of the United Nations and members of the specialized agencies, by the United Nations, the specialized agencies, regional inter-governmental organizations in consultative status and other international and national organizations concerned.

465. In resolution 2081 (XX) the General Assembly decided that an international conference on human rights would be convened during 1968 in particular to: (a) review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights; (b) evaluate the effectiveness of the methods used by the United Nations in the field of human rights, especially with respect to the elimination of all forms of racial discrimination and the practice of the policy of apartheid; (c) formulate and prepare a programme of further measures to be taken subsequent to the celebrations of the International Year for Human Rights.

466. At the invitation of the Government of Iran, the International Conference on Human Rights met in Teheran, Iran, from 22 April to 13 May 1968. The Conference adopted: (a) The Proclamation of Teheran; and (b) twenty-nine resolutions. The texts of the Proclamation and of the resolutions are reproduced in chapters II and III, respectively, of the Final Act of the International Conference on Human Rights (A/CONF.32/41).

467. The Conference invited the Secretary-General to transmit to the competent organs of the United Nations a number of draft resolutions and amendments thereto which it had not been able to consider for lack of time. The texts of these draft resolutions and amendments are reproduced in annex V to the Final Act of the International Conference on Human Rights.

468. In resolution 2442 (XXIII) of 19 December 1968 entitled "International Conference on Human Rights", the General Assembly, inter alia, expressed "its satisfaction with the work of the Conference, which constitutes a solid foundation for further action and initiatives by the United Nations and other interested international bodies as well as by States and national organizations concerned. The Assembly endorsed the Proclamation of Teheran "as an important and timely reaffirmation of the principles embodied in the Universal Declaration of Human Rights and in other international instruments in the field of human rights." The Assembly also called upon all States and organizations concerned to take further action with a view to the full realization of human rights in the light of the recommendations of the Conference.

469. In operative paragraph 8 of the same resolution, the General Assembly invited the Secretary-General to transmit to the competent organs of the United Nations and the specialized agencies those resolutions or parts of resolutions of the International Conference on Human Rights which interest them. In operative paragraph 9, the Assembly invited the Secretary-General and the United Nations organs and specialized agencies concerned to take action as appropriate on the resolutions and recommendations of the Conference. The Assembly further invited the Secretary-General to report to the General Assembly at its twenty-fourth session on measures taken and progress achieved in the implementation of the recommendation of the Conference by States Members of the United Nations, United Nations organs, specialized agencies and other inter-governmental organizations concerned (operative paragraph 10).

470. In his note on the item (E/CN.4/994), which was before the Commission, the Secretary-General, inter alia, drew the attention of the Commission to certain provisions of resolutions of the Conference which, by their terms, would appear to be of particular concern to the Commission. (Provisions pertaining to the programme of the advisory services in the field of human rights were referred to in the note relating to item 16 of the Commission agenda (E/CN.4/995)).

Further promotion and encouragement of respect for human rights and fundamental freedoms

471. As far as the item on further promotion and encouragement of respect for human rights and fundamental freedoms is concerned, the Commission on Human Rights, at its nineteenth session, having considered the item, in resolution 8 (XIII), recommended a draft resolution for consideration by the General Assembly and decided to continue the study of measures directed towards the acceleration of the development of respect for and observance of human rights and fundamental freedoms and to review the whole question of the future direction of the work of the Commission and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities taking as a basis the rights enumerated in the Universal Declaration of Human Rights. The Commission was unable to consider the item at its twentieth and twenty-first sessions in 1964 and 1965.

472. The General Assembly, in resolution 2027 (XX) of 18 November 1965 entitled "Measures to accelerate the promotion of respect for human rights and fundamental freedoms", inter alia, invited the Economic and Social Council to request the Commission to continue its consideration of the question of the further promotion and encouragement of respect for human rights and fundamental freedoms.

473. In resolution 16 (XXII) of 2 April 1966, the Commission decided to consider this item at its twenty-third session. At its twenty-third and twenty-fourth sessions, the Commission postponed consideration of the item (E/4475, paragraph 411).

Issues discussed

474. The items were considered at the 1035th, 1036th and 1037th meetings of the Commission. The discussion concentrated on the item dealing with the International Year for Human Rights.

475. Members of the Commission who spoke on the item, emphasized that many of the measures and activities undertaken in connexion with the International Year for Human Rights by Governments, international organizations, regional organizations, non-governmental organizations and private institutions had contributed to the promotion

of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. In particular, it was pointed out that the observance of the International Year stimulated national efforts in the field of human rights in many countries, and that the International Year provided an opportunity to draw attention of people throughout the world to the capital importance of ensuring the protection of human rights and fundamental freedoms. Some speakers referred to constructive measures taken in their respective countries and at the regional level. A reference was made to the General Assembly decision in its resolution 2441 (XXIII) of 19 December 1968 inviting Member States to consider prolonging, after the end of the International Year for Human Rights, as appropriate, such activities undertaken during the year, as would continue to be helpful in the promotion and protection of human rights and fundamental freedoms.

476. While highlighting positive results achieved in connexion with the observance of the International Year for Human Rights, speakers expressed their concern over the violations of human rights which had continued to occur during the International Year. They pointed out in particular that peoples of some countries still continued to be subjected to colonial domination, to the policies of apartheid and racial discrimination, and that armed conflicts continued to cause suffering and death to people involved, thus denying one of their basic rights, the right to life.

477. The President of the International Conference on Human Rights, Her Imperial Highness Princess Ashraf Pahlavi, described the achievements of the Conference and referred to the future role of the Commission in the realization of further United Nations programmes in the field of human rights, the organization of which in the contemporary world she stressed. Fifteen members of the Commission expressed satisfaction with the fact that the decisions embodied in the Proclamation of Teheran and resolutions covered a great variety of pressing human rights matters, ranging from apartheid to the impact of disarmament on human rights, from illiteracy to the widening gap between the standards of living in the economically developed and developing countries, from the question of violations of human rights to the problems of education of youth in the respect for human rights. Attention was also drawn to the question of the effects of development of modern science and technology on human rights and what the Commission would consider at its twenty-sixth session. Speakers also emphasized the importance of the resolutions of the Conference dealing with respect for human rights in occupied territories, measures to be taken against nazism and racial intolerance, long-term United Nations programmes for the advancement of women, status of refugees, human rights aspects of family planning, realization of economic, social and cultural rights and universal accession by States to international instruments in the field of human rights. It was generally felt that the work of the Conference, and its decisions, constituted a solid foundation for further action and initiative, both at the international and national levels. Satisfaction was expressed with the fact that the General Assembly had already called upon all States and organizations concerned to take such action with a view to the full realization of human rights in the light of the recommendations of the Conference.

478. The task of the implementation of the decisions of the Conference as well as of all the United Nations instruments in the field of human rights, was considered by Members of the Commission to be of paramount importance. It is on the fulfilment of this task that, in the opinion of some members, United Nations activities in the field of human rights and the work of the Commission in particular should be centered. The opinion was also expressed that the international intellectual community should take a more active part in efforts aimed at promoting human rights and fundamental freedoms.

The view was also expressed to the effect that further important efforts for the protection and promotion of human rights should continue to be made at the national level by States concerned, while indeed appropriate international action should also be intensified. The urgency to speed up ratification of international agreements on human rights, in particular the covenants on human rights, was pointed to. The importance of education of youth in the spirit of respect for human rights and fundamental freedoms was also emphasized.

479. Realizing that lack of time precluded the Commission from giving substantive consideration to various recommendations made by the International Conference on Human Rights to the Commission on Human Rights, members of the Commission felt that it would be appropriate to consider the matter further at the next session.

480. Regarding item 20 on further promotion and encouragement of respect for human rights and fundamental freedoms, the view was also expressed that the Commission's consideration of the item initiated at the nineteenth session had contributed constructively to the work of the Commission done since that session, and one representative felt that the item should continue to remain on the Commission agenda.

X. PERIODIC REPORTS ON HUMAN RIGHTS
(agenda item 10)

481. The item was discussed at the 1037th, 1038th and 1041st meetings of the Commission.

482. The Commission had before it the following:

(a) Reports on civil and political rights for the period 1 July 1965 to 30 June 1968 received from the following States Members of the United Nations or members of the specialized agencies: Argentina, Austria, Botswana, Brazil, China, Colombia, Denmark, Finland, Haiti, Hungary, Israel^{15/}, Italy, Japan, Madagascar, Netherlands, New Zealand, Norway, Panama, Philippines, Poland, Romania, Singapore, Turkey, Ukrainian SSR, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (E/CN.4/973 and Add.1), a communication from the Hashemite Kingdom of Jordan (E/CN.4/1001), and a communication from Spain (E/CN.4/1002);

(b) Reports relating to civil and political rights received from the United Nations Educational, Scientific and Cultural Organization, and the International Labour Organisation as well as communications from the International Telecommunication Union, the Universal Postal Union and the World Health Organization (E/CN.4/974);

(c) A subject and country index to the reports on civil and political rights prepared by the Secretary-General (E/CN.4/981/Rev.1);

(d) The report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of the 1969 session (E/CN.4/989) which included a draft resolution recommended for adoption by the Commission (paragraph 45 of the report of the Ad Hoc Committee).

(e) In accordance with operative paragraph 14 of Council resolution 1074 C (XXXIX) the comments received from the non-governmental organizations listed below, as well as comments made on them by the Member States concerned were made available to the Commission by the Secretary-General:

Category A: International Co-operative Alliance and United Towns Organization.

Category B: All India Women's Conference; International Commission of Jurists, (together with comments thereon by the Government of Malawi and by the Government of Switzerland); International Federation of Newspaper Publishers; The International League for the Rights of Man (together with comments thereon by the Government of the Republic of Korea and by the Government of the United States of America); Soroptimist International Association; World Conference of Organizations of the Teaching Profession and World Young Women's Christian Association.

Register: Open Door International; St. Joan's International Alliance; the World Association of Girl Guides and Girl Scouts.

(f) An analytical summary of the reports and other material on civil and political rights (E/CN.4/980/Rev.1) prepared by the Secretary-General in accordance with Commission on Human Rights resolution 16 (XXIII);

^{15/} See paragraph 491 below.

(g) An up-to-date memorandum on the status of multilateral international treaties in the field of human rights concluded under the auspices of the United Nations (E/CN.4/907/Rev.5).

483. The attention of the Commission was drawn to resolution 1 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which it recommended that the Commission on Human Rights requests the Secretary-General (a) to include in his outline of headings sent to Governments under resolution 16 (XXIII) of the Commission, matters with which the Sub-Commission has been concerned, taking into account the views expressed by the Sub-Commission; and (b) to prepare for each session of the Sub-Commission a resumé of those parts of the periodic reports which relate to matters falling within the terms of reference of the Sub-Commission. The Commission was informed that the recommendations had been drawn to the attention of the Ad Hoc Committee on Periodic Reports and were reflected in operative paragraph 9 (d) of the draft resolution submitted by the Committee (E/CN.4/991).

484. The Commission also had before it reports on freedom of information received from the Governments of Colombia, Poland and United Arab Republic (E/CN.4/948/Add.19-21). These reports were received after the twenty-fourth session of the Commission on Human Rights had closed.

Draft resolution and amendment

485. At the 1037th meeting of the Commission, the representative of the United Arab Republic submitted an amendment (E/CN.4/L.1105) seeking to insert a new operative paragraph before paragraph 12 of the draft resolution recommended by the Ad Hoc Committee on Periodic Reports on Human Rights for adoption by the Commission (E/CN.4/989, para.45). The text of the new paragraph read as follows:

"Notes with regret that the actions referred to in the report submitted by the Government of Israel (E/CN.4/973) with regard to 'the application of the law, jurisdiction and administration of Israel to the whole of the city of Jerusalem' constitute a violation of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, and Security Council resolution 252 (1968) of 21 May 1968".

Issues discussed

486. With reference to the report on civil and political rights submitted by the Government of Israel and mentioning the application by Israel of its law, jurisdiction and administration to the whole of the city of Jerusalem (E/CN.4/973), the representative of the United Arab Republic stated that means should be found to prevent the use of the system of periodic reporting on human rights for the purpose of the consolidation of the annexation of a foreign territory as did Israel in the case of Jerusalem in its report.

487. The representative of Israel stated that the matter was not relevant to the item under consideration. He considered it unprecedented that an official report by a

Government should be subjected to criticism by a foreign delegation. He also maintained that the Israel administration in Jerusalem ensured freedom of religion in holy places, which had been denied as far as Jews were concerned, by Jordanian authorities.

488. The further discussion in which some other representatives also took part, concentrated on eventual implications which the amendment submitted by the United Arab Republic may have, if adopted, on the system of periodic reporting. The view was expressed and supported by some other delegations that the Commission was entitled to make an analysis of reports submitted by particular governments. Such an analysis, however, had to result from a careful study of the matter, i.e. from a substantive consideration of the reports. In no way should the analysis assume the form of a decision made on the basis of a particular isolated case, as the process of analysis had to be applicable to all reports which would be before the Commission, and the process of analysis should not in any event assume a discriminatory character. It was also maintained that the amendment in question if adopted would have implications endangering the entire system of periodic reporting.

489. The sponsor of the amendment maintained that in no way was his delegation seeking to endanger the system of periodic reports on human rights or to interfere in its correct operation. Reiterating his view that this system should not be used for the purpose of consolidation of the annexation of a foreign territory, he argued that the Commission when considering the case should not ignore the relevant decisions of the Security Council and the General Assembly on the matter.

490. At the 1038th meeting the representative of Uruguay addressed an appeal to the representative of Israel to withdraw that part of the report which caused the objection of the delegation of the United Arab Republic. He equally appealed to the representative of the United Arab Republic to do likewise and not to press his amendment (E/CN.4/L.1105) to a vote. At the same meeting the representative of the United Arab Republic declared that he would be prepared to respond favourably to the appeal of the representative of Uruguay as soon as the delegation of Israel formally withdrew the objectionable part of the report.

491. At the 1041st meeting of the Commission the representative of Israel stated that his Government had decided to withdraw their report on civil and political rights (E/CN.4/973) altogether, in order not to endanger the reporting system.

492. At the same meeting with reference to the above statement, the representative of the United Arab Republic stated that he would not press the amendment contained in document E/CN.4/L.1105 to the vote.

Adoption of resolution

493. The draft resolution recommended by the Ad Hoc Committee on Periodic Reports on Human Rights and contained in paragraph 45 of its report (E/CN.4/989) was adopted unanimously by the Commission at its 1041st meeting on 20 March 1969.

494. The text of the resolution adopted by the Commission at its 1041st meeting on 20 March 1969 is set forth in Chapter XVIII of this report as resolution 22 (XXV).

XI. STUDY OF THE QUESTION OF THE EDUCATION OF YOUTH ALL OVER THE WORLD
FOR THE DEVELOPMENT OF ITS PERSONALITY AND THE STRENGTHENING OF
ITS RESPECT FOR THE RIGHTS OF MAN AND FUNDAMENTAL FREEDOMS
(RESOLUTION 2447 (XXIII) OF THE GENERAL ASSEMBLY AND DECISION
TAKEN AT THE 1576TH MEETING OF THE ECONOMIC AND SOCIAL
COUNCIL ON 19 DECEMBER 1968)

(agenda item 13)

495. By its resolution XX entitled "Education of youth in the respect for human rights and fundamental freedoms" (A/CONF.32/41), the International Conference on Human Rights recommended inter alia that the functional organs of the United Nations and of the specialized agencies concerned should start a detailed examination and study of the question of the education of youth all over the world for the development of its personality and strengthening of its respect for the rights of man and fundamental freedoms. At its twenty-third session the General Assembly, acting on the recommendation of the International Conference on Human Rights, adopted resolution 2447 (XXIII) of 19 December 1968. In operative paragraph 3 of that resolution the General Assembly requested the Economic and Social Council to invite the Commission on Human Rights, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to study the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms. At its 1576th meeting on 19 December 1968 the Council decided to refer that resolution to the Commission on Human Rights.

496. The Commission considered item 13 of its agenda at its 1037th, 1038th and 1039th meetings, held on 18 and 19 March 1969. At its 1037th meeting it heard a statement by the representative of UNESCO. At its 1038th meeting it heard statements by representatives of the International Association for Penal Law and the Co-ordinating Board of Jewish Organizations, non-governmental organizations in consultative status (category B).

497. The Commission had before it an explanatory note by the Secretary-General (E/CN.4/993) containing the text of General Assembly resolution 2447 (XXIII).

Draft resolution and amendment

498. Austria, Chile, Finland and India presented a draft resolution (E/CN.4/L.1099) reading as follows:

"The Commission on Human Rights,

Noting with interest and satisfaction resolution XX of the International Conference on Human Rights and resolution 2447 (XXIII) of the General Assembly on the question of the education of youth in the respect for human rights and fundamental freedoms,

Noting in particular the following considerations expressed in resolution XX of the International Conference on Human Rights:

'that it is the hope of humanity that there should be in the future a world in which there does not exist any transgression of human rights and fundamental freedoms and that to that end it is imperative to implant in

the consciousness of youth lofty ideals of human dignity and of equal rights for all persons without any discrimination,' and 'that nowadays, within the process of social, economic and spiritual renewal in which humanity is engaged, the enthusiasm and the creative spirit of youth must be dedicated to eliminating any kind of violation of human rights'.

Noting that in accordance with resolution 2447 (XXIII) of the General Assembly the Economic and Social Council invited the Commission, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to study the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms.

Noting in particular that the General Assembly stated in the above-mentioned resolution its awareness of the aspirations expressed by large sectors of the young generation for a more effective protection of human dignity in this age of great scientific, technological and cultural achievements and of the desire of youth to have its full share in the accomplishment of the major humanitarian demands of this century,

Welcoming the manifest desire of youth in schools, universities and other institutions of sharing the responsibility for the leadership and orientation of such institutions in accordance with democratic principles,

Convinced that the fulfilment of the ideals reflected in the Universal Declaration of Human Rights and other United Nations instruments of human rights are a worthy challenge and source of inspiration for the young generation,

Stressing the importance of viewing education in a broad sense as a lifelong pursuit which includes out-of-school education, adult education and youth work,

1. Decides to consider, at its future sessions, the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms;
2. Notes with satisfaction UNESCO's programmes on the education of youth for international understanding and the respect of human rights as well as the corresponding activities of interest to youth which have been undertaken or are contemplated by ILO, other specialized agencies concerned as well as UNICEF and the competent sections of the United Nations Secretariat;
3. Requests UNESCO to submit to the Commission, through the Secretary-General of the United Nations, a report on the question referred to in operative paragraph 1 of this resolution;
4. Requests the Secretary-General to supplement this report with such other data as may enable the Commission to continue the study requested by the General Assembly, particularly information received from States Members of the United Nations and of the specialized agencies, other interested specialized agencies as well as interested non-governmental organizations in consultative status;

5. Expresses the hope that all States Members of the United Nations and of the specialized agencies will submit to the Secretary-General reports and information on action taken by them in their efforts to ensure that youth is educated in a spirit of respect for human rights everywhere and is given the opportunity to play its part in the implementation and protection of human rights;

6. Expresses the hope that in co-operation with interested Governments the Secretary-General will organize, as requested by the General Assembly, within the framework of the programme of advisory services in the field of human rights, seminars with the participation of persons specially qualified in subjects of particular concern to youth, including youth leaders;

7. Invites the attention of the Commission on the Status of Women to relevant parts of the documentation prepared in accordance with this resolution."

499. The representative of Guatemala proposed the following amendment (E/CN.4/L.1107):

At the end of paragraph 7, after the words "in accordance with this resolution", add: "so that it may at its next session, through the good offices of that Commission, have at its disposal the reports of non-governmental women's organizations on their efforts to implant the philosophy of human rights in the consciousness of youth."

500. At the 1039th meeting the sponsors of draft resolution E/CN.4/L.1099 accepted the substance of the Guatemalan amendment and other amendments suggested by several delegations during the discussion. They accordingly revised their draft orally as follows:

(a) After the fourth preambular paragraph, insert the following new paragraph:

"Recalling the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples proclaimed by the General Assembly on 7 December 1965";

(b) in the fifth preambular paragraph, replace the words "of sharing the responsibility for the leadership and orientation" by the words "to share in the leadership and orientation";

(c) in the seventh preambular paragraph:

(i) replace the words "as a lifelong pursuit" by the words "as a continuing lifelong process";

(ii) at the end of the paragraph, add the following words:
"and which should be carried out in a spirit of respect for human dignity and for equal rights of all men and all peoples without discrimination as to race, colour, language, sex or faith";

(d) add to the preamble the following extra paragraph:

"Taking into consideration that youth is particularly sensitive to any infringement of human rights, and appreciating its vocation and its legitimate desire to be useful to society and to have its full share in the accomplishment of the major humanitarian demands of our century, the fulfilment of which constitutes a primary condition for its happiness and for human progress in general";

(e) in operative paragraph 2, delete the words "and the competent sections of the United Nations Secretariat";

(f) in operative paragraph 4, replace the words "other interested specialized agencies, as well as interested non-governmental organizations in consultative status" by the words "from United Nations regional economic commissions and the United Nations Office of Economic and Social Affairs at Beirut, from interested specialized agencies, as well as from interested inter-governmental organizations and non-governmental organizations in consultative status";

(g) in operative paragraph 5, delete the words "in their efforts", and replace the word "implementation" by the word "promotion";

(h) at the end of operative paragraph 6, add the following words: "and members of youth organizations, on the question of the education of youth with a view to the strengthening of its respect for human rights and fundamental freedoms";

(i) at the end of paragraph 7, add the following words: "so that it may at its next session have at its disposal the reports of non-governmental women's organizations on their efforts in promoting the philosophy of human rights in the consciousness of youth";

(j) add the following new paragraph:

8. Suggests to the Economic and Social Council that, in exercise of the co-ordinating functions assigned to it by the Charter and taking into account the prerogatives of the various inter-governmental organizations, it should consider how the activities of the organs and organizations of the United Nations relating to the education of youth in the respect of human rights can best be co-ordinated with other activities of those bodies designed to satisfy the requirements and aspirations of youth".

Issues discussed

501. The members of the Commission agreed in their recognition of the particular importance and urgency of the question before them. The Commission was unfortunately only able to devote a short time to it at the present session, and had not sufficient material for the thorough study it should have made under General Assembly resolution 2447 (XXIII). The Commission could, however, take at once the necessary steps to start the study and define its general direction. Draft resolution E/CN.4/L.1099, expressing that desire, therefore elicited unanimous support.

502. Many speakers referred to the unrest afflicting modern youth practically all over the world, and inquired into its possible causes and remedies. Some called it a spontaneous, many-sided and almost universal revolt phenomenon. In some cases disturbance might lead to violence. Various speakers saw in it a form of rebellion against the materialism of a consuming society and a developing police State, a reaction against an inhuman world where principles contradict realities, the expression of a need for renewal and authenticity, or indeed an access of awareness and an affirmation of the rights of youth.

503. Some representatives discerned among the complex causes of this unrest a common factor in the desire of youth to participate more fully in political, economic, social and cultural affairs, both nationally and internationally, and to intervene in decisions which affect them directly. They therefore held that stress should be laid on youth participation.

504. Some pointed out that youth fills an increasingly larger place in the national life of countries because of its numbers and potential. In the developing countries, in particular, a large proportion of the population is under twenty-one. Everywhere, particularly through the lowering of the voting age, the political power of youth is growing. Nevertheless, economic conditions often aroused in youth anxiety for its future. The opinion was expressed that the employment problem is largely at the root of the present student confrontation.

505. It was emphasized that, whereas some young persons oppose progress, at any rate in certain forms, others work to promote it. The behaviour of youth is not only negative, and attention should be given to its constructive aspects. Thus, there exist progressive youth movements which act positively in defence of the interests of youth all over the world and of the cause of peace and international understanding. It is important to ensure that their movements are neither hindered nor repressed.

506. It was generally considered that by any reckoning the present upsurge expresses a healthy enthusiasm and vigour which ought to be guided in a positive direction. Thus, it was pointed out that youth can play a most effective part as an agent for the promotion of human rights. In face of the infringements of human rights, to which youth is by nature sensitive, perpetrated in the modern world, the moment seems particularly opportune for engaging the attention of youth and channelling its action. It was also said that in their awareness young people refused to be satisfied with theoretical and verbal solutions but demanded concrete action.

507. It was declared that in order to obtain the desired results it is necessary to make education encourage among youth respect for the ideals of peace, tolerance and friendship between peoples in the spirit of the Declaration adopted by the General Assembly on 7 December 1965. It must also be taught to reject ideologies founded on colonialism, racism, apartheid and nazism, since these lead to flagrant and massive violations of human rights. Other delegations said that youth should not merely reject such ideologies but should actively combat them. It was also said by some members that educational programmes could be usefully based on international instruments such as the Universal Declaration and the Conventions on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration and the Convention on the Elimination of all Forms of Racial Discrimination.

Some representatives felt that in considering the development of personality mentioned in General Assembly resolution 2447 (XXIII) it was obviously necessary to forbid any interpretation of those words to mean an exaltation of the nazi or racist lust for power.

508. The representatives who took part in the discussion emphasized that the Commission should adopt a realistic approach to the study requested of it and deal with the problem in a practical way in co-operation with all the bodies or organizations concerned. The view was expressed that directives should not merely be given to youth, but that a dialogue should be encouraged with young people. Reference was made to the importance of seminars in that respect. It was suggested that the Commission might also consider whether the Universal Declaration of Human Rights should not be modified to give youth a place in its own right and not merely, as was now the case in articles 25 and 26, in the context of the family and of education. In addition, it was pointed out that the Commission had other items on its agenda, such as the study of discrimination against persons born out of wedlock, which directly concerned certain categories of young people and therefore should not be neglected.

509. Attention was drawn to the need for concerted action in that field in the interest of maximum effectiveness. Within the framework of the technical commissions whose activities were co-ordinated by the Council, the Commission for Social Development, as well as the Commission on Human Rights, was already dealing with certain aspects of the problem. In addition, the contributions which the regional economic commissions might make should not be neglected. The Commission on the Status of Women was also involved, in view of the important role of women throughout the whole educational process. With regard to the whole range of activities relating to youth undertaken by all the organizations operating within the framework of the United Nations, it was felt that the Council should seek ways of better co-ordinating those activities which were specifically concerned with education on human rights questions and those which, on a more general plane, were designed to meet the needs and aspirations of youth.

510. At the 1037th meeting, the representative of the United Nations Educational, Scientific and Cultural Organization stated that UNESCO, which since its foundation had devoted a large part of its efforts to the education of youth in the respect for human rights, would give its full support to the Commission in the task which it had been invited to undertake. The proposed study entailed a delimitation of the problems to be examined and a definition of the terms "youth" and "education" contained in resolution XX adopted by the International Conference on Human Rights and in General Assembly resolution 2447 (XXIII). According to the UNESCO representative, the term "youth" should not be interpreted in too restrictive a sense so far as age groups were concerned; the same applied to the concept of education which, in the context of modern life, tended to be considered as a continuous, integrated process which was carried on beyond and outside the normal school curriculum. As to the scope of the study to be undertaken, the General Assembly resolution invited the Commission to go beyond a mere recapitulation of what was at present being done in that field and to arrive at a recommendation on what should be done. On the subject of the concept of youth, the UNESCO representative drew the Commission's attention, as being of possible use to it in its task, to a very general classification of the different elements of which youth was composed, which had been proposed in the report submitted in October 1968 to the UNESCO General Conference. He observed that the teaching of human rights had not yet been given very high priority in the world as a whole. The main difficulties encountered derived, in his view, from the lack of

preparation of teachers and educators and from the shortage of suitable teaching materials. To help interested Governments to introduce such teaching in their school programmes, UNESCO was making qualified experts available to them upon their request. In addition, the teaching of human rights presented problems of teaching and psychological methods. Certain principles had already been formulated and some methods had been tried out successfully, thus enabling useful conclusions to be reached in that respect. UNESCO had, moreover, been preparing since 1951, in co-operation with representative organizations of the teaching profession, studies and surveys designed to determine which methods should be followed in the teaching of that subject, and the results of those research activities had been published in various pamphlets which had been given wide circulation. It should be noted, in addition, that the International Conference on Public Education had adopted, at its thirty-first session in July 1968, a recommendation which provided, in particular, that education in international understanding and respect for human rights should be conceived and organized as an integral part of school studies, each discipline effectively contributing, by appropriate means, to a general co-ordinated and continuous programme which should be developed from year to year. Finally, UNESCO was planning to draw up an international instrument, in the form of a convention or recommendation, which would deal with the actual content which should be given to education for promoting love of peace, international understanding and respect for human rights. Apart from its research activities, UNESCO was also playing a direct role in the teaching of human rights. It had, for example, established as early as 1952 teaching programmes dealing with both international understanding and human rights, which were now applied by several hundreds of schools in more than fifty countries. At the university level, where action up to the present had been mainly directed towards promoting the teaching of international law, consideration should now be given to special teaching programmes on human rights. Human rights teaching at all levels should be complemented by extra-mural activities, which provided a large number of young people with the only opportunity they had to familiarize themselves with the subject. Those activities, which took on extremely varied forms - youth clubs and centres, peoples' universities, trade unions, etc. - should be adapted to meet the needs of the categories of young people participating in them and to take account of the particular conditions in each country. The UNESCO representative said in conclusion that, if it was recognized that the education of young people was one of the indispensable conditions for achieving respect for human rights and for the development of youth, it should also be recognized that any education would be meaningless and of doubtful value if those in authority did not make real efforts to put the principles which were being taught into practice.

Adoption of resolution

511. At the 1039th meeting, the draft resolution submitted by Austria, Chile, Finland and India (E/CN.4/L.1099, see paragraph 498 above), as orally revised (see paragraph 500 above), was adopted without opposition.

512. The text of the resolution adopted by the Commission at its 1039th meeting on 19 March 1969 is set forth in chapter XVIII of this report as resolution 20 (XXV).

XII. STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST,
DETENTION AND EXILE, AND DRAFT PRINCIPLES ON FREEDOM FROM ARBITRARY
ARREST AND DETENTION

STUDY OF THE RIGHT OF ARRESTED PERSONS TO COMMUNICATE WITH THOSE
WHOM IT IS NECESSARY FOR THEM TO CONSULT IN ORDER TO ENSURE THEIR
DEFENCE OR TO PROTECT THEIR ESSENTIAL INTERESTS
(agenda items 17 and 18)

513. In accordance with previous resolutions of the Commission, approved by the Economic and Social Council, a Committee established by the Commission and made up of four of its members had submitted, at the eighteenth session, a revised study of the right of everyone to be free from arbitrary arrest, detention and exile (E/CN.4/826/Rev.1)^{16/}. The Commission, in resolution 2 (XVIII), decided to submit the draft principles to States Members of the United Nations or members of specialized agencies for their comments. The comments had been circulated in documents E/CN.4/835 and Add.1-11 and E/CN.4/835/Add.6/Corr.1. The Commission, for lack of time, had postponed consideration of the question to its twenty-fifth session.

514. In resolution 2 (XVII) the Commission had requested the Committee to undertake a new separate study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests. After having submitted progress reports at several sessions, the Committee presented a substantive report on that subject at the twenty-fifth session (E/CN.4/996).

515. The Commission examined agenda items 17 and 18, relating to those questions, together at its 1041st meeting on 20 March 1969 (see also para. 71 above).

516. The representative of the Philippines had submitted a draft resolution (E/CN.4/L.1104) requesting the Secretary-General to submit to Governments of States Members of the United Nations and specialized agencies a study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and the suggested modifications of some of the draft principles on freedom from arbitrary arrest and detention and to submit the comments of Governments thereon as well as on what further action should be taken on them to the twenty-seventh session of the Commission. The sponsor of the draft resolution emphasized that, in his view, the Commission, having postponed consideration of those questions for several years, should now give its attention to them and, first of all, consult Governments on the Committee's new study. The sponsor deleted the phrase "as well as on what further action should be taken on them" at the suggestion of the United Kingdom representative, who considered that the meaning, at least in the English text, was not clear.

517. At its 1041st meeting, the Commission unanimously adopted the revised draft resolution submitted by the Philippines.

518. The text of the resolution adopted by the Commission at its 1041st meeting on 20 March 1969 is set forth in chapter XVIII of this report as resolution 23 (XXV).

^{16/} United Nations publication, Sales No.: 65.XIV.2.

XIII. ELECTION OF THE MEMBERS OF THE SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
(RESOLUTION 1334 (XLIV) OF THE ECONOMIC AND SOCIAL COUNCIL)
(agenda item 22)

519. In resolution 1334 (XLIV) of 31 May 1968, the Economic and Social Council decided to increase the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to twenty-six as from 1969 and requested the Commission on Human Rights at its twenty-fifth session to elect twenty-six members of the Sub-Commission from nominations of experts made by member States of the United Nations on the following basis:

From the Afro-Asian group of States	12 members;
From Western European and other States	6 members;
From Latin American States	5 members;
From Eastern European States	3 members.

520. The Secretary-General had received the following nominations for the election to membership of the Sub-Commission:

Mr. Mohamed A. Abu Rannat (Sudan)	E/CN.4/998
Mr. Ignace Ajavon (Togo)	E/CN.4/998/Add.1
Mr. Antonio Martínez Baez (Mexico)	E/CN.4/998
Mr. Alexander Bolintineanu (Romania)	E/CN.4/998/Add.9
Mr. Peter Calvocoressi (United Kingdom)	E/CN.4/998
Mr. Francesco Capotorti (Italy)	E/CN.4/998
Mr. Frederico de Cordova Castro (Cuba)	E/CN.4/998
Mr. José R. Martínez Cobo (Ecuador)	E/CN.4/998/Add.1
Mr. A.R. Cornelius (Pakistan)	E/CN.4/998 and Add.2
Mr. Adib Daoudy (Syria)	E/CN.4/998
Mr. I.J.D. Durlong (Nigeria)	E/CN.4/998
Mr. Ole Espersen (Denmark)	E/CN.4/998
Mr. Hector Gros Espiell (Uruguay)	E/CN.4/998/Add.11
Mr. Clarence Clyde Ferguson, Jr. (United States of America)	E/CN.4/998/Add.3
Miss Mary N. Gichuru (Kenya)	E/CN.4/998
Mr. John P. Humphrey (Canada)	E/CN.4/998
Mr. Simon Ilako (Congo, Democratic Republic of)	E/CN.4/998/Add.8/Rev.1
Mr. José D. Ingles (Philippines)	E/CN.4/998

Mr. Branimir M. Jankovic (Yugoslavia)	E/CN.4/998/Add.4
Mr. Pierre Juvigny (France)	E/CN.4/998
Mr. Ahmed Kettani (Morocco)	E/CN.4/998/Add.5
Mr. Ahmed M. Khalifa (United Arab Republic)	E/CN.4/998 and Add.6
Mr. Erik Nettel (Austria)	E/CN.4/998
Mr. Paul Nikiema (Upper Volta)	E/CN.4/998/Add.1 (Add.1/Corr.1 in French only) and Add.7
Mr. Armando Iscar Pacheco (Dominican Republic)	E/CN.4/998/Add.2
Mr. W.E. Waldron-Ramsey (United Republic of Tanzania)	E/CN.4/998
Mr. U.M. Rybakov (Union of Soviet Socialist Republics)	E/CN.4/998/Add.1
Mr. Zenon Rossides (Cyprus)	E/CN.4/998
Mr. Nicodeme Ruhashyankiki (Rwanda)	E/CN.4/998
Mr. Vicente Diaz Samayoa (Guatemala)	E/CN.4/998 and Add.9
Mr. Hernán Santa Cruz (Chile)	E/CN.4/998 and Add.10 and 12
Mr. Z.M. Zeltner (Israel)	E/CN.4/998

521. At the 1042nd meeting of the Commission on Human Rights on 20 March 1969, the following persons were elected, in accordance with Economic and Social Council resolution 1334 (XLIV), as members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Mr. Mohamed A. Abu Rannat (Sudan)
 Mr. Antonio Martínez Baez (Mexico)
 Mr. Alexander Bolintineanu (Romania)
 Mr. Peter Calvocoressi (United Kingdom)
 Mr. Francesco Capotorti (Italy)
 Mr. José R. Martínez Cobo (Ecuador)
 Mr. A.R. Cornelius (Pakistan)
 Mr. Adib Daoudy (Syria)
 Mr. I.J.D. Durlong (Nigeria)
 Mr. Hector Gros Espiell (Uruguay)
 Mr. Clarence Clyde Ferguson, Jr. (USA)
 Miss Mary N. Gichuru (Kenya)
 Mr. John P. Humphrey (Canada)
 Mr. Simon Ilako (Congo, Democratic Republic of)

Mr. José D. Ingles (Philippines)
Mr. Branimir M. Jankovic (Yugoslavia)
Mr. Pierre Juvigny (France)
Mr. Ahmed Kettani (Morocco)
Mr. Ahmed M. Khalifa (United Arab Republic)
Mr. Erik Nettel (Austria)
Mr. Paul Nikiema (Upper Volta)
Mr. W.E. Waldron-Ramsey (United Republic of Tanzania)
Mr. U.M. Rybakov (Union of Soviet Socialist Republics)
Mr. Nicodeme Ruhashyankiki (Rwanda)
Mr. Vicente Diaz Samayoa (Guatemala)
Mr. Hernán Santa Cruz (Chile)

522. The Commission agreed that these persons were elected for a three-year period.

XIV. MEASURES FOR THE SPEEDY IMPLEMENTATION OF THE UNITED NATIONS
DECLARATION AND THE INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION
(agenda item 11)

523. The Commission had before it a note by the Secretary-General (E/CN.4/992 and Corr.1 and Add.1-3) which referred especially to the commemoration of the International Day for the Elimination of Racial Discrimination on 21 March 1968 and on the status of the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission was informed at its 1030th meeting on 13 March 1969 that the Convention had entered into force on 4 January 1969, thirty days after the twenty-seventh instrument of ratification or accession was received by the Secretary-General of the United Nations. The Commission was also informed that as at 13 March 1969 thirty-one States had ratified or acceded to the Convention and seventy-one had signed it.

524. The Commission held a special meeting (1043rd meeting), on 21 March 1969 on the occasion of the International Day for the Elimination of Racial Discrimination. The opening message by the Secretary-General was read by the Director of the Division of Human Rights. Speeches in observance of the day were made by the representative of Chile, India, the Ukrainian SSR, the United Republic of Tanzania and the United States of America.

525. Owing to lack of time the Commission was unable to consider this item on its agenda in detail at its twenty-fifth session. At its 1041st meeting on 20 March 1969 it postponed consideration of the item to its twenty-sixth session.

XV. COMMUNICATIONS CONCERNING HUMAN RIGHTS
(agenda item 21)

526. The Secretary-General distributed to the members of the Commission a confidential list of communications (H.R. Communications List No. 18 and Add.1-4), replies of Governments (H.R. Communications Nos. 615-704) and a confidential document of a statistical nature (H.R. Communications/Stat.10). In conformity with Economic and Social Council resolution 1235 (XLII) of 6 June 1967, copies of the communications referred to in H.R. Communications List No.19 and Add.1-4 were made available to the members of the Commission. A non-confidential list of communications containing a brief indication of the substance of each communication, however addressed, which dealt with the principles involved in the promotion of universal respect for, and observance of, human rights (E/CN.4/CR.38), was also distributed.

527. The Commission did not consider this item because of lack of time.

XVI. POSTPONEMENT OF AGENDA ITEMS TO THE TWENTY-SIXTH
SESSION OF THE COMMISSION

528. At its 1041st meeting, on 20 March 1969, the Commission decided to postpone until its twenty-sixth session all the items on the agenda of the twenty-fifth session which it had been unable to consider owing to lack of time.

XVII. ADOPTION OF THE REPORT

529. At its 1044th and 1045th meetings held on 21 March 1969, the Commission considered the draft report on the work of its twenty-fifth session (E/CN.4/L.1090 and Add. 1-17). The draft report, as amended in the course of the discussion, was adopted without objection.

XVIII. RESOLUTIONS ADOPTED BY THE COMMISSION ON HUMAN RIGHTS
AT ITS TWENTY-FIFTH SESSION

1 (XXV). Organization of the work of the session

/For the text of this resolution, see paragraph 31 above/

2 (XXV). Question of ways and means which may
enable or assist the Commission
to discharge its functions 17/

The Commission on Human Rights,

Considering the growing importance of human rights problems throughout the world and the variety of the questions with which the Commission has to deal,

Having examined the report of the Ad Hoc Working Group (E/CN.4/990) established under resolution 8 (XXIV) of the Commission on Human Rights,

Aware of the need for the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to discharge fully and rapidly the important tasks assigned them,

Recalling General Assembly resolution 2478 (XXIII) of 21 December 1968, in as far as it relates to the frequency of the sessions and the summary records of the Commission and its subsidiary bodies,

1. Notes with satisfaction the report of the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission on Human Rights, some of whose suggestions have already been followed up in the rearrangement of the agenda for the present session (grouping together of related items, etc),

2. Decides that it will endeavour, in its work, to establish a proper balance between the different types of matters referred to it in view of their significance;

(a) Matters which it is its permanent responsibility to consider periodically (such as the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, periodic reports, etc.),

(b) Current matters dealing with human rights referred to it by the principal organs of the United Nations,

(c) Other matters placed before it in accordance with rule 6 of the rules of procedure of the functional commissions of the Economic and Social Council;

3. Decides that, in principle, in cases where certain questions are scheduled for consideration by seminars the Commission may defer consideration, if it deems it appropriate, until reports on the results of such seminars are available, and intends at the present session to apply this method in regard to the item concerning the establishment of regional commissions, which is to be discussed by the seminar to be held in the United Arab Republic in September 1969;

17/ Adopted at the 1000th meeting on 21 February 1969, see paragraph 80 above.

4. Recommends to the Economic and Social Council that it maintain resolutions 1156 (XLI) and 1165 (XLI) of 5 August 1966 in so far as it decided in these resolutions to authorize the Commission to continue to meet annually for a period of not less than four and not more than six weeks;

5. Recommends that the Economic and Social Council maintain its decision in resolution 502A (XVI) of 3 August 1953 that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should meet at least once a year for three weeks;

6. Requests the Economic and Social Council to take all necessary measures to enable the Commission on Human Rights to hold its session later in the year than is now the case in order to make possible the preparation and distribution of documentation in sufficient time for its adequate study and to adjust accordingly the dates of sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

7. Recommends to the Economic and Social Council that the summary records of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities be maintained in conformity with General Assembly resolution 2292 (XXII) of 8 December 1967;

8. Welcomes the recommendation, contained in paragraph 26 of the report of the Ad Hoc Working Group, regarding the strict application of rules 42 to 53, and, in particular rules 46 and 47 of the rules of procedure of the functional commissions of the Economic and Social Council;

9. Requests the Bureau to meet from time to time during each session to review the progress of the work and to submit suggestions regarding the mode of discussion and the duration of the debates.

3 (XXV). Appeal for combating the policy of apartheid 18/

The Commission on Human Rights,

Having studied the situation prevailing in South Africa,

1. Denounces the intensification of the policy of apartheid practised by the rulers of South Africa, and the increasing aggravation of its consequences, and in particular:

- (a) The iniquitous measures, contrary to recognized international rules, which are inflicted on numerous coloured human beings and even on some white persons, and which involve the retroactive imposition of appalling penalties for acts which, when committed, were lawful and innocent;
- (b) Measures compelling coloured persons to separate from their families;
- (c) Forced labour imposed on coloured workers for derisory wages;
- (d) The prohibition of mixed groups of a cultural, trade union or political nature;

18/ Adopted at the 1006th meeting on 26 February 1969, see paragraph 150 above.

- (e) The concentration in a poor and tiny portion of South African territory of coloured people, who are deprived of all medical care and exposed to serious diseases;

2. Appeals to world public opinion to support and encourage the efforts of the international community designed to eliminate the odious practice of apartheid.

- 4 (XXV). Co-ordination of United Nations activities with regard to policies of apartheid and racial discrimination in southern Africa^{19/}

The Commission on Human Rights,

Having assisted the General Assembly in the preparation of the United Nations Declaration and International Convention on the Elimination of All Forms of Racial Discrimination,

Having considered particularly during its twenty-third, twenty-fourth and twenty-fifth sessions the question of racial discrimination, apartheid and segregation in southern Africa,

Recalling its resolution 3 D (XXIV) in which it considered it essential to ensure closer consultation between the Commission and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Desiring to accelerate the efforts of the United Nations to combat policies of racial discrimination, apartheid and segregation in southern Africa in a systematic and co-ordinated manner,

Recommends to the Economic and Social Council the adoption of the following draft resolution for consideration and adoption by the General Assembly:

For the text, see chapter XIX, draft resolution I⁷

- 5 (XXV). Measures for effectively combating racial discrimination, the policies of apartheid and segregation in Southern Africa^{20/}

The Commission on Human Rights,

Bearing in mind that under Article 56 of the Charter of the United Nations all Member States have assumed obligations to take joint and separate action in co-operation with the United Nations, for the achievement of the purposes set forth in Article 55

^{19/} Adopted at the 1007th meeting on 27 February 1969, see paragraph 152 above, and chapter XIX, draft resolution I.

^{20/} Adopted at the 1010th meeting on 27 February 1969, see paragraph 154 above, and chapter XIX, draft resolution II.

which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly terminated South Africa's mandate over South West Africa, and General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided to establish a United Nations Council for Namibia,

Further taking into account, in particular, the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights on the problems of apartheid and on the elimination of all forms of racial discrimination in southern Africa,

Recalling in particular Security Council resolution 134 (1960) of 7 April 1960 in which the Council recognized that the situation in South Africa was one that had led to friction and if continued might lead to international conflict,

Recalling also its resolution 3 (XXIV), under which it requested the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to its twenty-fifth session,

Noting that, in spite of his best efforts and owing to circumstances beyond his control, the Special Rapporteur was unable to fulfil his mandate relating to the surveying of the policies and practices of racial discrimination in the African territories under Portuguese domination,

Having considered the report of the Special Rapporteur (E/CN.4/979 and Add.1-8),

Noting also that the Seminars on the Freedom of Association, and on the Elimination of All Forms of Racial Discrimination, were held in London and in New Delhi respectively in 1968,

Gravely concerned by the evidence of inhuman practices of the racist Government of South Africa and by the illegal and racist regime established in Namibia, as well as by the racist and illegal minority régime in Southern Rhodesia against the non-white populations of South Africa, Namibia and Southern Rhodesia,

Deploring the fact that despite the efforts of the United Nations, the racist Government of the Republic of South Africa, the illegal racist régime established in Namibia and the racist and illegal minority régime in South Rhodesia continue to violate human rights by intensifying the policies of apartheid and of racial discrimination,

Noting that the racist Government of the Republic of South Africa which is also in illegal occupation of Namibia, a territory under direct United Nations administration, and the racist and illegal minority régime in Southern Rhodesia are finding support despite their policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, commercial, cultural and other ties and relations with them and affording them military assistance,

Considering that the flagrant violations of human rights in southern Africa as well as their direct or indirect abetment by certain Member States are of serious international concern and require urgent and effective action by the United Nations,

Recognizing the efforts of the United Nations to disseminate information on the evils of apartheid, racial discrimination and colonialism,

Paying homage, to the efforts of the white persons who, at the risk of their lives, struggle against the system of apartheid and racial discrimination in southern Africa,

I

1. Raffirms that the practice of apartheid is a crime against humanity and that the situation in southern Africa constitutes a threat to international peace and security;

2. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white populations in southern Africa;

3. Condemns the racist Government of the Republic of South Africa for its perpetuation and further intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its continuing affront and insult to human conscience;

4. Further condemns the racist Government of the Republic of South Africa for intensifying the policy of apartheid in Namibia, a territory under United Nations administration and illegally occupied by the Government of South Africa;

5. Deplores the refusal of the Government of the United Kingdom to suppress the racist and illegal minority régime in Southern Rhodesia and thus to restore the fundamental human rights of the people of Zimbabwe;

6. Appeals to those States which do not maintain relations with the racist Government of the Republic of South Africa and with the racist and illegal minority régime in Southern Rhodesia to desist from entering into such relations, since such action would only aid the apartheid and racial discrimination policies of the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia;

7. Regrets the fact that the relevant United Nations resolutions regarding the termination of diplomatic, commercial, military, cultural and other relations with the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia are still not being observed by several Member States;

8. Calls upon all those Governments which still maintain diplomatic, commercial, military, cultural and other relations with the racist Government of South Africa and with the racist and illegal minority régime in Southern Rhodesia to terminate such relations immediately in accordance with the relevant resolutions of the General Assembly and the Security Council;

II

1. Expresses its deep appreciation to the Special Rapporteur for his comprehensive and objective report;

2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/979/Add.5):

3. Invites the non-governmental organizations, trade unions, religious organizations, student and other organizations to intensify their valuable efforts in mobilizing public opinion against the repressive legislation, arbitrary imprisonment and other inhuman acts of the racist Government of South Africa, the illegal racist régime established in Namibia and the racist and illegal minority régime in Southern Rhodesia against the opponents of apartheid and racial discrimination;

4. Requests the Secretary-General further to intensify, through all United Nations information media, efforts to inform the peoples of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination, laying particular stress on the positive alternative of a multiracial society based on the principles of racial equality.

5. Also requests the Secretary-General to publish for world circulation as addenda to the summary of the Special Rapporteur's principal study, the part of the Special Rapporteur's report dealing with the laws and practices in South Africa, Namibia and Southern Rhodesia, which have come into force since the principal study was concluded.

III

1. Considers it desirable to establish a system of close co-ordination between the Commission on Human Rights and other United Nations organs, particularly those specified in paragraph 1 of its resolution 3D (XXIV) concerned with the question of eradication of apartheid and racial discrimination in southern Africa as well as the specialized agencies concerned;

2. Requests the Secretary-General to keep the United Nations organs specified in paragraph 3 below duly informed of the initiation and progress of investigation by the Commission on matters of gross violations of human rights in southern Africa.

3. Requests the Economic and Social Council to transmit the report of the Special Rapporteur to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for appropriate action;

4. Further transmits this report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

IV

1. Decides that the task of the Special Rapporteur should be continued and that he should submit a report, taking into account the provisions of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination, with his conclusions and recommendations, to the twenty-sixth session of the Commission and pay particular attention to the following:

- (a) Developments since his present report;
- (b) Study, from the point of view of international penal law, of the question of apartheid, which has been declared a crime against humanity;
- (c) Survey of the policies and practices of racial discrimination in the African territories under Portuguese domination;
- (d) Situation with regard to the implementation of General Assembly resolution 2439 (XXIII) of 19 December 1968 calling upon the Government of the Republic of South Africa to repeal and amend the laws in force in South Africa referred to in operative paragraph 1 of the same resolution;

2. Requests the Secretary-General to provide every assistance to the Special Rapporteur to enable him to carry out his mandate in relation to paragraph 1 above;

3. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

4. Authorizes the Special Rapporteur to consult with the Special Committee on the Policies of Apartheid, the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia in the course of preparation of his report;

5. Recommends to the Economic and Social Council that it request the General Assembly to extend the scope of the United Nations Trust Fund for South Africa to provide assistance to the victims of apartheid and racial discrimination in Southern Rhodesia.

V

1. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

/For the text, see chapter XIX draft resolution II/

6 (XXV). Question of human rights in the territories occupied as a result of hostilities in the Middle East^{21/}

The Commission on Human Rights,

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

Recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341B (XXII) of 19 December 1967, resolution 6 (XXIV) of the Commission on Human Rights and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968 and General Assembly resolution 2452 (XXIII) of 19 December 1968 which called upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who fled the areas since the outbreak of hostilities.

Further recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel, and to respect human rights and fundamental freedoms,

Bearing in mind that the Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolution 2252 (ES-V) of 4 July 1967, Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, and resolution 6 (XXIV) of the Commission on Human Rights have called for the application of Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

Noting that the Security Council has once again expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of resolution 237 (1967),

Noting also resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968 (A/CONF.32/41) and General Assembly resolution 2443 (XXIII) of 19 December 1968,

Deeply concerned about the reported continuation of human rights violations as well as violations of the Geneva Conventions 12 August 1949 in the territories occupied by Israel,

Having received the report of the Secretary-General (E/CN.4/999),

1. Reaffirms the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return, and calls upon the Government of Israel to immediately implement the United Nations resolutions to this effect,

2. Deplores Israel's continued violations of human rights in the occupied territories, particularly the acts of destroying homes of Arab civilian population, deportation of inhabitants and the resorting to violence against inhabitants expressing their resentment to occupation and calls upon the Government of Israel to put an immediate end to such acts,

^{21/} Adopted at the 1014th meeting on 4 March 1969, see para. 224 above.

3. Expresses its deep concern on Israel's refusal to abide by the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and calls once again upon the Government of Israel to fully respect and apply that Convention;

4. Decides to establish a special Working Group of Experts composed of the members of the Ad Hoc Working Group of Experts established under Commission resolutions 2 (XXIII) and 2 (XXIV) with the following mandate:

(a) To investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East;

(b) To receive communications, to hear witnesses, and use such modalities of procedure as it may deem necessary;

(c) To report, with its conclusions and recommendations, to the Commission's twenty-sixth session;

5. Decides to include the question of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-sixth session.

7 (XXV). Question of human rights arising out of hostilities in the Middle East^{22/}

The Commission on Human Rights

Deeply concerned at the conflict affecting the Middle East, which continues to constitute an explosive factor that might spark off a universal conflagration, and at its consequences for the civil populations,

Aware of its legal and moral obligation to foster universal respect for fundamental human rights and freedoms, to promote conditions which guarantee such respect and to eliminate harm and suffering which constitute an affront to civilization.

Makes a fervent appeal to all Governments, their peoples and world public opinion to spare no efforts to ensure a peaceful settlement of the conflict affecting the Middle East through respect for the principles of the Charter of the United Nations and through the implementation of the relevant resolutions of the Security Council, in particular resolution 242 (1967) of 22 November 1967, and, meanwhile, to ensure in that region respect for the fundamental rights of all human beings which will greatly contribute in creating conditions for the restoration of peace.

^{22/} Adopted at the 1015th meeting on 4 March 1969, see para. 228 above.

8 (XXV). Model rules of procedure for United Nations bodies dealing with violations of human rights 23/

The Commission on Human Rights,

Recalling resolution X concerning model rules of procedure for bodies dealing with violations of human rights adopted by the International Conference on Human Rights on 12 May 1968 (A/CONF.32/41),

Mindful of General Assembly resolution 2442 (XXIII) of 19 December 1966 which in its para. 9 invites the United Nations organs and specialized agencies concerned to take action, as appropriate, on the resolutions and recommendations of the Conference,

Conscious of the decision taken by the Economic and Social Council at its 1576th meeting on 19 December 1968 on resolution X of the Conference,

1. Decides to prepare model rules of procedure for ad hoc bodies of the United Nations entrusted with the study of particular situations alleged to reveal a consistent pattern of violations of human rights,

2. Requests the Secretary-General to facilitate this task by submitting a draft of model rules of procedure to the Commission on Human Rights at its twenty-sixth session for its consideration, taking into account the relevant discussions at the International Conference on Human Rights and in the Commission on Human Rights.

9 (XXV). Question of the punishment of war criminals and of persons who have committed crimes against humanity 24/

The Commission on Human Rights,

Considering that the Economic and Social Council, in its resolution 1158 (XLI) of 5 August 1966 invited the Commission on Human Rights "to consider and make any further recommendations it believes desirable with a view to developing international co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity",

Noting that on 26 November 1968 (resolution 2391 (XXIII)), the General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the States Parties to which undertake, in particular, to adopt all necessary measures, legislative or otherwise, with a view to making possible the extradition, in accordance with international law, of persons who have committed war crimes or crimes against humanity,

23/ Adopted at the 1016th meeting on 4 March 1969, see paragraph 243 above.

24/ Adopted at the 1022nd meeting on 7 March 1969, see paragraph 276 above, and chapter XIX, draft resolution III.

Noting with appreciation the study prepared by the Secretary-General as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto, and as regards the criteria for determining compensation to the victims of war crimes and crimes against humanity (E/CN.4/983 and Add.1 and 2),

1. Requests States Members of the United Nations and members of the specialized agencies which have not yet done so to submit information to the Secretary-General on matters concerning the arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, the exchange of documentation relating thereto and the criteria for determining compensation to the victims of such crimes;

2. Further requests Member States to submit to the Secretary-General comments on the general observations in paragraphs 405-412 of his study (E/CN.4/983);

3. Decides to consider the question of further measures to ensure the careful investigation of war crimes and crimes against humanity, and the detection arrest, extradition and punishment of persons who have committed such crimes, and also the question of criteria for determining compensation to the victims of war crimes and crimes against humanity as a priority item at its twenty-sixth session in the light of the views expressed in the Commission during its twenty-fifth session and of any additional information and comments received from Member States;

4. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

[For text, see chapter XIX, draft resolution III]

10 (XXV). Measures to be taken against nazism and racial intolerance 25/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and by General Assembly resolutions 2331 (XXII) of 18 December 1967 and 2438 (XXIII) of 19 December 1968 on measures to be taken against totalitarian ideologies such as nazism and racial intolerance,

Recognizing the need for the urgent implementation of these resolutions,

Having regard to resolution II on measures to be taken against nazism and racial intolerance which was adopted by the International Conference on Human Rights on 11 May 1968 (A/CONF.32/41), and which provided that the question should be kept under continuing review by the appropriate organs of the United Nations,

25/ Adopted at the 1022nd meeting on 7 March 1969, see paragraph 332 above, and chapter XIX, draft resolution IV.

Expressing its concern at the fact that the revival of groups and organizations professing totalitarian and racist ideologies promotes the criminal policy of apartheid, colonialism and racial intolerance,

Recalling its resolution 15 (XXIV) containing a request to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its consideration of the special study of racial discrimination in the political, economic, social and cultural spheres, to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur,

Noting with satisfaction that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its consideration of the special study of racial discrimination in the political, economic, social and cultural spheres, has decided to deal also with the question of the revival of nazism, and to submit recommendations on measures which should be taken to halt nazi activities wherever they occur.

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into consideration the debate on this agenda item at the twenty-fifth session of the Commission, to deal, in the study which it is carrying out on the revival of nazism, with the danger of the revival of this ideology and with the way in which it may affect the existence and safeguarding of fundamental human rights and freedoms;

2. Invites the Governments of Member States and organizations possessing information on the subject to send such information to the Special Rapporteur for the study of racial discrimination in the political, social, economic and cultural spheres early enough to be taken into consideration in that study;

3. Requests the Secretary-General to submit to the Commission information, prepared in accordance with General Assembly resolution 2438 (XXIII), on international instruments, legislation and other measures taken or envisaged, both at the national and international levels, with a view to halting racism nazi and similar activities, such as apartheid;

4. Decides to retain this item on its agenda;

5. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

[For the text, see chapter XIX, draft resolution IV]

11 (XXV). Protection of Minorities 26/

The Commission on Human Rights,

Noting resolution 5 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits the following draft resolution for adoption by the Economic and Social Council:

[For the text, see chapter XIX, draft resolution V]

26/ Adopted at the 1026th meeting on 11 March 1969, see paragraph 405 (a) above and chapter XIX, draft resolution V.

- 12 (XXV). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 27/

The Commission on Human Rights,

Having noted resolution 7 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Recommends to the Economic and Social Council the adoption of the following draft resolution:

For the text, see chapter XIX, draft resolution VI7

- 13 (XXV). Genocide28/

The Commission on Human Rights,

Noting resolution 8 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

Submits the following draft resolution to the Economic and Social Council for adoption:

For the text, see chapter XIX, draft resolution VII7

- 14 (XXV). Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries 29/

The Commission on Human Rights,

Guided by the Charter of the United Nations under which all its Members pledged themselves to take joint and separate action in co-operation with the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

27/ Adopted at the 1026th meeting on 11 March 1969, see paragraph 405 (b) above and chapter XIX, draft resolution VI.

28/ Adopted at the 1026th meeting on 11 March 1969, see paragraph 405 (d) above and chapter XIX, draft resolution VII.

29/ Adopted at the 1030th meeting on 13 March 1969, see paragraph 376 above and chapter XIX, draft resolution VIII.

Noting that in its resolution 11 (XXIV) the Commission decided to consider at its twenty-fifth session the question of the appointment of a Special Rapporteur to be entrusted with the task of preparing a comprehensive report on the basis of the preliminary study of the Secretary-General, discussions in the Commission and other available material,

Considering the recommendations of the International Conference on Human Rights at Teheran in its resolutions XVII and XXI of 12 May 1968 (A/CONF.32/41) that economic, social and cultural rights should receive increasing attention in the activities of the United Nations and its specialized agencies in the general context of measures in the field of human rights and fundamental freedoms in view of the increasing importance of realizing these rights in the modern world, and that the United Nations should intensify the co-ordinating function of its own bodies and of the specialized agencies in the field of formulation and study of the problems of economic, social and cultural rights,

Having received with appreciation the Secretary-General's preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (E/CN.4/988 and Add.1) prepared in accordance with its resolution 11 (XXIV),

1. Decides to appoint Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations including the question of the role of the Commission in this respect, on the realization, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status, of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard, for submission to the Commission on Human Rights at its twenty-seventh session in 1971,

2. Decides to retain on the agenda of its twenty-sixth session the item on the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights and the study of special problems relating to human rights in developing countries with a view to hearing a progress report from the Special Rapporteur,

3. Decides to give a high priority to the report of the Special Rapporteur at its twenty-seventh session,

4. Submits to the Economic and Social Council the following draft resolution for its consideration and adoption:

For the text, see chapter XIX, draft resolution VIII

- 15 (XXV). Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries 30/

The Commission on Human Rights,

Mindful of resolution XVII of 12 May 1968 adopted by the International Conference on Human Rights (A/CONF.32/41) at Teheran, especially those paragraphs which proclaim the profound interconnexion between the realization of human rights and economic and social development, draw attention to the widening gap between standards of living in the economically developed and developing countries, express concern at the continuance of conditions of poverty, squalor, disease and illiteracy and emphasize the international factors which influence that state of affairs,

Recalling that the first session of the United Nations Conference on Trade and Development adopted a set of economic principles - whose application is still pending - which were designed to promote the development of countries with under-developed economies,

1. Affirms

(a) That the universal enjoyment of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights depends to a very large degree on the rapid economic and social development of the developing countries which are inhabited by more than one-half of the world's population, whose lot continues to deteriorate as a result of the tendencies which characterize international economic relations;

(b) That the ultimate objective of any effort to promote economic development should be social development of peoples, the welfare of every human being and the full development of his personality;

2. Recognizes that

(a) The existence of a just social order, at the national level, is a basis of the effective enjoyment of economic, social and cultural rights,

(b) The provisions of article 28 of the Universal Declaration of Human Rights, which lays down that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, implies, among other things, the existence of a system of international relations which ensures an equitable international division of labour which favours the economic and social development of the developing countries;

30/ Adopted at the 1031st meeting on 13 March 1969, see paragraph 378 above.

3. Recognizes further that the developing countries bear the primary responsibility for their development, but that only through efficient, concomitant international action will it be possible to achieve a fuller mobilization and more effective utilization of domestic resources;

4. Urges Governments to ensure in their economic and social development efforts the broadest possible popular participation therein;

5. Also recommends to Governments of developing countries that in drawing up and implementing their national development plans, they accord balanced priority to programmes of economic development, social development and human and cultural advancement;

6. Urges all States Members of the United Nations and members of the specialized agencies to take, on the threshold of the second United Nations Development Decade, convergent measures designed to transform international economic relations so as to ensure an equitable international division of labour different from that existing at present and capable of furthering a rapid development of the economically backward areas, thus promoting therein the fullest enjoyment of economic, social and cultural rights;

7. Recommends the Economic and Social Council to remind the General Assembly that, when formulating the development strategy for the second Development Decade, it should bear in mind the fact that the final object of development is to ensure the dignity of all human beings throughout the world, that is to say the simultaneous and joint enjoyment of all civil, political, economic, social and cultural rights.

16 (XXV). Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights 31/

The Commission on Human Rights,

Having considered item 9 of its agenda on the realization of economic and social rights, contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

Taking into account the resolution adopted on 19 November 1968 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, according to which the Director-General of that organization was authorized to

31/ Adopted at the 1031st meeting on 13 March 1969, see paragraph 380 above.

initiate some arrangements on the occasion of the centenary of V.I. Lenin and in particular, to organize the symposium "V. I. Lenin and the problems of development of science, culture and education",

Noting the significant practical and theoretical contribution of Lenin, prominent humanist, to the development and realization of economic, social and cultural rights,

Bearing in mind the centenary of Lenin, which will occur in 1970,

1. Welcomes the decision of the General Conference of the United Nations Educational, Scientific and Cultural Organization to make arrangements on the occasion of the centenary of Lenin and notes the historical influence of his humanistic ideas and activity on the development and realization of economic, social and cultural rights.

2. Requests the Chairman of the Commission on Human Rights to enter into consultation with the Director General of the United Nations Educational, Scientific and Cultural Organization on the participation, in accordance with the procedure of that Organization, of a representative of the Commission in the symposium to be organized on the occasion of the centenary of V.I. Lenin.

17 (XXV). Procedure for dealing with communications relating to violations of human rights and fundamental freedoms 32/

The Commission on Human Rights,

Having considered resolution 2(XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the adoption of the following draft resolution by the Economic and Social Council:

For the text, see chapter XIX, draft resolution IX

18 (XXV). Reports of the twentieth and twenty-first sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 33/

The Commission on Human Rights,

Takes note of the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twentieth and twenty-first session (E/CN.4/947 and E/CN.4/976).

32/ Adopted at the 1035th meeting on 17 March 1969, see paragraph 443 above and chapter XIX, draft resolution IX.

33/ Adopted at the 1035th meeting on 17 March 1969, see paragraph 440 above.

19 (XXV). Study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights

Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country

Study of discrimination against persons born out of wedlock 34/

The Commission on Human Rights,

Taking note of the fact that important studies completed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities have not yet received the attention by the Commission which they merit,

Determined to allot adequate time at future sessions of the Commission to permit thorough consideration of these studies,

Recalling the suggestions made by the Ad Hoc Working Group established under resolution 8 (XXIV) of the Commission concerning the studies of the Sub-Commission (E/CN.4/990, para.16),

Decides:

- (a) To continue and conclude its discussion and consideration of the study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights at the twenty-sixth session;
- (b) To consider and give priority at the twenty-seventh session to the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and at the twenty-eighth session to the study of discrimination against persons born out of wedlock.

20 (XXV) Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms 35/

The Commission on Human Rights,

Noting with interest and satisfaction resolution XX adopted on 12 May 1968 by the International Conference on Human Rights (A/CONF.32/41) and General Assembly resolution 2447 (XXIII) of 19 December 1968 on the question of the education of youth in the respect for human rights and fundamental freedoms,

34/ Adopted at the 1036th meeting on 18 March 1969, see para. 462 above.

35/ Adopted at the 1039th meeting on 19 March 1969, see paragraph 511 above.

Noting in particular the following considerations expressed in resolution XX of the International Conference on Human Rights:

"that it is the hope of humanity that there should be in the future a world in which there does not exist any transgression of human rights and fundamental freedoms and that to that end it is imperative to implant in the consciousness of youth lofty ideals of human dignity and of equal rights for all persons without any discrimination," and "that nowadays, within the process of social, economic and spiritual renewal in which humanity is engaged, the enthusiasm and the creative spirit of youth must be dedicated to eliminating any kind of violation of human rights".

Noting also that in accordance with General Assembly resolution 2447 (XXIII) the Economic and Social Council invited the Commission, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to study the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms,

Noting further, in particular, that the General Assembly stated in the above-mentioned resolution its awareness of the aspirations expressed by large sectors of the young generation for a more effective protection of human dignity in this age of great scientific, technological and cultural achievements and of the desire of youth to have its full share in the accomplishment of the major humanitarian demands of this century,

Recalling the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples proclaimed by the General Assembly on 7 December 1965 (resolution 2037 (XX)),

Welcoming the manifest desire of youth in schools, universities and other institutions to share in the leadership and orientation of such institutions in accordance with democratic principles,

Convinced that the fulfilment of the ideals reflected in the Universal Declaration of Human Rights and other United Nations instruments in the field of human rights are a worthy challenge and source of inspiration for the young generation,

Stressing the importance of viewing education in a broad sense as a continuing life-long process which includes out-of-school education, adult education and youth work, and which should be carried out in a spirit of respect for human dignity and for equal rights of all men and all peoples without discrimination as to race, colour, language, sex or faith,

Taking into consideration that youth is particularly sensitive to any infringement of human rights and appreciating its vocation and its legitimate desire to be useful to society and to have its full share in the accomplishment of the major humanitarian demands of our century, the fulfilment of which constitutes a primary condition for its happiness and for human progress in general,

1. Decides to consider, at its future sessions, the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms;

2. Notes with satisfaction the programmes of the United Nations Educational, Scientific and Cultural Organization on the education of youth for international understanding and the respect of human rights as well as the corresponding activities of interest to youth which have been undertaken or are contemplated by the International Labour Organisation, other specialized agencies concerned as well as the United Nations International Children's Fund and the United Nations;

3. Requests the United Nations Educational, Scientific and Cultural Organization to submit to the Commission, through the Secretary-General of the United Nations, a report on the question referred to in operative paragraph 1 of this resolution;

4. Requests the Secretary-General to supplement this report with such other data as may enable the Commission to continue the study requested by the General Assembly, particularly information received from States Members of the United Nations and of the specialized agencies, from United Nations regional economic commissions and the United Nations Economic and Social Office at Beirut, from interested specialized agencies as well as from interested inter-governmental organizations and non-governmental organizations in consultative status;

5. Expresses the hope that all States Members of the United Nations and members of the specialized agencies will submit to the Secretary-General reports and information on action taken by them to ensure that youth is educated in a spirit of respect for human rights everywhere and is given the opportunity to play its part in the promotion and protection of human rights;

6. Expresses also the hope that in co-operation with interested Governments the Secretary-General will organize, as requested by the General Assembly, within the framework of the programme of advisory services in the field of human rights, seminars with the participation of persons specially qualified in subjects of particular concern to youth, including youth leaders and members of youth organizations, on the question of the education of youth with a view to the strengthening of its respect for human rights and fundamental freedoms;

7. Invites the attention of the Commission on the Status of Women to relevant parts of the documentation prepared in accordance with this resolution so that it may at its twenty-third session have at its disposal the reports of non-governmental women's organizations on their efforts in promoting the philosophy of human rights in the consciousness of youth;

8. Suggests to the Economic and Social Council that, in exercise of the co-ordinating functions assigned to it by the Charter and taking into account the prerogatives of the various intergovernmental organizations, it should consider how the activities of the organs and organizations of the United Nations relating to the education of youth in the respect of human rights can best be co-ordinated with other activities of those bodies designed to satisfy the requirements and aspirations of youth.

21 (XXV) Report of the ad hoc working group of experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission 36/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) which established the Ad Hoc Working Group of Experts and resolution 2 (XXIV) which extended and enlarged the Working Group's mandate,

Further recalling General Assembly resolution 2440 (XXIII) of 19 December 1968 which, inter alia, condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African police custody and prisons during interrogation and detention, as found in the report of the Ad Hoc Working Group of Experts (E/CN.4/950), submitted to the Commission at its twenty-fourth session,

Recognizing the contribution of the report of the Ad Hoc Working Group to the United Nations' continuing efforts to investigate and thus expose the gross and flagrant violations of human rights in Southern Africa,

Having received with appreciation the report of the Ad Hoc Working Group of Experts (E/CN.4/984 and Add.1-19),

1. Welcomes the observations, conclusions and recommendations of the Ad Hoc Working Group of Experts;

2. Decides that the Ad Hoc Working Group should continue to carry out its tasks along the lines outlined in operative paragraphs 3 (i) to (iv) of the Commission's resolution 2 (XXIV);

3. Decides further that the mandate of the Ad Hoc Working Group shall also include the following:

(a) An inquiry into the question of capital punishment in Southern Africa, in accordance with General Assembly resolution 2394 (XXIII), of 26 November 1968,

(b) An inquiry into the treatment meted out to political prisoners as well as to captured freedom fighters in Southern Africa,

(c) An investigation into the conditions of Africans in the so-called Transit Camps, as well as on the so-called "Native Reserves" in the Republic of South Africa as well as in Manibia, and in Southern Rhodesia,

(d) A further investigation of grave manifestations of apartheid present in the situation prevailing in the Republic of South Africa and as brought out in the report of the Ad Hoc Working Group of Experts (E/CN.4/984/Add.18),

36/ Adopted at the 1040th meeting on 19 March 1969, see paragraph 184 above.

(e) An investigation of grave manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea Bissau, resulting from the actions of the illegal South African Régime in Namibia, the illegal minority régime in Southern Rhodesia and the colonialist Portuguese régime in Angola, Mozambique and Guinea Bissau;

4. Further decides that the Ad Hoc Working Group of Experts shall carry out the tasks mentioned in paragraphs 2 and 3 above and submit a report to the twenty-sixth session and conclusions and recommendations to the twenty-seventh session of the Commission on Human Rights.

22 (XXV) Periodic reports on human rights^{37/}

The Commission on Human Rights,

Having considered, with the assistance of its Ad Hoc Committee on Periodic Reports on Human Rights, the reports, information and comments on civil and political rights for the period from 1 July 1965 to 30 June 1968 received from Member States, specialized agencies and non-governmental organizations in consultative status under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965 (E/CN.4/973 and Corr.1 and Add.1-14, E/CN.4/974, and E/CN.4/1001 and E/CN.4/1002), as well as additional reports on freedom of information from Member States (E/CN.4/948/Add.19-21),

Noting with appreciation the analytical summary of the period reports on civil and political rights (E/CN.4/980/Rev.1), the subject and country index to these reports (E/CN.4/981/Rev.1), and the memorandum on the status of multilateral treaties in the field of human rights adopted under the auspices of the United Nations (E/CN.4/907/Rev.5), prepared by the Secretary-General,

Recalling Economic and Social Council resolution 1230 (XLII) of 6 June 1967 and Commission resolutions 12 (XXII), 16 (XXIII) and 12 (XXIV),

Noting that the Ad Hoc Committee on Periodic Reports on Human Rights was unable again this year to have available to it the comments and recommendations of the Commission on the Status of Women,

Noting also recommendations, in resolution 1 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting further that during the period under review the General Assembly by resolution 2200A of 16 December 1966 adopted the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights,

Noting that, particularly because of the insufficient time allowed, many Governments were unable to present reports in time for them to be made available to the Ad Hoc Committee on Periodic Reports before its 1969 session,

^{37/} Adopted at the 1041st meeting on 20 March 1969, see paragraph 493 above.

Recognizing that the system of periodic reports continues to be not only a source of information on the exercise of human rights and fundamental freedoms, but also a valuable incentive to Governments' efforts to protect these rights and freedoms,

Considering that any assessment of the situation relating to civil and political rights arising from the reports is necessarily based on a partial survey,

1. Expresses its appreciation to those Governments and specialized agencies; particularly the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation, and non-governmental organizations which have submitted reports and information on civil and political rights covering the period from 1 July 1965 to 30 June 1968, in accordance with Economic and Social Council resolution 1074 C (XXXIX);

2. Urges those Governments which have not yet submitted their reports on civil and political rights for the period under review to do so at the earliest opportunity;

3. Expresses the hope that all States Members of the United Nations and members of the specialized agencies, the specialized agencies concerned, and the interested non-governmental organizations in consultative status will submit reports and objective information on economic, social and cultural rights as envisaged for the period from 1 July 1966 to 30 June 1969, when so requested by the Secretary-General;

4. Expresses the view that the additional reports on freedom of information tend to confirm the trends described in operative paragraph 6 of resolution 12 (XXIV);

5. Believes, in particular, that the reports on civil and political rights reveal the following trends, characteristics and problems of special importance and common interest:

(a) The positive influence upon some Member States of instruments prepared under the auspices of the United Nations and of the specialized agencies, and of other activities of these organizations, to promote and protect the enjoyment of civil and political rights,

(b) The constructive efforts in law and in practice in some States with varying systems of governments, and at different stages of development, to promote recognition and enjoyment of civil and political rights as well as the right of self-determination and the right to independence, and in particular the legislative measures and judicial decisions taken with a view to bringing national policy into line with the standards and decisions set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and various international instruments and decisions adopted by United Nations bodies,

(c) The growing recognition that all peoples are equally entitled to enjoy civil and political rights and freedoms, particularly the right of self-determination and the right to independence, in conformity with the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples and relevant decisions

of United Nations bodies, as shown, for example, by the emergence to independence and the admission to membership in the United Nations of a number of countries during the period under review,

(d) The denial of the right of self-determination and the right of independence in some parts of the world, and particularly in southern Africa,

(e) The inclusion in certain new constitutions of provisions ensuring the recognition and enjoyment of civil and political rights and freedoms,

(f) The efforts of Governments to repeal obsolete laws which no longer meet modern requirements and to replace them by provisions reflecting the principles set out in the Universal Declaration of Human Rights and elaborated in the international instruments relating to human rights adopted by the United Nations, and the adoption by some Governments of new measures designed to protect the full recognition and enjoyment of civil and political rights and freedoms,

(g) The difficulty in some countries of defining any necessary limitations on the exercise of civil and political rights and freedoms, as set out in article 29 of the Universal Declaration of Human Rights,

(h) The increasingly important role of the judiciary in a number of States in ensuring recognition and enjoyment of civil and political rights and freedoms,

(i) The growing awareness that in the modern world the enjoyment of civil and political rights and freedoms requires the realization also of economic, social and cultural rights and that these human rights and fundamental freedoms are closely interconnected and interdependent,

(j) The development or creation of new machinery in a few Member States for the better promotion and protection of human rights and fundamental freedoms, particularly in respect of women and children,

(k) The positive influence of the International Year for Human Rights in promoting awareness of human rights on the part of a larger number of people in many countries;

6. Recommends that Governments continue to intensify their efforts at the national and international levels to raise the standards of civil and political rights, to widen the participation of all elements of the population in the enjoyment of those rights, and, in general, to promote and protect those rights;

7. Invites States Members of the United Nations and members of the specialized agencies, particularly the developing countries, to seek technical assistance, as may be required, from the available resources of the United Nations programme of advisory services in the field of human rights, or from the specialized agencies concerned, within their respective spheres of competence, in reaching solutions to their problems and difficulties in promoting and protecting civil and political rights;

8. Recommends that in 1970 the session of the Ad Hoc Committee on Periodic Reports be held one week immediately before the twenty-sixth session of the Commission on Human Rights;

9. Requests the Secretary-General:

(a) To send the request for the next reports and comments to Governments, specialized agencies, and non-governmental organizations as soon as possible after the conclusion of the twenty-fifth session of the Commission on Human Rights and to draw their attention to the fact that it would be desirable for them to present their reports and comments on economic, social and cultural rights as soon as possible and at the latest by 30 November 1969;

(b) To prepare his request in such a manner as to elicit concise reports presented according to paragraph 7 of Economic and Social Council resolution 1074 C (XXXIX) as well as the guidelines in operative paragraph 1, part B of resolution 16 (XXIII) of the Commission on Human Rights;

(c) To take into account, when preparing an outline of headings for the submission of reports by Governments, the decisions taken at the current session of the Commission on Human Rights in connexion with the item, "Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights";

(d) To include in his outline of headings matters with which the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been concerned, taking into account the views expressed by the Sub-Commission in paragraph 4 of resolution 1 (XXI);

10. Encourages Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council to include in their reports and comments information relating to the guidelines described in paragraph 1, part B of resolution 16 (XXIII) of the Commission;

11. Urges Governments to include in their reports a description of the actual situation concerning the implementation of the rights and freedoms concerned, the application of measures and operation of programmes designed to protect or advance the realization of those rights, as well as whatever difficulties they have encountered;

12. Calls upon Governments to confine their periodic reports strictly to the territories under their sovereignty;

13. Invites all States concerned, which have not yet done so, to hasten their ratifications of, or accessions to, the multilateral treaties in the field of human rights concluded under the auspices of the United Nations.

23 (XXV) Study of the right of everyone to be free from arbitrary arrest: detention and exile, and draft principles on freedom from arbitrary arrest and detention

Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests^{38/}

The Commission on Human Rights,

Considering that the study on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile as prepared by a Committee of the Commission was submitted to it in 1962 and that by its resolution 2 (XVIII), the Commission transmitted the draft principles adopted by the Committee to States Members of the United Nations and members of the specialized agencies for their comments;

Noting that in response to the Commission's resolution 2 (XVIII) 47 governments have submitted their comments on the draft principles (E/CN.4/835 and Add.1 to 5, Add.6 and Add.6/Corr.1 and Add.7 to 11);

Recalling its resolution 2 (XVII) which authorized the same Committee to undertake a separate new study on the Right of Arrested Persons to Communicate with those whom it is necessary for them to consult to ensure their defence or to protect their essential interests;

Having now received the report of the Committee on the further study (E/CN.4/996) undertaken under Commission resolution 2 (XVII);

Noting further that the separate new study suggests modifications/revisions of some of the draft principles contained in the study on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile;

Desiring to obtain the views of as many Governments as possible on the study on the Right of Arrested Persons to Communicate with those whom it is necessary for them to consult to ensure their defence or to protect their essential interests, and also on the suggested modifications/revisions of the Draft Principles on the Right of Everyone to be Free from Arbitrary Arrest and Detention;

Requests the Secretary-General to submit to governments of States Members of the United Nations and specialized agencies the study of the Right of Arrested Persons to Communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests and the suggested modifications/revisions of some of the Draft Principles on Freedom from Arbitrary Arrest and Detention and to submit the comments of governments thereon to the twenty-seventh session of the Commission.

^{38/} Adopted at the 1041st meeting on 20 March 1969, see paragraph 517 above.

XIX. DRAFT RESOLUTIONS FOR ACTION BY THE
ECONOMIC AND SOCIAL COUNCIL

I

Co-ordination of United Nations activities with
regard to policies of apartheid and racial
discrimination in Southern Africa^{39/}

The Economic and Social Council,

Mindful of the considerations set forth by the Special Rapporteur for the study of apartheid and racial discrimination in southern Africa in his principal report (E/CN.4/949/Add.4),

Noting resolution 4 (XXV) of the Commission on Human Rights,

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

"The General Assembly,

"Conscious of its responsibilities under the Charter of the United Nations to promote, encourage and assist in the observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recalling that in its resolution 2144 (XXI) of 26 October 1966 it requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights to take appropriate measures for the implementation of that resolution as it affected the responsibilities of those organs,

"Noting that questions of violation of human rights and fundamental freedoms particularly manifested in policies of racial discrimination, apartheid and segregation in southern Africa are also being considered by the Council for Namibia, and a number of specialized agencies,

"Mindful of the fact that there is proliferation and duplication in the efforts to combat policies of racial discrimination, apartheid and segregation which must be avoided if the result which the international community desires from that effort is to be achieved,

"Recognizing therefore the need to co-ordinate the activities of the various organizations in the United Nations system and of its organs with respect to apartheid and racial segregation in southern Africa,

^{39/} See Chapter XVIII, resolution 4 (XXV)

"1. Decides to establish an Ad Hoc Committee consisting of one person each to be designated from among its members by the Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

"2. Requests the Ad Hoc Committee to submit proposals to the General Assembly at its twenty-fifth session concerning:

- "(a) The responsibilities of the various organs and bodies in regard to combating policies of racial discrimination, apartheid and segregation in southern Africa;
- "(b) Concerted action by the organizations of the United Nations system and Member States for the widest and most effective dissemination of information on the evils of apartheid, segregation and racial intolerance and the efforts of the international community to secure their elimination;
- "(c) Co-ordination of the activities undertaken in this respect by the various departments of the United Nations Secretariat in assisting the different organs and bodies;
- "(d) The machinery and methods for ensuring or contributing towards better co-ordination between the activities undertaken in regard to apartheid and racial segregation in southern Africa by the various organs and bodies of the United Nations and the other organizations in the United Nations system;

"3. Invites the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation, to participate in the meetings of the Ad Hoc Committee in accordance with their agreements with the United Nations, and invites intergovernmental organizations concerned to co-operate with the Ad Hoc Committee and to participate in its meetings as observers;

"4. Invites also the non-governmental organizations in consultative status with the Economic and Social Council and concerned with this field and other non-governmental organizations directly concerned to submit to the Ad Hoc Committee brief statements indicating their activities and views as they relate to the tasks assigned to the Committee;

"5. Requests the Secretary-General to furnish all assistance to the Ad Hoc Committee in carrying out the tasks assigned to it under this resolution."

II

Measures for effectively combating racial
discrimination, the policies of apartheid
and segregation in southern Africa 40/

The Economic and Social Council

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

"The General Assembly,

"Having considered the recommendation of the Economic and Social Council contained in its resolution ... of ... 1969,

"Recalling its resolution 2144 A (XXI) of 24 October 1966 in which it invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

"Recalling also its resolution 2145 (XXI) of 27 October 1966 by which it terminated South Africa's mandate over Namibia, formerly known as South West Africa, and General Assembly resolution 2248 (S-V) of 19 May 1967 by which it decided to establish a United Nations Council for Namibia,

"Taking into account, in particular, the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights on the problem of apartheid and on the elimination of all forms of racial discrimination in southern Africa,

"Alarmed by the evidence of gross and systematic violations of human rights and fundamental freedoms in South Africa, Namibia and Southern Rhodesia,

"Considering that the Governments and the illegal minority racist regimes in southern Africa continue to enjoy political, commercial, military, economic and cultural relations with many States, in disregard of previous resolutions of the United Nations General Assembly and specifically of paragraphs 5 and 6 of resolution 2439 (XXIII) of 19 December 1968,

"Further considering that the existence of such relations contributes to the perpetuation and intensification of the barbarous policies of apartheid, racial discrimination and colonialism in southern Africa.

"Convinced that the gross and systematic violations of human rights and fundamental freedoms in southern Africa are of serious international concern and require urgent and effective action by the United Nations;

40/ See chapter XVIII, resolution 5 (XXV).

- "1. Endorses the recommendations of the Special Rapporteur (E/CN.4/979/Add.5);
- "2. Calls upon the Government of the Republic of South Africa to repeal the various discriminatory laws cited in a part of paragraph 529 of the Special Rapporteur's report (ibid.) and to assist the United Nations in restoring the human rights of the inhabitants of Namibia by immediately putting an end to its illegal occupation of Namibia;
- "3. Condemns the racist Government of the Republic of South Africa for its perpetuation and further intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its continuing affront and insult to the human conscience;
- "4. Condemns the Government of the Republic of South Africa for enacting the Development of Self-Government for Native Nations in South West Africa Act 1968 and the Library Ordinance, section 19;
- "5. Further condemns the racist Government of the Republic of South Africa for intensifying the policy of apartheid in Namibia, a territory under United Nations administration and illegally occupied by the Government of South Africa;
- "6. Calls upon the Government of the Republic of South Africa to rescind immediately the "Banning Orders" issued under the Suppression of Communism Act against the opponents of apartheid;
- "7. Calls upon the Government of the United Kingdom, the administering Power in Southern Rhodesia, to repeal the illegal legislation referred to in a part of paragraph 529 of the Special Rapporteur's report and enacted by the racist and illegal minority regime in Southern Rhodesia;
- "8. Deplores the refusal of the Government of the United Kingdom to suppress the racist and illegal minority regime in Southern Rhodesia and thus to restore the fundamental human rights of the people of Zimbabwe;
- "9. Regrets the fact that the relevant United Nations resolutions regarding the termination of diplomatic, commercial, military, cultural and other relations with the racist Government of the Republic of South Africa and the racist and illegal minority regime in Southern Rhodesia are still not being observed by several Member States;
- "10. Calls upon all those Governments which still maintain diplomatic, commercial, military, cultural and other relations with the racist Government of South Africa and with the racist and illegal minority regime in Southern Rhodesia to terminate such relations immediately in accordance with the relevant resolutions of the General Assembly and the Security Council;

"11. Requests the Secretary-General that a unit of the United Nations Radio in Africa be set up to produce and broadcast radio programmes to the peoples of southern Africa;

"12. Requests the Secretary-General to bring to the knowledge of competent organs of the United Nations the proposal to establish a Judicial Committee for Namibia (E/CN.4/979/Add.3) as soon as possible;

"13. Requests the Secretary-General to seek and circulate the views of Member States on the establishment of a Judicial Committee for Namibia;

"14. Requests the Secretary-General to take steps to give the widest possible publicity to the evils of these policies, to the actions of the racist Government of South Africa, of the illegal and racist regime established in Namibia and of the racist and illegal minority regime in Southern Rhodesia, through the non-governmental organizations, trade unions, religious institutions and student and other organizations as well as libraries and schools;

"15. Urges Member States to give extensive and continuing publicity to the report and to the above policies and practices through their national publicity media;

"16. Requests the Secretary-General to report to the General Assembly at its twenty-fifth session on the implementation of the present resolution, in particular, on the action taken by the racist Government of the Republic of South Africa and the Government of the United Kingdom to give effect to paragraphs 2, 6 and 7 above;

"17. Further requests the Secretary-General to report, at the same session, on paragraph 11 above."

III

Question of the punishment of war criminals and of persons who have committed crimes against humanity^{41/}

The Economic and Social Council

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

"The General Assembly,

"Recalling its resolutions 3 (I) of 13 February 1946 and 170 (II) of 31 October 1947 on the extradition and punishment of war criminals, resolution 95 (I) of 11 December 1946 on affirmation of the principles of international law recognized by the Charter of the Nurnberg Tribunal and the judgement of the Tribunal, and resolutions 2338 (XXII) of 18 December 1967 and 2391 (XXIII) of 26 November 1968 on the punishment of war criminals and of persons who have committed crimes against humanity,

^{41/} See chapter XVIII, resolution 9 (XXV)

"Recalling also the Declarations of 13 January 1942 and 30 October 1943, and the Convention on the Prevention and Punishment of the Crime of Genocide, providing for the extradition and punishment of war criminals and of persons who have committed crimes against humanity,

"Convinced that the thorough investigation of war crimes and crimes against humanity, and the detection, arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity, constitute an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security,

"Noting that a number of States have already signed the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

"1. Calls upon all the States concerned to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and for the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punished;

"2. Invites States concerned which have not yet signed or ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity to do so as soon as possible;

"3. Expresses the hope that States which have been unable to vote for the adoption of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity will refrain from actions running counter to its main purposes;

"4. Again calls upon States which have not yet become Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible;

"5. Draws attention to the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity;

"6. Requests all States Members of the United Nations and members of the specialized agencies to submit to the Secretary-General information on the measures taken by them in implementation of this resolution;

"7. Requests the Secretary-General to submit to the General Assembly at its twenty-fifth session a report on progress in the implementation of this resolution;

"8. Decides to consider the question of further measures to ensure the extradition and punishment of war criminals and persons who have committed crimes against humanity as a priority item at its twenty-fifth session".

IV.

Measures to be taken against nazism and racial intolerance 42/

The Economic and Social Council

Recommends to the General Assembly the following draft resolution:

The General Assembly,

"Recalling its resolutions 2331 (XXII) of 18 December 1967 and 2438 (XXIII) of 19 December 1968 on measures to be taken against totalitarian ideologies such as nazism and racial intolerance,

"Observing that, on 1 September 1939, Hitlerite nazism began the Second World War, and recognizing the danger that the revival and development of nazism, which inflicted intolerable suffering on mankind, represents today,

"Reaffirming that nazism, including its present day manifestations, racism and similar totalitarian ideologies and practices which are based on terror and racial intolerance are incompatible with the purposes and principles of the Charter of the United Nations and constitute a gross violation of human rights and fundamental freedoms, which may jeopardize world peace and the security of peoples,

"Expressing its profound concern at the further revival of activities by groups and organizations which are carriers of the malignant ideologies and practices of nazism, including its present-day manifestations, racism and other similar ideologies and practices,

"Profoundly disquieted by the fact that not all the States concerned are responding to its appeals with due regard to the principles contained in the Universal Declaration of Human Rights to outlaw and prohibit nazi and racist organizations and groups and to make membership of them a criminal offence,

"1. Renews its strong condemnation of racism, nazism, apartheid and all other totalitarian ideologies and practices;

"2. Urgently calls upon those States concerned which have not yet done so to take immediate and effective measures, including legislative measures with due regard to the principles contained in the Universal Declaration of Human Rights, for the complete prohibition of nazi, neo-nazi and racist organizations and groups and for their prosecution in the courts;

42/ See Chapter XVIII, resolution 10 (XXV)

"3. Calls upon all States to take effective measures to inculcate the Principles and Purposes of the United Nations Charter and the Universal Declaration of Human Rights in young people, and in that way to protect them against any influence of nazism and similar ideologies and practices;

"4. Calls upon all States and national and international organizations to set aside a day, to be observed each year on an appropriate date to be determined by each State and organization, in memory of the victims of the struggle against nazism and similar ideologies and practices based on terror and racial intolerance;

"5. Recommends the Governments of all States to promote the publication and dissemination of material connected with United Nations efforts to combat nazism in the past and material publicizing the danger of the present revival of nazism in a number of countries;

"6. Requests States Members of the United Nations and members of the specialized agencies to submit to the Secretary-General of the United Nations, for consideration at the twenty-fifth session of the General Assembly, information on the measures they have adopted and are adopting under this resolution;

"7. Decides to retain on its agenda the item concerning measures to be taken against nazism and racial intolerance as a matter of priority."

V

Protection of Minorities^{43/}

The Economic and Social Council,

Taking note of resolution 11 (XXV) of the Commission on Human Rights,

1. Approves the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 9 (XX) to proceed with the study of the protection of minorities as envisaged therein,

2. Authorizes the Sub-Commission to designate a Special Rapporteur from among its members to carry out the study,

3. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission.

^{43/} See Chapter XVIII, resolution 11 (XXV)

VI

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism ^{44/}

The Economic and Social Council,

Noting resolution 12 (XXV) of the Commission on Human Rights,

1. Confirms the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Mohamed Awad to be the Special Rapporteur to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV) of 31 May 1968;
2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission;
3. Invites the co-operation of the specialized agencies, regional inter-governmental organizations and the non-governmental organizations in consultative status with the Council in the study to be undertaken by the Sub-Commission.

VII

Genocide ^{45/}

The Economic and Social Council

Taking note of resolution 13 (XXV) of the Commission on Human Rights;

1. Invites States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to transmit to the Secretary-General, in time for it to be available to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-second session, information on the measures adopted to give effect to the Convention;
2. Again calls upon States which have not yet become parties to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible;
3. Approves the decision adopted by the Sub-Commission in resolution 8 (XX) to undertake a study of the question of the prevention and punishment of the crime of genocide;
4. Authorizes the Sub-Commission to designate, from among its members, a Special Rapporteur to carry out that study;
5. Requests the Secretary-General to give the Special Rapporteur and the Sub-Commission all the necessary assistance.

^{44/} See Chapter XVIII, resolution 12 (XXV)

^{45/} See Chapter XVIII, resolution 13 (XXV)

VIII

Question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries ^{46/}

The Economic and Social Council,

Noting resolution 14 (XXV) of the Commission on Human Rights,

Being desirous of making an effort to enhance the enjoyment of economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights and set forth in the International Covenant on Economic, Social and Cultural Rights, particularly during the forthcoming second development decade,

Bearing in mind the recommendations of the International Conference on Human Rights, held in Teheran, in particular resolutions XVII and XXI of 12 May 1968 (A/CONF.32/41), and the recommendations in General Assembly resolution 2436 (XXIII) of 19 December 1968 and in particular paragraph 4 thereof,

Convinced of the need for the adoption of the appropriate effective measures for universal realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

1. Urges Governments, while respecting the freedom and dignity of all individuals, to concentrate efforts on economic and social development, in particular, on ensuring the broadest possible participation of all members of society in productive and socially useful labour and in the solution of problems of national development, on the equitable and adequate remuneration of labour and on protection against unemployment, the hazards of ill-health and old age, thereby creating the material conditions which will make possible the full enjoyment of economic, social and cultural rights;

2. Requests Governments also to give attention to the consolidation, by legislative and other means such as collective bargaining, of the economic, social and cultural rights of the individual and to the development and improvement of legal means of protecting these rights;

3. Requests the Secretary-General urgently to continue the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights and also to consider the use for this purpose of the advisory service in the field of human rights;

4. Decides to confirm the appointment made by the Commission on Human Rights of Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations, including the question of the role of the Commission in this respect, on the realization, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions,

^{46/} See Chapter XVIII, resolution 14 (XXV)

national or social origin, property, birth or other status, of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard, for submission to the Commission on Human Rights at its twenty-seventh session in 1971;

5. Invites States Members of the United Nations and members of the specialized agencies to provide full co-operation to the Special Rapporteur in the fulfilment of his task;

6. Invites also the full co-operation of the specialized agencies, inter-governmental organizations and the various organs and bodies of the United Nations concerned, as well as non-governmental organizations in consultative status with the Economic and Social Council;

7. Requests the Secretary-General to provide all facilities and assistance as required by the Special Rapporteur.

IX

Procedure for dealing with communications relating to violations of human rights and fundamental freedoms^{47/}

The Economic and Social Council,

Noting resolution 17 (XXV) of the Commission on Human Rights and resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet once a year in private meetings for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of Governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms within the terms of reference of the Sub-Commission;

2. Decides that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, as the first stage in the implementation of this resolution, devise at its twenty-second session appropriate procedure for dealing with the question of admissibility of communications received by the Secretary-General under Council resolution 728 F (XXVIII) and in accordance with Council resolution 1235 (XLII) of 6 June 1967;

3. Requests the Secretary-General to prepare a document on the question of admissibility of communications for the Sub-Commission's consideration at its twenty-second session.

^{47/} See chapter XVIII, resolution 17 (XXV)

4. Further requests the Secretary-General

- (a) To furnish to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief description of them, together with the text of any replies received from Governments,
- (b) To make available to the members of the working group at their meetings the originals of such communications listed as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,
- (c) To circulate to the members of the Sub-Commission, in the working languages, the originals of such communications as are referred to the Sub-Commission by the working group;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider in private meetings, in accordance with paragraph 1 above, the communications brought before it in accordance with the decision of a majority of the members of the working group and any replies of Governments relating thereto and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violations of human rights requiring consideration by the Commission;

6. Requests the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:

- (a) Whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII),
- (b) Whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Commission after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

7. Decides that if the Commission appoints an ad hoc committee to carry on an investigation with the consent of the State concerned:

- (a) The composition of the committee shall be determined by the Commission,
- (b) The committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,

- (c) The committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential,
- (d) The committee shall report to the Commission on Human Rights with such observations and suggestions as it may deem appropriate;

8. Decides that all actions envisaged in the implementation of this resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendation to the Economic and Social Council;

9. Decides to authorize the Secretary-General to assign adequate staff and to provide all facilities and arrangements which may be required to carry out this resolution.

X

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-fifth session.

ANNEXES

Annex 1

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS TWENTY-FIFTH SESSION

1. In the course of its twenty-fifth session, the Commission adopted a total of twenty-three resolutions, several of which have financial implications. Prior to the adoption of these resolutions by the Commission, the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements of the estimated financial implications of the proposals.

2. In some cases, the draft resolutions on the basis of which statements of financial implications were submitted were amended before their adoption. Where such amendments materially affect the estimates already presented to the Commission, these estimates are being revised to reflect the new requirements. As noted in paragraph 20 above, the financial estimates, including any necessary revisions, will be issued in an addendum to the final report of the Commission.

3. Should the action taken by the Economic and Social Council in respect of the proposals of the Commission require the Secretary-General to enter into commitments in 1969, the Secretary-General would need to seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet these expenses initially under the terms of General Assembly resolution 2483 (XXIII) of 21 December 1968 on unforeseen and extraordinary expenses for the financial year 1969. Request for additional credits would thereafter be included, as appropriate, in the supplementary estimates for 1969 which the Secretary-General will submit to the General Assembly at its twenty-fourth session. Appropriate provision for expenditures falling in 1970 and 1971 would be included in the budget estimates for those years.

Annex II

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS
TWENTY-FIFTH SESSION

Documents in the general series

- A/CONF.32/41 Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No.: E.68.XIV.2)
- E/CN.4/826/Rev.1 Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (United Nations publication, Sales No.: 65.XIV.2)
- E/CN.4/835 and Add.1-6 and Add.6/Corr.1 and Add.7-11 Note by the Secretary-General and comments from Governments on the study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention
- E/CN.4/837 and Add.1-8 Note by the Secretary-General and comments of Governments on the draft principles on freedom and non-discrimination in the matter of political rights
- E/CN.4/845 and Add.1 Comments by non-governmental organizations on the draft principles on freedom and non-discrimination in the matter of political rights
- E/CN.4/869 and Add.1-4 Comments by Governments and non-governmental organizations on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
- E/CN.4/875 Note by the Secretary-General on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
- E/CN.4/903 Report of the eighteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/907/Rev.3 and 5 Periodic reports on human rights. Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations: memorandum by the Secretary-General
- E/CN.4/923/Add.2 Texts of (or extracts from) decisions taken by United Nations bodies containing provisions relevant to the 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 (document prepared by the Secretary-General)

- E/CN.4/932 and Add.1-5 Note by the Secretary-General on the question of the establishment of national commission on human rights, and comments by Governments on this question
- E/CN.4/947 Report of the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/948/Add.18-21 Periodic reports on human rights: note by the Secretary-General and information from Governments on freedom of information
- E/CN.4/951/Add.2 Periodic reports on human rights: addendum to the report submitted by UNESCO
- E/CN.4/956 Note by the Secretary-General on the question of an international code of police ethics
- E/CN.4/966 and Add.1 Report of the Ad Hoc Study Group established under resolution 6 (XXIII) of the Commission on Human Rights
- E/CN.4/970 and Add.1 Note by the Secretary-General on the implementation of recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies - Review of the human rights programme and establishment of priorities: control and limitation of documentation
- E/CN.4/973 and Corr.1 and Add.1-14 Period reports on human rights - reports on civil and political rights (comments from Governments): note by the Secretary-General
- E/CN.4/974 Periodic reports on human rights: reports submitted by the specialized agencies
- E/CN.4/975 and Add.1 Question of the establishment of regional commissions on human rights - comments received from Member States and regional inter-governmental organizations pursuant to resolution 7 (XXIV) of the Commission on Human Rights: report of the Secretary-General
- E/CN.4/976 Report of the twenty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/977 Study of special problems relating to human rights in developing countries: note by the Secretary-General
- E/CN.4/978 Letter dated 27 September 1968 from the Chairman of the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the Chairman of the Commission on Human Rights
- E/CN.4/979 and Add.1 and Add.1/Corr.1 and Add.2-8 Study of apartheid and racial discrimination in southern Africa: report of the Special Rapporteur

- E/CN.4/980 and Rev.1 Periodic reports on human rights: provisional analytical summary of reports and other material on civil and political rights for the period 1 July 1965 to 30 June 1968, received under Economic and Social Council resolution 1074 C (XXXIX)
- E/CN.4/981 and Rev.1 Periodic reports on human rights - subject and country index to reports on civil and political rights: note by the Secretary-General
- E/CN.4/982 and Add.1
and Add.1/Corr.1 Provisional Agenda: note by the Secretary-General.
- E/CN.4/983 and Add.1-2 Question of the punishment of war criminals and of persons who have committed crimes against humanity - study as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto: study prepared by the Secretary-General
- E/CN.4/984 and Add.1-1.1) 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; including
- (b) Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission
- E/CN.4/985 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;
- (c) Study of situations which reveal a consistent pattern of violations of human rights
- E/CN.4/986 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.
- (d) Model rules of procedure for United Nations bodies dealing with violations of human rights (decision taken at the 1576th meeting of the Economic and Social Council on 19 December 1968): note by the Secretary-General
- E/CN.4/987 Reports and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: note by the Secretary-General
- E/CN.4/988 and Add.1 Preliminary study of issues relating to the realization of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights

- E/CN.4/989 Report of the Ad Hoc Committee on Periodic Reports
Chairman - Rapporteur: Mr. Emilio D. Bajasa (Philippines)
- E/CN.4/990 Report of the Ad Hoc Working Group established under
resolution 8 (XXIV) of the Commission on Human Rights
Vice-Chairman/Rapporteur: Miss Marcella A. Martinez (Jamaica)
- E/CN.4/991 Periodic reports on human rights: note by the Secretary
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- E/CN.4/992 and Corr.1 Measures for the speedy implementation of the United Nations
and Add.1-3 Declaration on the elimination of all forms of racial
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- E/CN.4/994 International year for human rights: action arising out of
the resolutions of the International Conference on Human
Rights (resolution 2442 (XXIII) of the General Assembly):
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- E/CN.4/995 Advisory services in the field of human rights: report of
the Secretary-General
- E/CN.4/996 Study of the right of arrested persons to communicate with
those whom it is necessary for them to consult in order to
ensure their defence or to protect their essential interests:
report of the Committee.
- E/CN.4/997 and Corr.1 Implementation of recommendations of the Ad Hoc Committee of
Experts to examine the finances of the United Nations and the
specialized agencies - review of the human rights programme
and establishment of priorities: control and limitation of
documentation: note by the Secretary-General
- E/CN.4/998 and 998/Add.1 Election of the Members of the Sub-Commission on Prevention
and Add.2-8 of discrimination and Protection of Minorities (resolution
and Add.8/Rev.1 1334 (XLIV) of the Economic and Social Council): note by
and Add.9-12 the Secretary-General.
- E/CN.4/999 Question of human rights in the territories occupied as a
result of hostilities in the Middle East: report by the
Secretary-General in pursuance of paragraph 3 of resolution 5
(XXIV) of the Commission on Human Rights
- E/CN.4/1000 Adoption of the agenda - organization of the work of the
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E/CN.4/1001 Periodic reports on human rights: letter dated 29 January 1969 addressed to the Secretary-General by the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations

E/CN.4/1002 Periodic reports on human rights: letter dated 30 January 1969 addressed to the Secretary-General by the Permanent Representative of Spain to the United Nations

E/CN.4/1003 Letter dated 17 February 1969 from the Permanent Representative of the United Arab Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

E/CN.4/1004 Letter dated 19 February 1969 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

E/CN.4/1005 Letter dated 20 February 1969 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

E/CN.4/1006 Letter dated 24 February 1969 from the Permanent Representative of the Republic of Iraq to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

E/CN.4/1007 Report of the Commission on Human Rights on its twenty-fifth session

E/CN.4/CR.38 Non-confidential list of communications (dealing with principles involved in the promotion of universal respect for and observance of human rights received by the United Nations between 1 December 1966 and 15 December 1967)

E/CN.4/SR.993-1045 Summary records of the twenty-fifth session of the Commission

E/CN.4/Sub.2/213/Rev.1 Study of Discrimination in the Matter of Political Rights (United Nations publication, Sales No.: 63.XIV.2)

E/CN.4/Sub.2/229/Rev.1 Study of Discrimination in Respect of the Right of Everyone to Leave any Country, including His Own, and to Return to His Country (United Nations publication, Sales No.: 64.XIV.2)

E/CN.4/Sub.2/265 Study of Discrimination against Persons Born out of Wedlock (United Nations publication, Sales No.: 68.XIV.3)

E/CN.4/Sub.2/288 Special study of racial discrimination in the political, economic, social and cultural spheres: report submitted by the Special Rapporteur, Mr. Hernán Santa Cruz

- ST/TAO/HR/16 Report of the United Nations Seminar on the role of the police in the protection of human rights, Canberra, Australia, 29 April-13 May 1963
- ST/TAO/HR/21 Report of the United Nations Seminar on human rights in developing countries, Kabul, Afghanistan, 12-25 May 1964
- ST/TAO/HR/25 Report of the United Nations Seminar on human rights in developing countries, Dakar, Senegal, 8-22 February 1966
- ST/TAO/HR/29 Report of the United Nations Seminar on the effective realization of civil and political rights at the national level, Kingston, Jamaica, 25 April-8 May 1967
- ST/TAO/HR/31 Report of the United Nations Seminar on the Realization of Economic and Social Rights contained in the Universal Declaration of Human Rights, Warsaw, Poland, 15-28 August 1967
- ST/TAO/HR/32 Report of the United Nations Seminar on Freedom of Association, London, United Kingdom, 18 June-1 July 1968
- ST/TAO/HR/34 Report of the United Nations Seminar on the Question of the Elimination of all Forms of Racial Discrimination, New Delhi, India, 27 August - 9 September 1968
- ST/TAO/HR/35 Report of the United Nations Seminar on the Civil and Political Education of Women, Accra, Ghana, 19 November-2 December 1968

Documents issued in the limited series

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E/CN.4/L.1042 and Add. 1 and 2	Information submitted in accordance with ECOSOC resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights: note by the Secretary-General	
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Documents issued in the non-governmental organizations

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E/CN.4/NGO/147 and Corr.1	Statement submitted by the International Council on Alcohol and Addiction, a non-governmental organization in consultative status (Register)
E/CN.4/NGO/148	Statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category B)

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