



UNITED NATIONS

COMMISSION ON HUMAN RIGHTS

REPORT of the SIXTEENTH SESSION

(29 February - 18 March 1960)

**ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: THIRTIETH SESSION**

SUPPLEMENT No. 8

GENEVA

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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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UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS
THIRTIETH SESSION

SUPPLEMENT No. 8

COMMISSION ON HUMAN RIGHTS

Report to the Economic and Social Council on the sixteenth session of the Commission, held at the European Office of the United Nations, Geneva, Switzerland, from 29 February to 18 March 1960 inclusive

I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Commission on Human Rights held its sixteenth session at the European Office of the United Nations, Geneva, Switzerland, from 29 February to 18 March 1960 inclusive.

2. The session was opened by Mrs. Zofia Wasilkowska, First Vice-Chairman of the Commission at its fifteenth session.

Attendance

3. Attendance at the session was as follows:

MEMBERS

Argentina: Mr. Mario Amadeo;¹ Mr. Mario Pico,*
Mr. Julio Cesar Carasales.**

Austria: Mr. Felix Ermacora, Mr. Eric Schmid.*

Belgium: Mr. Jacques Basyn, Mr. F. de la Barre d'Erquennes.*

China: Mr. Cheng Paonan.

Denmark: Mr. Niels Madsen.

France: Mr. René Cassin, Mr. Pierre Juvigny,* Mr. Aristide Issembé.*

India: Mr. C. S. Jha, Mr. Amrick S. Mehta,* Mr. G. Raj.**

Iraq: Mr. Ismat T. Kittani, Mrs. Badia H. Afnan.**

Lebanon: Mr. Georges Hakim.

Mexico: Mr. Pablo Campos Ortiz,² Mr. Pedro de Alba.*

Pakistan: Mr. Aly Khan,² Mr. Mizra S. A. Baig.*

Philippines: Mr. Francisco Delgado, Mr. Ernesto C. Pineda,* Miss Concepción Delgado,** Miss Azucena A. Manio.**

Poland: Mrs. Zofia Wasilkowska, Mr. Eugeniusz Kulaga.*

Ukrainian Soviet Socialist Republic: Mr. Petr E. Nedbailo, Mr. Gailiy E. Buvailik.*

Union of Soviet Socialist Republics: Mr. P. D. Morosov,² Mr. A. Fomin, Mr. Swjatoslav V. Filipov.**

United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare, Mr. Clive Dugdale.*

United States of America: Mrs. Oswald B. Lord, Mr. Chauncey G. Parker III,* Mr. Marten H. A. van Heuven.**

Venezuela: Mr. Carlos Sosa Rodríguez,² Mr. Manuel Quijada G.*

OBSERVERS

Bulgaria: Mr. Todor Dimov Stoyanov.

Canada: Mr. W. F. Stone.

Chile: Mr. Fausto Soto, Mr. Carlos Franz.

Cuba: Mr. Eric Aguero y Montoro.

Dominican Republic: Mr. Salvador E. Paradas.

Ecuador: Mr. José V. Trujillo.

Hungary: Mr. Jozsef Varga-Perke.

Israel: Mr. Menahem Kahany, Mr. N. Yaish.

Italy: Mr. Antonello Pietromarchi.

Japan: Mr. Kazutoshi Hasegawa.

Netherlands: Miss A. Lunsingh-Meijer.

Spain: Mr. Juan de Robledo.

United Arab Republic: Mr. Omar Hefni Mahmoud.

Uruguay: Mr. Victor Pomés.

Yugoslavia: Mr. Sergije Makiedo.

COMMISSION ON THE STATUS OF WOMEN

Mrs. Hélène Lefauchaux (France).

* Alternate.

** Adviser.

¹ In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Pico represented Argentina during the session.

² Did not attend the session.

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. R. A. Métall, Mr. M. Paranhos da Silva.

United Nations Educational, Scientific and Cultural Organization (UNESCO): Mr. H. Saba, Mr. Julian Behrstock.

World Health Organization (WHO): Miss B. Howell.

INTER-GOVERNMENTAL ORGANIZATION

League of Arab States: Mr. Zouhair Kabbani, Mr. Moukhtar el Wakil, Mr. Mohamed Bedjaoui.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. A. R. Lindt; Mr. Paul Weis.

NON-GOVERNMENTAL ORGANIZATIONS

CATEGORY A

International Confederation of Free Trade Unions: Mr. Alfred Braunthal, Mr. Herman Pateet.

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

World Federation of Trade Unions: Mr. Giuseppe Boglietti.

World Federation of United Nations Associations: Mr. Adrian Pelt, Mr. Robert S. Smith, Miss Marta Aphalo, Mr. Paul Moritz.

World Veterans Federation: Mr. Antonio Ronconi.

CATEGORY B

Agudas Israël World Organization: Mr. H. A. Goodman, Chief Rabbi Alex Safran.

All Pakistan Women's Association: Mrs. Rashida Shaheed.

Catholic International Union for Social Service: Miss Antoinette Bruttin.

Commission of the Churches on International Affairs: Mr. O. Frederick Nolde, Mr. Elfan Rees, Mrs. Robbins Strong.

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz, M. Eugène Arene.

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

Friends World Committee for Consultation: Mr. J. Duncan Wood, Mrs. Blanche Shaffer, Mrs. Katharine M. Wood.

International Association for Social Progress: Mr. M. Berenstein.

International Association of Penal Law: Mrs. Hélène Romniciano.

International Catholic Child Bureau: Miss Odile Rouillet.

International Catholic Migration Commission: Mr. T. Stark.

International Commission against Concentration Camp Practices: Mr. Gilbert Ceffa.

International Commission of Jurists: Mr. Vladimir Kabes, Mr. Kurt Gasteyer.

International Committee of the Red Cross: Mr. Claude Pilloud, Mr. Henri Coursier.

International Conference of Catholic Charities: Mr. Antoine Pugin, Rev. Father Paul Bouvier.

International Conference of Social Work: Mrs. Sally L. Smith.

International Council of Women: Miss L. C. A. van Eeghen, Mrs. Antoinette Rochedieu.

International Federation for the Rights of Man: Mr. Eugène Aroneanu.

International Federation of Business and Professional Women: Mrs. Marta von Greyerz, Miss Sylvia A. Meyer.

International Federation of University Women: Miss Françoise Ehni.

International Federation of Women Lawyers: Lady Gladys M. Chatterjee, O.B.E., Miss Krishna Ahooja, Mrs. Josefina Bartomeu López, Mrs. Dorothy G. Turkel.

International League for the Rights of Man: Mr. Hans E. Riesser, Mr. Friedrich Jung.

International Union for Child Welfare: Miss A. E. Moser, Miss Anita Bremshey.

Liaison Committee of Women's International Organizations: Mrs. Alice Wible.

Pan Pacific South-East Asia Women's Association: Mrs. Constance Jones.

Pax Romana: Mr. Thaddée Szmikowski.

Women's International League for Peace and Freedom: Miss Gertrude Baer.

World Alliance of Young Men's Christian Associations: Mr. Maher T. Doss.

World Federation of Catholic Young Women and Girls: Miss Léone Herren.

World Jewish Congress: Mr. Gerhart M. Riegner.

World Union for Progressive Judaism: Mrs. Lee Ambrose.

World Union of Catholic Women's Organizations: Miss Agnes de Kalbermatten.

World Young Women's Christian Association: Mrs. Helen de Mestral.

World's Women's Christian Temperance Union: Mrs. N. Chaix-Constantin, Mrs. Y. Leuba.

REGISTER

Catholic International Education Office: Rev. L. Th. Grond.

Co-ordinating Secretariat of National Unions of Students: Mr. Bruce D. Larkin.

International Federation of Catholic Youth: Mr. Francis Luc Laurencet.

International Federation of Free Journalists (of Central and Eastern Europe and Baltic and Balkan Countries): Mr. Mieczyslaw Zaleski.

St Joan's International Social and Political Alliance: Miss Marie-Isabelle Archinard.

World Association of Girl Guides and Girl Scouts: Mrs. Perle Bugnion-Secrétan.

World Federation for Mental Health: Mrs. Dr. Anne Audéoud-Naville.

World University Service: Mr. Cyril Ritchie.

4. Mr. C. V. Narasimhan, Under-Secretary for Special Political Affairs, and Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. Lin Mousheng and Mr. Pedro L. Yap acted as secretaries of the Commission.

Representation of China

5. At the 643rd meeting, held on 29 February 1960, the representative of the Union of Soviet Socialist Republics made a statement on the representation of China in the Commission. It was agreed that his statement, together with those made by the representatives of China, the Ukrainian Soviet Socialist Republic and the United States of America on the matter, would be reported in the summary records of the meeting.

Election of Officers

6. At its 643rd meeting, the Commission unanimously elected the following officers:

Mr. Mario Amadeo (Argentina), *Chairman*;

Mr. C. S. Jha (India), *First Vice-Chairman*;

Mr. Francisco A. Delgado (Philippines), *Second Vice-Chairman*;

Mr. Jacques Basyn (Belgium), *Rapporteur*.

7. At the 661st meeting of the Commission on 14 March 1960, Mr. Felix Ermacora (Austria) was elected Rapporteur to succeed Mr. Basyn, who was unable to remain until the end of the session.

Agenda

8. The provisional agenda (E/CN.4/790) was considered by the Commission at the 643rd meeting. It was adopted unanimously.

9. The agenda for the sixteenth session was as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Advisory services in the field of human rights.
4. Study of the right of everyone to be free from arbitrary arrest, detention and exile.
5. Declaration on the right of asylum.
6. Freedom of information.
7. National advisory committees on human rights.
8. Prevention of discrimination and protection of minorities:
 - (a) Study of discrimination in education;
 - (b) Report of the twelfth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

9. Communications concerning human rights.
10. Review of the human rights programme; control and limitation of documentation.
11. Report of the sixteenth session of the Commission on Human Rights to the Economic and Social Council.

10. The agenda items are dealt with in the following chapters in the order in which they were considered by the Commission.

Meetings, resolutions and documentation

11. The Commission held twenty-four plenary meetings. The views expressed at those meetings are summarized in the records of the 643rd to 666th meetings (E/CN.4/SR.643-666).

12. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings (644th, 645th, 647th, 651st, 653rd, 661st, 663rd and 664th) to representatives of the following non-governmental organizations:

Category A: International Confederation of Free Trade Unions (Mr. Alfred Braunthal and Mr. Herman Pateet); World Federation of Trade Unions (Mr. Giuseppe Boglietti); World Federation of United Nations Associations (Mr. Robert S. Smith);

Category B: Agudas Israël World Organization (Chief Rabbi Alex Safran); the Commission of the Churches on International Affairs (Mr. O. Frederick Nolde and Mr. Elfan Rees); Co-ordinating Board of Jewish Organizations (Mr. Gustav Warburg); Friends World Committee for Consultation (Mr. J. Duncan Wood); International Association of Penal Law (Mrs. Hélène Romniciano); International Catholic Child Bureau (Miss Odile Roulet); International Catholic Migration Commission (Mr. T. Stark); International Conference of Catholic Charities (Rev. Father Paul Bouvier); International Council of Women (Miss L. C. A. van Eeghen); International Federation of Women Lawyers (Lady Gladys M. Chatterjee); and the World Jewish Congress (Mr. Gerhart M. Riegner).

13. The resolutions and decisions of the Commission appear under the subject-matters to which they relate. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XI of the present report.

14. The documents before the Commission at its sixteenth session are listed in annex I to the present report. A statement of financial implications made by the Secretary-General in relation to draft resolution III is reproduced in annex II to this report.

II. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

15. In resolution 684 (XXVI) the Economic and Social Council requested the Commission on Human Rights to review the programme of advisory services at each of its sessions on the basis of work plans presented by the Secretary-General.

16. In a report on advisory services (E/CN.4/798 and Add.1-2) the Secretary-General informed the Commission that he was organizing three regional seminars in 1960: a seminar on the role of substantive criminal law in the protection of human rights, and the purposes and

legitimate limits of penal sanctions to take place in Tokyo from 10 to 24 May; a seminar on the protection of human rights in criminal procedure, to take place in Vienna from 20 June to 4 July; and a seminar on the participation of women in public life, in Addis Ababa, from 12 to 23 December.

17. The Secretary-General further stated that the interest of Governments in sponsoring human rights seminars under the advisory services programme was such that he was faced with the necessity of planning them up to two years in advance. For 1961 he would organize three regional seminars: a seminar in New Zealand on some aspects of the protection of human rights in criminal procedure; a seminar in Romania on the status of women in family law; and a seminar in Mexico on *amparo*, *habeas corpus* and related remedies. He was already exchanging views with several Governments which had expressed a wish to act as hosts to seminars in 1962.

18. The Secretary-General was keeping in mind the possibility of organizing an international seminar. Such a seminar would serve as a follow-up to a series of regional seminars and might, *inter alia*, review and synthesize the results of regional seminars.

19. The Commission discussed the item on advisory services at its 644th to 647th meetings, on 1 and 2 March 1960.

20. During the general debate, most of the members of the Commission were of the opinion that the programme of advisory services had proved to be successful and popular, and was of great value in focusing public attention to great issues of human rights and in providing a public forum through which nations might exchange significant experience and information relating to human rights. They endorsed the programme of seminars for 1961 and were satisfied with the manner in which the seminars were being organized.

21. Some members noted that so far the seminars had been devoted chiefly to legal subjects, such as the protection of human rights in criminal law and procedure, and judicial and other remedies against the illegal exercise or abuse of administrative authority. They said that there were other subjects of no less importance, such as economic, social, cultural and political rights, rights of the child, the prevention of discrimination and the protection of minorities, which should be taken up in the future.

22. Another member observed that so far the seminars had taken up subjects which were rather broad in scope. As time went on, seminars should be devoted to topics which were narrower in scope and could therefore be studied in greater depth. It was noted, however, that seminars were not conferences of academicians and that the nature and scope of a seminar subject should be determined in the light of the practical situation and the public interest of the region concerned.

23. Some members pointed out that the countries in the Middle East had not been invited to any regional seminar up to the present. The regional pattern that had emerged would virtually prevent those countries

from participating in any seminar and benefiting thereby. It was suggested that they should be invited to attend some regional seminars. One representative thought that the regions covered by the seminars were too large, in particular the region of Africa, and might be split up into smaller regions. Another representative observed, however, that a seminar in a small region (such as Africa north or south of the Sahara) composed of a few countries with a similar background, would not have the same value as regards the exchange of experience as a seminar in a large region.

24. In general, the members of the Commission were agreed that the organization of seminars on a regional basis was sound and practical. They were also agreed that international seminars might be organized on subjects of universal interest, especially on subjects which had been discussed in series of regional seminars.

25. One member drew attention to the desirability of having human rights seminars at the national level as a follow-up to regional seminars. It was thought that the subject discussed at a regional seminar, the ideas exchanged and the conclusions reached at the regional level, could profitably be debated in national seminars. Perhaps the United Nations might render technical and substantive assistance in the planning and organizing of such seminars at the national level.

26. The Commission noted the fact that no fellowships or scholarships had been granted, and that the services of only one expert had been requested, under the programme of advisory services. Some members expressed the hope that those two aspects of the advisory services programme might be gradually developed. In this connexion, two difficulties were mentioned. On the one hand, governments had not shown much interest in applying for fellowships and scholarships, and for the services of experts, in the field of human rights. On the other hand, the budgetary provisions would soon be found to be insufficient if governments applied for those two services.

27. After the general debate, the representatives of India, Iraq, Poland and the United States of America submitted a proposal (E/CN.4/L.547), by which the attention of Member Governments would be directed "to the Declaration of the Rights of the Child as a desirable topic for seminars, either on a regional or an international level", and the Secretary-General would be requested "to render such assistance, in agreement with the governments concerned, as may be necessary for the organizing of such seminars".

28. In an exchange of views on the proposal, it was pointed out that the Declaration as a whole was too broad a topic for seminars and that the rights set forth therein could be topics of different seminars. It was further pointed out that the proposal was not intended in the least to discourage the holding of seminars on other topics, and that governments were free to propose any topics that were urgent or important. Since the Declaration adopted by the General Assembly at its fourteenth session was still recent, members of the Commission thought that the recognition and observance of the rights proclaimed in the Declaration would be

furthered by the organizing of seminars devoted to those rights.

29. After the exchange of views, the sponsors of the proposal submitted the revised draft resolution (E/CN.4/L.547/Rev.1), which was approved unanimously by the Commission at the 647th meeting, on 2 March 1960. The text of the resolution reads as follows:

III. STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE

30. The Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile submitted a progress report (E/CN.4/799) to the Commission. In the report the Committee informed the Commission that it had prepared, with the assistance of the Secretariat, the total of fifty country monographs on the right of everyone to be free from arbitrary arrest, detention and exile. Twenty-three of the fifty monographs had been issued as working papers, the comments thereon by the Governments concerned having been embodied or taken into consideration. The other twenty-seven monographs had been sent or were being sent to the Governments concerned for comments.

31. The Committee further stated that it had intended to submit a progress report of a substantive character to the Commission at its sixteenth session (1960) and a final report to the Commission at its next session (1961). However, the Committee regretted that it had been unable to complete a preliminary substantive report for submission in 1960, but it would submit a definitive report in 1961.

IV. NATIONAL ADVISORY COMMITTEES ON HUMAN RIGHTS

34. The question of national advisory committees on human rights was placed on the agenda of the Commission upon the proposal of Mr. R. S. S. Gunewardene, former Chairman of the Commission. In a memorandum (E/CN.4/791) submitted to the Commission, he recalled that the Economic and Social Council, in resolution 9 (II) of 21 June 1946, had invited States Members of the United Nations "to consider the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights"; and that since 1946 the Commission had not discussed the matter.

35. The former Chairman proposed that the Commission take up the question of national advisory committees on human rights at its sixteenth session. He stated that national advisory committees on human rights, properly instituted and consisting of prominent personalities, would be of great assistance to Governments in advising regarding standards of human rights and in solving national or local human rights problems. He further stated that the organization and structure of national advisory committees on human rights would

1 (XVI). ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

The Commission on Human Rights

Recommends that the Economic and Social Council adopt the following draft resolution:

[For the text of the draft resolution, see chapter XI, draft resolution I.]

32. The Commission considered the progress report at its 645th meeting on 1 March 1960. One member of the Commission felt that the methods which had been applied for the study were time-consuming and produced an unduly large volume of material. Another member expressed the view that the study was an unnecessary undertaking as the Third Committee of the General Assembly had approved the text of an article on the subject under study. Some members reserved the right to comment in detail on the country monographs. Others noted the valuable material that had been gathered and looked forward to the Committee's final report. Upon the suggestion of the Chairman, the Commission thanked the Committee for its work and took note of its intention to submit a final report to the Commission at its next session.

33. At its 666th meeting on 18 March the Commission elected Pakistan to be a member of the Committee to replace Ceylon, which was no longer a member of the Commission.

probably differ from country to country. Such a committee might be an official or a semi-official or a purely unofficial organization. It would be difficult to establish a particular pattern of organization applicable to all. Each Member State could be requested to establish, or to make arrangements for the establishment of, a national advisory committee on human rights which should be composed of persons of outstanding ability and reputation.

36. He said that the functions of national committees could also vary from country to country and suggested that a national committee might perform, *inter alia*, the following advisory functions:

(1) Study current problems of human rights on the national or local level and make recommendations to the Government thereon;

(2) Advise the Government on any matters, legislative or administrative, relating to the observance of human rights;

(3) Hold annual or periodic conferences or seminars on human rights;

(4) Make annual or periodic surveys on the observance of human rights; and

(5) Assist the Government in preparing periodic reports on human rights to the United Nations and in making studies on specific rights or groups of rights.

37. The item on national advisory committees was considered by the Commission at its 647th to 649th meetings, from 2 to 4 March 1960.

38. Most of the members of the Commission were very appreciative of the initiative which the former Chairman had taken in making his proposal. They thought, however, that the proposal was too far-reaching and might give rise to constitutional problems in many countries. They felt that both the structure and the functions of human rights committees should be carefully considered.

39. The view was strongly put forth that national advisory committees or local human rights committees should not be established by Governments but should be purely unofficial or voluntary organizations. Committees appointed by Governments, it was contended, were not always the best guardians of human rights. Unofficial bodies, dedicated to the promotion of human rights, could play a more effective role in safeguarding the rights of individuals and in educating the public on questions of human rights.

40. The functions of such bodies, it was maintained, could not be laid down in specific terms. Such bodies could certainly hold periodic conferences or seminars on human rights or make surveys or studies on human rights problems. Whether they should exercise any advisory or supervisory functions was a very serious question. At any rate, Governments should not be placed under any obligation to consult, or to seek the advice of, such bodies.

41. The crux of the problem, it was stated, lay in the relationship between an informed public opinion and the public authorities. Each Government should develop its own machinery, or make its own arrangements, by which it might take into account the views of unofficial bodies on matters relating to the observance of human rights. Each Government should have the maximum freedom to establish its relationship with such bodies.

42. Some representatives, while not opposing the establishment of human rights committees, wondered whether the matter was not outside the competence of the Commission. Relations between Governments and any human rights committees, it was said, were purely a matter of domestic concern.

43. In the light of the general debate, the representatives of Austria, Denmark, France, Lebanon, Philippines, the United Kingdom and Venezuela submitted a draft resolution (E/CN.4/L.548) which read as follows:

"The Commission on Human Rights

"Recommends that the Economic and Social Council adopt the following draft resolution:

"The Economic and Social Council,

"Recalling its resolution 9 (II) of 26 June 1946 relating to local human rights committees,

"Recognizing the importance of the contribution which can be made towards the promotion of respect

for and observance of human rights by bodies representing, in each country, informed and independent opinion on questions relating to human rights, and the desirability of arrangements by which the views of such bodies may be taken into account by their Governments,

"Recognizing further that such bodies can play an important role in regard to the education of public opinion upon questions relating to human rights,

"1. Invites Governments of States Members of the United Nations and members of the specialized agencies:

"(a) To stimulate, in such manner as may be appropriate, the creation of such bodies as national non-governmental organizations, local human rights committees and national advisory committees in the field of human rights, and to encourage them where they already exist;

"(b) To consider the means by which the views of such bodies can best be taken into account by their Governments in matters relating to the promotion and observance of human rights;

"2. Invites Governments of States Members of the United Nations and members of the specialized agencies, with a view to the exchange of information and experience in regard to the functions of such bodies and their relations with Governments, to communicate all relevant information on this subject in order that the Secretary-General may prepare a report to be circulated to Governments and submitted to the Commission on Human Rights at its eighteenth session."

44. While the spirit and purpose of the draft resolution met with the general approval of the members of the Commission, there were certain specific points which gave rise to much discussion. In the first place, a question was raised regarding the meaning of the expression "independent opinion". "Independent of what or of whom?" it was asked. Several members stated that by "independent opinion" was meant such opinion as was "impartial", "objective", "free from political influence", "free from official instructions", or "independent of Governments". One member thought that the expression "opinion of independent bodies" might be preferable to "independent opinion" since it was questionable whether opinion as such was ever independent. Another member thought that "independent opinion" was a term which contained the seeds of the concept of "opposition to the Government".

45. In the second place, it was questioned whether the draft resolution did not go too far in recognizing "the desirability of arrangements by which the views of such bodies may be taken into account by their Governments", and in inviting Governments "to consider the means by which the views of such bodies can best be taken into account by their Governments in matters relating to the promotion and observance of human rights". Such "arrangements" and such "means", it was said, should be left to the Governments themselves to develop. The clauses in question, if adopted, would

virtually request Governments to vest national or local human rights committees with the right to be consulted; and might involve Governments in constitutional and parliamentary difficulties.

46. A third question concerned the information which Governments were asked to submit to the Secretary-General, and the report which the Secretary-General was asked to circulate to Governments and to submit to the Commission at its eighteenth session. The sponsors of the draft resolution were of the opinion that an exchange of information and experience in regard to the functions of human rights committees, and any relations which might exist between such committees and the Governments concerned, would be very useful to all Governments. The report of the Secretary-General would contain a conspectus of existing committees, providing a wide range of examples for countries which did not yet have any human rights committees or were not satisfied with those they had. Such a report would also enable the Commission, at its eighteenth session, to consider what further action, if any, it could take on the matter.

47. With a view to arriving at unanimous agreement on the subject, the sponsors submitted a revised text of their draft resolution (E/CN.4/L.548/Rev.1). In deference to criticism, the word "independent" was dropped; that did not mean that the sponsors thought that human rights committees should be dependent on Governments. The reference to consultative arrangements was omitted from the second preambular paragraph as being too specific, and instead a more general reference concerning the possible influence of human rights committees on government action appeared in a new operative paragraph (paragraph 2 of the new text).

V. FREEDOM OF INFORMATION

51. At its fifteenth session, in resolution 1 (XV), the Commission on Human Rights decided "to review developments affecting freedom on information, including the problems of providing technical assistance to under-developed countries in the field of information, as a regular item on its agenda".

52. The Secretary-General submitted two memoranda on freedom of information to the Commission at its sixteenth session. In the first memorandum (E/CN.4/792) the Secretary-General informed the Commission that in its resolution 718 (XXVII) the Economic and Social Council requested the United Nations Educational, Scientific and Cultural Organization to undertake "a survey of the problems of providing technical assistance to under-developed countries" in the field of information, the survey to be submitted to the Commission and to the Council before the summer of 1961. It asked the Secretary-General to provide for the Commission "an annual report on developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information"; and to prepare, in co-operation with the governments of Member States, the specialized agencies, non-govern-

48. Operative paragraph 1 (a) was revised in such a manner that Governments were offered a choice of a number of ways—which were meant to be illustrative only and in no way exhaustive—in which the bodies in question, whether national or local, might be formed. It avoided any pronouncement on the question whether and to what extent such bodies should be non-governmental, or would have an official element.

49. Operative paragraph 1 (b) of the earlier draft had been deleted. The sponsors did not intend to imply that Governments should give the national advisory committees consultative status; they had meant that Governments should give some consideration to their relations with such bodies. That idea was referred to in operative paragraph 3 of the revised text by a less controversial phrase: "including the nature and extent of their contact with Governments".

50. The revised draft resolution, subject to some drafting changes, was adopted unanimously at the 649th meeting on 4 March 1960. The text reads as follows:

2 (XVI). NATIONAL ADVISORY COMMITTEES ON HUMAN RIGHTS

The Commission on Human Rights,

Having considered the note by the Secretary-General on national advisory-committees on human rights (E/CN.4/791),

Recommends that the Economic and Social Council adopt the following draft resolution:

[*For the text of the draft resolution, see chapter XI, draft resolution II.*]

mental organizations and professional associations, "a substantive report, for submission to the Council in 1961, on developments in the field of freedom of information since 1954, including in particular: (a) the news sources to which peoples had access; (b) the extent to which they received news of the United Nations and its specialized agencies and their work for peace; and (c) developments in the facilities for the free flow of accurate and undistorted information into and out of under-developed countries".

53. In his memorandum he stated that UNESCO had since undertaken to make the survey requested. As regards the substantive report, the Secretary-General had advised the Council that he would entrust the task to a consultant and would transmit the consultant's report to the Council. He has also advised the Council that the annual reports would be prepared entirely on the basis of information from official sources. Since both the survey and the substantive report would be completed in 1961 and since both would cover developments in the field of freedom on information during the years 1959-1960, the Secretary-General proposed that the first of the annual reports which he was requested

to prepare should cover the year 1961 and should be presented to the Commission at its eighteenth session in 1962.

54. In the second memorandum (E/CN.4/792/Add.1) the Secretary-General informed the Commission that pursuant to Economic and Social Council resolution 718 (XXVII), UNESCO was planning to organize a series of regional conferences on development of the media of information; and that UNESCO was considering a proposal to hold an international conference in Cuba to study ways of improving the international transmission of news, and that its Director-General had invited the Commission on Human Rights to make comments on the proposal.

55. The item on freedom of information was considered by the Commission at its 649th meeting on 4 March 1960.

56. The representative of UNESCO informed the Commission that the first of the regional conferences on development of the media of information had taken place at Bangkok in January 1960, a second regional conference was planned for Santiago, Chile, early in 1961, and a third for Addis Ababa early in 1962; and that the proposed international conference, if approved by the General Conference, would take place at Havana after March 1962, taking into account the results of the regional conferences.

57. Several members of the Commission stressed the importance and the urgency of the problems of providing technical assistance to under-developed countries in the field of information. They expressed satisfaction that UNESCO was conducting a survey of the problems, as requested by the Council, by means of a series of regional conferences. They voiced the hope that, in its programme, UNESCO would continue to give high priority to the survey.

58. A considerable number of the members of the Commission welcomed the proposal to hold an international conference at Havana to study ways of improving the international transmission of news. They noted that

the conference would examine the main technical aspects of the existing systems of news dissemination and study possible improvements in news exchanges and news dissemination. One member said that the conference might make recommendations on technical assistance in developing independent national media of information in under-developed countries. Such a conference, some members held, would promote not only freedom of information but also the cause of international understanding and peace. Some members expressed the view that it would be logical if the conference were to be held after the series of regional conferences. Others regretted that the conference could not be held earlier.

59. Two members thought that the Secretariat should prepare the substantive report on developments in the field of freedom of information since 1954 which was to be submitted to the Council in 1961; they disapproved in principle of any decision to entrust the task of drafting a United Nations report to a person outside the Secretariat.

60. Some members noted with approval the Secretary-General's proposal that the first of the annual reports to be prepared under Council resolution 718 (XXVII) should cover the year 1961 and should be submitted to the Commission at its eighteenth session.

61. One member noted with regret that the Council had decided, without reference to the Commission, to accept for submission to Governments a draft Declaration on Freedom of Information, and had requested the Secretary-General to submit direct to the Council a report of government comments thereon. He noted with satisfaction the progress made in the Third Committee at the fourteenth session of the General Assembly in the drafting of the Convention on Freedom of Information.

62. The Commission did not adopt any resolution on freedom of information. It was agreed that the report of the Commission on the subject and the relevant summary record (E/CN.4/SR.649) should be forwarded to UNESCO.

VI. DRAFT DECLARATION ON THE RIGHT OF ASYLUM

63. The question of the right of asylum was placed on the agenda of the thirteenth session of the Commission in 1957. At that session the representative of France submitted a draft Declaration on the Right of Asylum (E/CN.4/L.454), the revised text of which (E/CN.4/L.454/Rev.1) read as follows:

"1. Responsibility for granting asylum to persons requesting it shall lie with the international community as represented by the United Nations.

"2. Every person whose life, physical integrity or liberty is threatened, in violation of the principles of the Universal Declaration of Human Rights, shall be regarded as entitled to seek asylum.

"3. By granting asylum in accordance with articles 1 and 2, a State shall incur no international responsibility. Asylum granted by such a State shall be respected by all other States.

"4. (a) Irrespective of any action taken by particular States, the United Nations shall, in a spirit of international solidarity, consult with States as to the most effective means of providing help and assistance for the persons referred to in article 2.

"(b) Other States shall examine, in a like spirit of solidarity, appropriate measures to lighten the burden of countries of first asylum, including admission to their territory of a certain number of persons first granted asylum in another State.

"5. No one shall be subjected to measures, such as expulsion, return or rejection at the frontier, which would result in compelling him to return to or remain in a territory where his life, physical integrity or liberty would be threatened, in violation of the principles of the Universal Declaration of Human Rights.

"This principle shall not apply in the case of persons

whom there are reasonable grounds for regarding as a danger to the security of the receiving country or who, having been convicted by a final judgement of a particularly serious crime, constitute a danger to the community of that country.”

After some discussion,³ the Commission decided to transmit the draft Declaration, together with amendments, submitted by the representative of Israel (E/CN.4/L.459) and other relevant documents, to Governments of States Members of the United Nations and of the specialized agencies, and to the United Nations High Commissioner for refugees for comments. Such comments were to be submitted by 31 December 1957, but the Economic and Social Council, in resolution 651 F (XXIV), extended the time limit by one year.

64. Those comments were before the Commission at its fifteenth session in 1959. Comments were received from twenty-three Governments (E/CN.4/781 and Add.1-2) and from the United Nations High Commissioner for Refugees (E/CN.4/785). In the light of the comments received and of the discussions in the Commission,⁴ the representative of France presented a revised draft Declaration (E/CN.4/L.517), to which an amendment (E/CN.4/L.518) was submitted by the representative of Iraq.

65. The Commission decided, in resolution 3 (XV) of 25 March 1959, to undertake at its sixteenth session the drafting of a Declaration on the Right of Asylum and requested the Secretary-General to communicate the revised draft Declaration submitted by France (E/CN.4/L.517) and the amendment by Iraq (E/CN.4/L.518), as well as the summary records of the Commission's discussions at its fifteenth session (E/CN.4/SR.618-622), to Governments of States Members of the United Nations and members of the specialized agencies, the United Nations High Commissioner for Refugees and interested non-governmental organizations in consultative status with the Economic and Social Council, with the request that they send him their comments thereon by 31 December 1959.

66. The following twenty-eight Governments replied to the request for comments: Cambodia, Denmark, Federation of Malaya, France, Iran, Laos, Norway, Panama, Philippines, Switzerland, the United Kingdom of Great Britain and Northern Ireland (E/CN.4/793); Austria, Belgium, Ceylon, the Federal Republic of Germany, Greece, Luxembourg, Morocco, Tunisia, Yugoslavia (E/CN.4/793/Add.1); Burma, Italy, Morocco, Pakistan, Spain (E/CN.4/793/Add.2); Cuba and Israel (E/CN.4/793/Add. 3); Turkey (E/CN.4/793/Add.4); the Philippines (E/CN.4/793/Add.5 and Corr.1); and Lebanon (E/CN.4/793/Add.6).

67. Comments were also received from the United Nations High Commissioner for Refugees (E/CN.4/796) and the following non-governmental organizations: Commission of the Churches on International Affairs, Fédération internationale libre des déportés et internés

de la résistance, International Committee of the Red Cross, International Criminal Police Organization, International Federation for the Rights of Man, the International League for the Rights of Man, the Society of Comparative Legislation, Women's International League for Peace and Freedom, World Union for Progressive Judaism (E/CN.4/794); Consultative Council of Jewish Organizations, International Confederation of Free Trade Unions (E/CN.4/794/Add.1); Co-ordinating Board of Jewish Organizations (E/CN.4/794/Add.2); and Agudas Israël World Organization (E/CN.4/794/Add.3).

68. The Commission also had before it a note by the Secretary-General (E/CN.4/795) concerning resolution 1400 (XIV) adopted by the General Assembly at its fourteenth session regarding codification of the principles and rules of international law relating to the right of asylum.

69. The Commission discussed the item at its sixteenth session at the 650th to 659th and 662nd meetings held from 7 to 11 and on 15 March 1960.

70. The text of the revised draft Declaration submitted by the representative of France (E/CN.4/L.517) was as follows :

“*The General Assembly,*

“*Noting* that article 14 of the Universal Declaration of Human Rights provides :

“(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

“(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations;

“*Considering* it highly desirable that, where appropriate, this humanitarian provision should be applied in the spirit in which it was adopted,

“*Recommends* that in their practices the United Nations and States should base themselves on the following principles :

“*Article 1.* Every State has the right, in the exercise of its sovereignty, to grant asylum to persons entitled to invoke article 14 of the Universal Declaration of Human Rights. No international responsibility shall be incurred thereby. Asylum thus granted shall be respected by all other States.

“*Article 2.* The international community, as represented by the United Nations, has the responsibility to concern itself with the safety and well-being of those who have left their own or another country because of persecution or well-founded fear of persecution.

“*Article 3.* No one entitled under article 14 of the Universal Declaration of Human Rights to seek and to enjoy asylum shall be subject to measures, such as expulsion, return or rejection at the frontier, which would result in compelling him to return to or remain in a territory where his life, physical integrity or liberty would be threatened on account of his race, religion, nationality, or membership of a particular social group or political opinion. This principle shall not apply

³ See *Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4*, paras. 206-214.

⁴ *Ibid.*, *Twenty-eighth Session, Supplement No. 8*, paras. 57-66.

in the case of persons whom there are reasonable grounds for regarding as a danger to the security of the receiving country or who, having been convicted by a final judgement of a particularly serious crime or offence, constitute a danger to the community of that country.

“*Article 4.* Where a country finds difficulty in continuing to grant asylum, whether because the number of persons involved exceeds its capacity to absorb them or for some other reason, it is the duty of other countries to take all appropriate steps, either in the forms of aid and assistance or admission to their territory, to the maximum extent that they find possible.

“The international community, as represented by the United Nations, has in such circumstances a special responsibility for securing international co-operation and for preventing a situation in which a country may find observance of article 3 beyond its powers.”

71. The amendment submitted by the representative of Iraq (E/CN.4/L.518) called for the addition of the following new article after article 4:

“*Article 5.* Nothing in this Declaration shall be interpreted to prejudice the right of everyone to return to his country as stated in article 13, paragraph 2, of the Universal Declaration of Human Rights.”

72. Before the Commission began to discuss the revised draft Declaration (E/CN.4/L.517) article by article, some members raised the question whether the Commission should elaborate a declaration on the right of asylum. They expressed the opinion that the Commission should not undertake the drafting of such a declaration. They argued that, since the right of asylum was already embodied in the Universal Declaration of Human Rights, there was no need for a special declaration on the subject. The next step was to implement the right by embodying it in a legally binding instrument. In this connexion reference was made to a proposed article on the right of asylum submitted by the USSR to the Third Committee of the General Assembly, at its fourteenth session (A/C.3/L.814), for inclusion in the draft Covenant on Civil and Political Rights. The Commission should await the decision of the General Assembly regarding the inclusion of that article in the Covenant. Furthermore, it was pointed out that the General Assembly, in resolution 1400 (XIV), had requested the International Law Commission, as soon as it considered it advisable, to undertake the codification of the principles and rules of international law relating to the right of asylum. The Commission on Human Rights should not prejudice the work of that body by adopting a text which would not be a legally binding instrument but which at the same time would enlarge the provisions of Article 14 of the Universal Declaration of Human Rights. It was further pointed out that only twenty-seven Governments had submitted comments on the draft Declaration.

73. Most of the members, however, were agreed that the Commission on Human Rights should proceed at the current session with the drafting of the Declaration on the Right of Asylum. The question of the right of asylum had become an urgent world problem. The

Commission should no longer put off its work in that important field. Almost all of the Governments which had submitted comments had expressed themselves in favour of a declaration on the right of asylum. The question of asylum was fundamentally a human rights problem which came within the Commission's competence. The fact that the International Law Commission was to study the subject should not lead the Commission on Human Rights to defer discussion of the draft Declaration. The International Law Commission would be dealing primarily with the legal aspects of the problem, while the Commission on Human Rights was concerned essentially with its humanitarian aspects. Moreover, by completing a draft declaration on the right of asylum, the Commission on Human Rights could contribute significantly to the work which the International Law Commission had been requested to do. Regarding the argument that the Third Committee of the General Assembly was seized with a proposal for the inclusion in the draft Covenant on Civil and Political Rights of an article on the right of asylum, it was felt that, even if agreement could be reached on such an article, it might take years before the International Covenants on Human Rights would enter into force. A declaration would in any event be of value. Furthermore, it was for the General Assembly itself to consider whether a declaration on the right of asylum should be adopted or whether an article in the Covenant on Civil and Political Rights would be enough.

74. Several members expressed their views on what they believed should be the nature and scope of the declaration which the Commission was to elaborate. The opinion was expressed that the declaration should not relate to diplomatic asylum but should deal only with “territorial” asylum. The declaration should elaborate on, but not go beyond, the provision of Article 14 of the Universal Declaration of Human Rights. It should, moreover, take into account the situation not only of persons seeking, individually, to be granted asylum, but also of large masses of people fleeing from persecution. Attention was also drawn to the right of such persons to return, if they wished, to their own countries, in accordance with the principle laid down in article 13, paragraph 2, of the Universal Declaration of Human Rights.

75. Some members emphasized that the declaration should not attempt to impose obligations on States. It was essential that the declaration should not go far beyond the elementary principles of established international law nor beyond the existing obligations of Member States under the Charter of the United Nations. Under international law, States were not under any obligation to grant the right of asylum; in the exercise of their sovereignty, they were free to grant or to refuse asylum. That principle, it was said, was recognized in Article 14 of the Universal Declaration of Human Rights, which enunciated the right of everyone “to seek and to enjoy” asylum.

76. On the other hand, while recognizing that the declaration would be an elaboration of article 14 of the Universal Declaration, some members felt that it should mark a step forward, otherwise it would have little moral or practical value. While the difficulties of States should

not be ignored, the Commission should bear in mind that its task was essentially humanitarian in character. It should draw up an instrument which would stress the humanitarian, rather than the legal, aspects of the problem. The declaration should moreover define the responsibility of the international community for the safety and well-being of persons granted asylum and its duty to alleviate the burden of countries of first asylum.

77. Some members referred to the existence of regional agreements on asylum and pointed out that the declaration which the Commission was going to elaborate should take into account the existence of those agreements.

Preamble

78. The preamble was discussed at the 651st and 652nd meetings on 7 and 8 March 1960.

79. The representative of the United States submitted an amendment (E/CN.4/L.550) calling for the replacement of the preamble of the revised French draft declaration by the following text:

“The General Assembly,

“Recalling that among the purposes of the United Nations is the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

“Mindful of the Universal Declaration of Human Rights which declares in article 14 that ‘(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution; (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations’,

“Recalling also paragraph 2 of Article 13 of the Universal Declaration of Human Rights which states that ‘everyone has the right to leave any country, including his own, and to return to his country’.”

80. At the 652nd meeting the representative of France stated that he accepted the United States’ amendment to the preamble.

81. The text proposed by the United States found general support in the Commission. Many members felt that the new text was a considerable improvement over the original text. The representative of Iraq explained that he supported the new text on the understanding that the third paragraph was not intended to replace the new article 5 submitted by his delegation (E/CN.4/L.518).

82. The preamble, as revised (E/CN.4/L.550), was adopted at the 652nd meeting by 14 votes to none, with 2 abstentions.

Operative paragraph

83. The Commission considered the operative paragraph at its 651st and 652nd meetings on 7 and 8 March 1960.

84. The United States submitted an amendment (E/CN.4/L.550) calling for the replacement of the operative paragraph by the following text:

“Recommends that Member States take into account in their practice the following principles”:

85. The representative of France orally proposed the following revised text:

“Recommends that the United Nations and, without prejudice to existing instruments dealing with asylum, States Members of the United Nations and members of the specialized agencies should base themselves in their practices on the following principles”:

86. The clause “without prejudice to existing instruments dealing with asylum” was intended to meet the point of view of certain members who felt that account should be taken of existing international instruments relating to the right of asylum, such as those which were in force among Latin American countries.

87. There was some discussion regarding the expression to be used in recommending the principles to States. The expression “take into account”, which was used in the United States’ text (E/CN.4/L.550), was unsatisfactory to some members, as it seemed to imply that the principles being recommended to States were already in existence; taken in such context, the expression would amount to an injunction rather than a recommendation. The word “adopt” was suggested, but some members thought the word was too strong. The formulation proposed by the representative of France (see paragraph 85 above) was finally accepted.

88. There was also some discussion as to whether the recommendation should be addressed not only to States but also the United Nations. Some members held that it would be superfluous for the United Nations, through its highest organ, to make recommendations to itself. Moreover the declaration was drafted in the form of a resolution to be adopted by the General Assembly precisely because its purpose was to lay down principles by which Member States would be guided in their practices in the matter of asylum. On the other hand, the view was expressed that it was quite proper for the Assembly to give instructions or advice to all other United Nations bodies. There were United Nations organs which, while mainly concerned with refugees, had on occasion faced the problem of persons fleeing from persecution and misfortune.

89. The vote on the revised text of the operative paragraph orally submitted by France took place at the 652nd meeting. It was as follows:

(a) At the request of the representative of Iraq, a separate vote was taken on the words “the United Nations and”. These words were rejected by 7 votes to 5, with 5 abstentions.

(b) The operative paragraph, as amended, was adopted by 14 votes to 2, with 1 abstention.

Articles

ARTICLE 1

90. Article 1 was considered by the Commission at the 652nd and 653rd meetings, on 8 March 1960.

91. The representative of France submitted the following revised text of article 1 (E/CN.4/L.553):

“Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights shall be respected by all other States.”

92. The new text proposed by France was intended to meet certain objections that had been raised to the old text. Several members felt that the first article of a declaration intended as an elaboration of article 14 of the Universal Declaration of Human Rights should not begin with a reaffirmation of the sovereign right of States but should begin by stressing the right of asylum itself. Some members however, while agreeing with that view, maintained that it was essential to have some reference in the article to the sovereignty of States. It was recalled that article 14 of the Universal Declaration recognized the right of the individual to seek and to enjoy asylum, but not the right to be granted such asylum. States had the sovereign right to grant or to refuse asylum in any particular case.

93. The reference to “international responsibility” in the second sentence of the original text of article 1 was criticized as vague and liable to give rise to controversy. Some members could not accept the idea that the State of asylum was to be free from international responsibility of any kind. It was held that, by granting asylum to a person, the State incurred responsibility towards such person, towards the United Nations and towards the State from which the person had come.

94. Regarding the third sentence of the original text, which stated the principle that asylum granted by a State must be respected by all other States, many members felt that the idea which it expressed was sound and should be retained. Such a provision would strengthen the right of asylum, since it would forestall criticism by one State of any action which another State might take in according asylum to individuals under article 14 of the Universal Declaration of Human Rights. Some members however expressed the fear that such a provision might conflict with the duties of States under extradition treaties.

95. The Commission adopted the revised text of article 1 (E/CN.4/L.553) at its 653rd meeting, by 15 votes to none, with 3 abstentions.

ARTICLE 2

96. Article 2 was discussed at the 652nd to 654th meetings, on 8 and 9 March 1960.

97. The representatives of Argentina, Mexico and Venezuela submitted an amendment (E/CN.4/L.551) calling for the replacement of the text of article 2 of the revised draft Declaration (E/CN.4/L.517) by the following:

“The international community, as represented by the United Nations, so far as may be compatible with the provisions of Article 2, paragraph 7, of the Charter of the United Nations, has the responsibility to concern itself with the safety and well-being of those who have left their own or another country

because of persecution or well-founded fear of persecution.”

At the 654th meeting the amendment was withdrawn by the sponsors in favour of an amendment submitted by India, Iraq, Lebanon and the United States (E/CN.4/L.556/Rev.1), as orally revised (see paragraph 99 below).

98. An amendment was submitted by the representative of the Philippines (E/CN.4/L.555) replacing the words “has the responsibility to” by the word “should”. The amendment was withdrawn at the 653rd meeting.

99. The representatives of India, Iraq, Lebanon and the United States proposed that articles 2 and 4 be deleted and replaced by the following text which, in its revised form (E/CN.4/L.556/Rev.1), took into account certain suggestions made by the representatives of the United Kingdom and China.

“The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution is of concern to the international community.

“Where a country finds difficulty in continuing to grant asylum States individually or jointly or through the United Nations should consider, in a spirit of international solidarity, appropriate measures to lighten the burden on the country granting asylum.”

At the 654th meeting the sponsors of the amendment agreed to insert in the first paragraph the words “without prejudice to the sovereignty of States” before the words “of concern to the international community”.

100. At the 654th meeting, the representative of Poland orally proposed the addition of the words “and the purposes and principles of the United Nations” after the words “without prejudice to the sovereignty of States”.

101. Some members pointed out that article 2 was closely related to article 4. As there was a proposal to combine the two articles in a single text, it was agreed to discuss the articles together.

102. One of the main objections to the text of article 2 was that it gave rise to the implication that the State of asylum had the obligation to accept United Nations inspection or supervision in regard to conditions affecting the persons granted asylum. The safety and well-being of persons granted asylum were the exclusive concern of the State of asylum, and to authorize the United Nations to intervene in such matters would be contrary to Article 2, paragraph 7, of the Charter of the United Nations.

103. Some members thought that certain expressions used in article 2 laid the text open to misunderstanding and misinterpretation. The expression “the international community, as represented by the United Nations” was criticized as inappropriate, since there were large areas of the world not represented in the Organization. The passage “has the responsibility to concern itself” was thought to be too strong and to give the impression that it imposed an obligation on the United Nations which went beyond its responsibilities under the Charter. The words “safety” and “well-being” were objected to, as they had no precise meaning and, in the context in

which they were used in article 2, could justify intervention by the United Nations or by other States in matters which were within the domestic jurisdiction of the State granting asylum. Some members also criticized the expression "well-being" on the ground that, by virtue of that expression, persons enjoying asylum might be treated better than the citizens of the host country.

104. The view was expressed that the article should simply lay down in general terms the principle that the plight of those who flee from persecution and seek asylum in another country "is of concern to the international community".

105. Objections to article 4 centred on the fact that, as drafted, it placed other countries under an obligation to assist the State of asylum whenever such State found difficulty in continuing to grant asylum. As the other countries did not have a right to be consulted by the State of asylum before it granted asylum, it was going too far to ask them to assume an obligation to come to the aid of the State granting asylum whenever it encountered difficulties as a result of a decision which it had taken unilaterally. While recognizing that the international community, in a spirit of solidarity, should try to help States which found themselves in difficulty as a result of an undertaking inspired by humanitarian considerations, some members felt that the assistance which other States might lend in such cases should be given voluntarily on their part, taking into account economic and other factors.

106. The combined text proposed by India, Iraq, Lebanon and the United States (E/CN.4/L.556/Rev.1) sought to avoid some of the difficulties which the texts of articles 2 and 4 posed. Paragraph 1 of the combined text set out the principle laid down in article 2, while paragraph 2 expressed the principle contained in article 4. In an effort to meet the viewpoint of those who wanted assurance that the article could not be used to justify interference in the domestic affairs of States, the sponsors agreed to add at the end of paragraph 1 a clause safeguarding the sovereignty of States. It was suggested that a clause should be included which would make it clear that the article did not allow any intervention which was contrary to the purposes and principles of the United Nations. Some members thought that such a clause would allay the fears of States and thus strengthen the article; others however felt that it was unnecessary and tended only to overburden the text.

107. The four-Power amendment was considered inadequate by some members. Paragraph 1 was thought to be much weaker than the original text of article 2 and lacked the moral impact which that article would have had. Paragraph 2 was unsatisfactory to those who felt that the Commission should specify the difficulties which the State of asylum might face and the measures which other States ought to take in order to assist such State in its difficulties.

108. Voting on article 2 took place at the 654th meeting, on 9 March 1960, as follows :

- (a) The sub-amendment proposed orally by Poland (see paragraph 100) was adopted by 12 votes to none, with 6 abstentions.

- (b) The four-Power amendment (E/CN.4/L.556/Rev.1), as amended, was adopted by 15 votes to none, with 3 abstentions.

ARTICLE 3

109. Article 3 was discussed at the 654th to 659th meetings, from 9 to 11 March 1960.

110. Several members of the Commission stressed the importance of article 3, pointing out that it involved a crucial principle which was at the very core of the declaration. It embodied the so-called principle of *non-refoulement* and envisaged a situation where a person seeking or enjoying asylum would face serious danger to his life or liberty if he were rejected at the frontier or returned to the country from which he had fled owing to fear of persecution. In such cases the humanitarian duty to save life was urgent and compelling.

111. While agreeing to the principle involved, some members found difficulty in accepting the text of article 3 proposed by France (E/CN.4/L.517) (see paragraph 70 above). It was pointed out that the text was based on article 33 of the Convention relating to the Status of Refugees.⁵ As article 3 was taken from an instrument which had legally binding force, it was out of tune with the other articles of the draft Declaration.

112. As regards the first sentence of the article, the view was expressed that a detailed listing of the grounds justifying the application of the principle was not only unnecessary but undesirable, since the terms used were vague and subject to various interpretations. It was suggested that the words "where his life, physical integrity or liberty would be threatened on account of his race, religion, nationality, or membership of a particular social group or political opinion" should be replaced by the following clause, which was simpler and more general : "where he has well-founded fear of persecution" (see paragraph 118 below). Other members, however, stated that the latter formulation would broaden the scope of the article considerably. They maintained that the principle of *non-refoulement* should be restricted to the more urgent cases, where the life, physical integrity or liberty of the individual concerned would be seriously endangered.

113. Most of the objections however were centred on the second sentence of the article. Some members pointed out that the text was ambiguous and lacking in precision. The reference to conviction for "a particularly serious crime or offence" was cited as an example of the difficulties which would arise in the application of the article. It was not clear whether the crimes referred to were common law crimes or political crimes. Neither was it clear whether offences committed in the country of origin or those committed in the country of asylum were meant. Furthermore, the term "serious" was subject to various interpretations, and there was no indication as to who was to be the judge of the seriousness

⁵ United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva, Switzerland, from 2 to 25 July 1951, *Final Act and Convention relating to the Status of Refugees* (United Nations publication. Sales No. : 1951. IV.4).

of the offences in question. The view was also expressed that a person might be a danger to the community of the country even though he had not been convicted of a serious crime. Moreover, it was pointed out that the provision would be difficult to apply, particularly in the case of an influx *en masse* of people seeking asylum.

114. In the opinion of some members the article suffered from a lack of balance, since the second sentence, which reserved the right of the State not to apply, under certain circumstances, the principle established by the article, was too restricted. The text specified only two exceptions, namely: (1) where the person seeking asylum would constitute a danger to the security of the State; and (2) where such person, having been convicted by a final judgement of a particularly serious crime or offence, would constitute a danger to the community of the receiving country. It was held that there might be other compelling reasons which would justify the State in refusing to grant asylum to the person or persons seeking refuge. For example, cases might arise in which the safety, health or well-being of the population of the receiving State would be threatened by the admission of large masses of people seeking asylum within its territory. States had, after all, the primordial duty to safeguard the security and welfare of their own people. The second clause therefore should not be too rigid or too narrow but should provide for all possible contingencies. It should moreover envisage not only cases of individual requests for asylum, but also mass movements of people fleeing from their countries and trying to seek refuge in other countries.

115. On the other hand, members stressing the humanitarian aim of article 3 stated that to whittle it down by allowing broad exceptions would make it lose its meaning and value. It was pointed out that the voluntary restriction of sovereignty envisaged in the article was of a very limited nature, since it related solely to preventing the return of the individual concerned to the country where his life or liberty would be seriously endangered. The receiving State was free to send him elsewhere or arrange for him to be taken over by any other State. There was nothing in the article which required the receiving State to grant asylum to such person. The article recognized, in the second sentence, the right of the State to protect itself and its people. The exceptions to the principle of *non-refoulement* would deprive certain persons who were a danger to the security of the receiving country or, owing to their criminal record, to the community, of the benefits of the provision. To allow States extensive freedom to override the principle would vitiate the purpose of the article.

116. The United Nations High Commissioner for Refugees, who spoke before the Commission at the invitation of the Chairman, stressed the importance of the principle of *non-refoulement* being stated unambiguously in the draft Declaration. In the experience of his Office, States had in practice acted in a humanitarian spirit and usually most generously in granting asylum. The draft Declaration should avoid giving the impression that in future they would not wish to do so.

117. The representatives of Argentina, Mexico and Venezuela submitted an amendment (E/CN.4/L.554)

whereby the second sentence of article 3 was to be replaced by the following:

“This principle shall not apply when there are reasonable grounds for regarding such persons as a danger to the security of the receiving country or to the community of that country.”

This amendment was not pressed by its sponsors after new texts of paragraph 2 of article 3 were submitted by France and by India and Lebanon (see paragraphs 119 and 120 below).

118. The representative of Austria submitted an amendment (E/CN.4/L.558) calling for the replacement of the words “where his life, physical integrity or liberty would be threatened on account of his race, religion, nationality, or membership of a particular social group or political opinion” in the first sentence of article 3 by the following: “where he has well-founded fear of persecution”. This amendment was withdrawn at the 656th meeting by the sponsor, who stated that it had been incorporated in the new text submitted by France (see paragraph 119 below).

119. After an exchange of views in the Commission, the representative of France presented the following revised text of article 3:

“1. No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights should be subjected to measures such as rejection at the frontier, return or expulsion which would result in compelling him to return to or remain in the territory where he has well-founded fear of persecution endangering his life, physical integrity or liberty” (E/CN.4/L.559).

“2. The previous paragraph shall not prevent a State from taking one of the above-mentioned measures with respect to persons thus endangered, should it deem this necessary for overriding reasons pertaining to national security or to the protection of its population” (E/CN.4/L.561).

“3. In cases where a State decides to apply any of the above-mentioned measures, it should consider the possibility of the grant of provisional asylum under such conditions as it may deem appropriate, to enable the persons thus endangered to seek asylum in another country” (E/CN.4/L.560/Rev.1).

120. The representatives of India and Lebanon submitted amendments (E/CN.4/L.562) to the revised text of article 3, replacing the words “he has” in paragraph 1 (E/CN.4/L.599) by the words “there is”, and revising paragraph 2 as follows:

“2. The principle contained in paragraph 1 is not applicable in cases where, for reasons of national security or public safety and welfare, a State considers it necessary not to grant asylum.”

121. At the 657th meeting the representatives of India and Lebanon agreed to withdraw the first part of their amendments in favour of an amendment orally proposed by the representative of Iraq replacing the words “in the territory where he has well-founded fear of persecution, endangering his life, physical integrity or liberty”, appearing in the revised text of paragraph 1

submitted by France (E/CN.4/L.559), by the words "in a territory if there is well-founded fear of persecution, endangering his life, physical integrity or liberty in that territory".

122. As regards paragraph 1 of the new text submitted by the representative of France, it was pointed out that the clause "where he has well-founded fear of persecution" might lend itself to a subjective interpretation. It was suggested that the words "there is" instead of the words "he has" would ensure that the fear of persecution should actually be well-founded.

123. Paragraph 2 gave rise to considerable discussion. To some members the formulation proposed by the representative of France was unsatisfactory in that it gave rise to the implication that States could be "prevented" from refusing to grant asylum. It was stated that, as there seemed to be general agreement that some provision should be made for safeguarding the discretion of the receiving State to refuse, for certain reasons, to apply the principle enunciated in paragraph 1, the Commission should not hesitate to approve an explicit clause to that effect. Moreover, the phrase "overriding reasons pertaining to national security or to the protection of its population" was vague. The expression used in the text proposed by India and Lebanon (E/CN.4/L.562)—"reasons of national security or public safety and welfare"—was thought to be much more precise and comprehensible, as it used terms already familiar to the municipal law of many countries. Some members stated that the expression "protection of its population" was, like the words "national security" or "public safety and welfare", equally open to elastic interpretation. On the other hand, certain members felt that the formulation suggested by France was preferable to the text proposed by India and Lebanon. The two proposed texts reflected important differences of approach. The text submitted by India and Lebanon categorically provided for the abrogation of the principle enunciated in paragraph 1 in certain cases, whereas the text prepared by France, by stating that that paragraph "shall not prevent a State" from refusing asylum for certain reasons, was more in the nature of an escape clause. The phrase "protection of its population", it was explained, would include measures to safeguard public health. That phrase was preferable to the term "public welfare", which could be used to justify a refusal to grant asylum prompted by selfish considerations. It could, for example, be claimed that the reception of a large number of persons seeking asylum would affect the well-being of the resident population, since they had to be housed and fed.

124. Paragraph 3, it was explained, embodied an idea which was consistent with the humanitarian aim of the article. It sought to reconcile the humanitarian duties set forth in paragraph 1 and the practical difficulties of States confronted with undesirable persons seeking asylum. In those cases in which States found themselves unable, for any of the reasons mentioned in paragraph 2, to apply the principle laid down in paragraph 1, return to the country of origin should be considered only as a last resort. However, some members felt that it was not desirable to incorporate the idea expressed in paragraph 3. It seemed too much to ask a State to grant even tempo-

rary asylum to those persons whom it considered to be a threat to its national security. Measures other than provisional asylum might be taken in such cases. It was also pointed out that the idea embodied in paragraph 3 was new and that Governments had not had an opportunity to comment on it.

125. The Commission voted on article 3 at its 657th and 658th meetings, on 10 and 11 March 1960, as follows:

Paragraph 1

(a) The amendment of the representative of Iraq replacing the words "in the territory where he has well-founded fear of persecution, endangering his life, physical integrity or liberty" by the words "in a territory if there is well-founded fear of persecution, endangering his life, physical integrity or liberty in that territory" was adopted by 15 votes to none, with 3 abstentions.

Paragraph 2

(b) The amendment submitted by India and Lebanon (E/CN.4/L.562) was rejected by 8 votes to 4, with 6 abstentions.

(c) At the request of the representative of China, the words "or to the protection of its population" at the end of the revised text submitted by France (E/CN.4/L.561) were put to a separate vote. These words were not adopted, 6 votes being cast in favour and 6 against, with 6 abstentions.

(d) Paragraph 2 (E/CN.4/L.561), as thus amended, was adopted by 7 votes to 4, with 7 abstentions.

Paragraph 3

(e) The revised text submitted by France (E/CN.4/L.560/Rev.1) was adopted by 10 votes to 5, with 3 abstentions.

Article 3 as a whole

(f) Article 3, as a whole, as amended, was adopted by 9 votes to 6, with 3 abstentions.

RECONSIDERATION OF ARTICLE 3

126. Several members expressed regret at the result of the vote on article 3. It was said that the rejection of the text of paragraph 2 proposed by India and Lebanon gave a completely different complexion to article 3 and had made that article, and the draft Declaration as a whole, unacceptable to some members. The view was also expressed that the deletion of the clause "or to the protection of its population" in paragraph 2 made the text unsatisfactory. A compromise text which would be more likely to command a sufficiently wide measure of support should be worked out. It was therefore suggested that the Commission should reconsider the decision which it had taken on article 3. On the other hand some members, while admitting that the text of article 3 as adopted was not entirely satisfactory, felt that there would be opportunities of improving the text in the Economic and Social Council and the General Assembly. Moreover, it was doubted whether it was possible, within the time available, to work out a suitable compromise text.

127. At the 659th meeting on 11 March 1960, the representative of Iraq proposed that article 3 as a whole should be reconsidered by the Commission. The proposal was adopted by 15 votes to 1, with 2 abstentions.

128. The representative of Iraq orally proposed that paragraph 1 should be amended by the insertion of the words "except for overriding reasons of national security and safeguarding of the population" between the words "should" and "be subjected"; if the proposal was adopted, paragraph 2 would as a consequence be deleted.

129. The representative of Austria thought that there was no necessity to reopen the discussion of paragraph 1 as it would be simpler to revise the text of paragraph 2. He proposed that at the end of paragraph 2 the words "or to the protection of its population" should be added.

130. At the request of the representative of China, the words "and safeguarding of the population" in the amendment submitted by the representative of Iraq to paragraph 1 (see paragraph 128 above) were put to a separate vote. The words were adopted by 14 votes to 1, with 3 abstentions.

131. The amendment proposed by the representative of Iraq was adopted by 12 votes to none, with 6 abstentions. As a consequence of the adoption of this amendment the proposal of the representative of Austria (see paragraph 129 above) was not put to the vote.

132. Paragraph 2 (formerly paragraph 3) of article 3 was adopted by 11 votes to 3, with 4 abstentions, after a proposal by the representative of Poland that no decision should be taken on the substance of paragraph 2 had been rejected by the Commission by 10 votes to 3, with 4 abstentions.

133. The new text of article 3 as a whole, as amended, was adopted by 14 votes to 2, with 2 abstentions. Some members, while voting in favour of the article, made certain reservations.

ARTICLE 4

134. Article 4 was discussed at the 658th meeting on 11 March 1960.

135. The representative of Lebanon proposed (E/CN.4/L.563) the text of a new article 4, as follows:

"Persons enjoying asylum should not engage in activities contrary to the purposes and principles of the United Nations."

136. Several members welcomed the inclusion of the article proposed by the representative of Lebanon. In their view there was need to state unambiguously in the declaration the responsibility of the individual granted asylum, as a counterpart of the responsibilities enjoined upon States. The individual granted asylum should not engage in activities which would impair friendly relations between States. The expression "activities contrary to the purposes and principles of the United Nations" was considered suitable, as it could not be construed to imply that a person enjoying asylum would be deprived of the exercise of his fundamental human rights and freedoms.

137. Other members felt that, although its substance was unobjectionable, the article was unnecessary and out

of place in a declaration addressed to States. It was also pointed out that there was a danger of creating the impression that everything which the text did not prohibit was permissible, particularly that it might be permissible for the persons enjoying asylum to engage in subversive activities against the host country as long as those activities were not contrary to the purposes and principles of the United Nations. It was also stated that the article could be read as enjoining States to take repressive measures.

138. At the 658th meeting, the article proposed by the representative of Lebanon (E/CN.4/L.563) was adopted by 14 votes to none, with 4 abstentions.

ARTICLE 5

139. The Commission discussed article 5 at its 658th meeting, on 11 March 1960.

140. The amendment submitted by the representative of Iraq (E/CN.4/L.518) called for the addition of a new article 5, reading as follows:

"Nothing in this Declaration shall be interpreted to prejudice the right of everyone to return to his country as stated in article 13, paragraph 2, of the Universal Declaration of Human Rights."

141. In support of the proposed article, it was explained that in a declaration which elaborated the right of an individual to leave any country including his own, as enunciated in the first part of article 13, paragraph 2, of the Universal Declaration of Human Rights, a statement reaffirming the second part of that paragraph, namely the right to return to his own country, should be included. The absence of a clear statement of that right in the declaration might prejudice that right. Moreover, the draft Declaration recognized that an influx of persons seeking asylum might create difficulties for the receiving countries and called upon the international community to consider appropriate ways of rendering assistance to such countries. The best solution, however, would be to facilitate the return of those people to their own countries when conditions permitted and provided that they expressed a desire to go back. On the other hand, some members considered the inclusion of the proposed article to be unnecessary, particularly since the principle it embodied was already mentioned in the preamble of the draft Declaration. One member thought that to single out "the right to return to one's country" would be undesirable, as there were other rights set forth in the Universal Declaration of Human Rights to which a person seeking asylum was entitled. Furthermore, the article seemed out of place in a declaration dealing with the right of asylum.

142. Article 5 was adopted at the 658th meeting by 13 votes to none, with 5 abstentions.

Adoption of the draft Declaration and transmission of the text to the Economic and Social Council

143. At the 662nd meeting, on 15 March 1960, the draft Declaration on the Right of Asylum as a whole was adopted by 12 votes to none, with 3 abstentions.

144. The representatives of Iraq, Lebanon and Venezuela stated that they would have voted in favour of the draft Declaration had they been present when it was put to the vote.

145. After the adoption of the draft Declaration the Commission discussed the question whether to forward it to Governments for further comments, or to transmit it direct to the Economic and Social Council. Some members thought that Governments should be further consulted on the draft so that the Commission might have a second reading at its next session. Others were of the opinion that the draft should be sent direct to the Economic and Social Council. Some others felt that the draft Declaration could be sent to the Economic and Social Council and at the same time forwarded to Governments for comments. In that connexion, it was suggested that the comments of Governments should be sent to the Economic and Social Council at its thirtieth session.

146. A draft resolution was submitted by the representative of France (E/CN.4/L.567) concerning transmission of the draft Declaration to the Economic and Social Council, and an amendment thereto was submitted by the representatives of India and Lebanon (E/CN.4/L.569). At the 662nd meeting, on 15 March 1960, the amendment of India and Lebanon, as orally revised by the sponsors, was adopted by 14 votes to none, with 4 abstentions, and the French draft resolution, as amended and with changes orally made by its sponsor, was adopted by 15 votes to none, with 3 abstentions. The text of the resolution adopted is as follows:

3 (XVI). DRAFT DECLARATION ON THE RIGHT OF ASYLUM

The Commission on Human Rights

1. *Transmits* to the Economic and Social Council the draft Declaration on the Right of Asylum which it has adopted, together with the records and documents relating to the work it has accomplished since 1956 on the subject;⁶

2. *Requests* at the same time the Secretary-General to transmit the draft Declaration and these records and documents to the States Members of the United Nations and members of the specialized agencies, to enable them to send to the Economic and Social Council, before its thirtieth session, their further comments, if any, on the draft Declaration, and in particular on article 3 thereof.

TEXT OF THE DRAFT DECLARATION ON THE RIGHT OF ASYLUM ADOPTED ON 15 MARCH 1960

147. The text of the draft Declaration adopted by the Commission reads as follows:

⁶ *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, paras. 108-112; *Ibid.*, *Twenty-fourth Session, Supplement No. 4*, paras. 206-214; *Ibid.*, *Twenty-eighth Session, Supplement No. 8*, paras. 52-74; E/CN.4/713, 738, 781 and Add. 1-2, 785, 793 and Add. 1-6, 794 and Add. 1-3, 795, 796; E/CN.4/L.454 and Rev. 1, 459, 517, 518, 550, 551, 553-556, 556/Rev. 1, 557-560, 560/Rev. 1, 561-563; E/CN.4/SR.539, 564, 572-575, 618-622, 650-659, 662.

The General Assembly,

Recalling that among the purposes of the United Nations is the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Mindful of the Universal Declaration of Human Rights which declares in Article 14 that "(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution; (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations",

Recalling also paragraph 2 of Article 13 of the Universal Declaration of Human Rights which states that "every-one has the right to leave any country, including his own, and to return to his country",

Recommends that, without prejudice to existing instruments dealing with asylum, States Members of the United Nations and members of the specialized agencies should base themselves in their practices on the following principles:

Article 1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke Article 14 of the Universal Declaration of Human Rights shall be respected by all other States.

Article 2. The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community.

Where a country finds difficulty in continuing to grant asylum, States individually or jointly or through the United Nations should consider, in a spirit of international solidarity, appropriate measures to lighten the burden on the country granting asylum.

Article 3. No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights should, except for overriding reasons of national security or safeguarding of the population, be subjected to measures such as rejection at the frontier, return or expulsion which would result in compelling him to return to or remain in a territory if there is well-founded fear of persecution endangering his life, physical integrity or liberty in that territory.

In cases where a State decides to apply any of the above-mentioned measures, it should consider the possibility of the grant of provisional asylum under such conditions as it may deem appropriate, to enable the persons thus endangered to seek asylum in another country.

Article 4. Persons enjoying asylum should not engage in activities contrary to the purposes and principles of the United Nations.

Article 5. Nothing in this Declaration shall be interpreted to prejudice the right of everyone to return to his country as stated in article 13, paragraph 2, of the Universal Declaration of Human Rights.

VII. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

148. At the 660th to 665th meetings, held on 14 to 16 March 1960, the Commission examined item 8 of its agenda, entitled "Prevention of discrimination and protection of minorities". The Commission had before it (a) the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session) (E/CN.4/800); (b) a minority report (E/CN.4/801) prepared by Mr. Philip Halpern (USA), a member of the Sub-Commission; (c) three communications from UNESCO relating to the study of discrimination in education (E/CN.4/802 and Add.1, and E/CN.4/803); and (d) statements submitted by the International Federation of University Women (E/CN.4/NGO/90), the International Humanist and Ethical Union (E/CN.4/NGO/88), and the International League for the Rights of Man (E/CN.4/NGO/87). The agenda item, as adopted by the Commission, was divided into two parts: (a) Study of discrimination in education, and (b) report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session). On the suggestion of the Chairman, the Commission decided to reverse the order of the discussion of the two parts. It further agreed upon the following detailed order of discussion:

1. Report of the Sub-Commission (twelfth session) (E/CN.4/800)

(a) Study of discrimination in the matter of religious rights and practices (E/CN.4/800) paras. 27-162, and resolutions I (XII) and 2 (XII);

(b) Manifestations of anti-Semitism and other forms of racial and national hatred (E/CN.4/800) paras. 163-194, and resolution 3 (XII);

(c) Seminars to study various aspects of, and techniques for, the prevention of discrimination and the protection of minorities (E/CN.4/800, chap. XII, and resolution 10 (XII));

(d) Protection of minorities (E/CN.4/800, chap. XI, and resolution 9 (XII));

(e) Chapters VI, VII, VIII and X of the report.

2. Study of discrimination in education

(a) Measures taken by UNESCO for the preparation of international instruments relating to discrimination in education (E/CN.4/800, chap. IX, and resolution 7 (XII), paras. 1 and 2, E/CN.4/802 and Add. 1, and E/CN.4/803);

(b) Time and place of the thirteenth session of the Sub-Commission (E/CN.4/800, para. 236, resolution 6 (XII));

(c) Preparation of a brief popular summary based on the *Study of discrimination in Education*⁷ (E/CN.4/800, para. 240, resolution 7 (XII), paras. 3 and 4).

149. The Commission examined chapter IV of the report of the Sub-Commission, on communications relating to the prevention of discrimination and the protection of minorities, in connexion with item 9 of its agenda (see paragraph 235 below).

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session)

Study of discrimination in the matter of religious rights and practices

150. At the 660th to 664th meetings, the Commission considered chapter V of the report of the Sub-Commission, on the study of discrimination in the matter of religious rights and practices. In connexion with this chapter, it had before it the study (E/CN.4/Sub.2/900) drawn up by the Sub-Commission's Special Rapporteur, Mr. Arcot Krishnaswami (India). The study had been prepared in accordance with resolution B adopted by the Sub-Commission at its sixth session (E/CN.4/703, para. 97), and resolution B adopted by the Sub-Commission at its eleventh session (E/CN.4/778, para. 111).

151. On the invitation of the Commission (648th meeting), Mr. Krishnaswami was present and participated in the Commission's meetings when his study, and the relevant chapter of the Sub-Commission's report, were under discussion.

152. In an introductory statement at the 660th meeting, Mr. Krishnaswami pointed out that his study constituted the second in the series of studies of discrimination which had been prepared by the Sub-Commission and submitted to the Commission, the first having been the *Study of Discrimination in Education*, which the Commission had received in 1957. The Sub-Commission had initiated the study of discrimination in the matter of religious rights and practices in 1956, and had appointed him as its Special Rapporteur. It had directed him to be guided, as appropriate, by the general instructions in the resolution concerning the study of discrimination in education, which had been adopted by the Sub-Commission at its sixth session and amended by the Commission on Human Rights at its tenth session. Under those instructions the Special Rapporteur had collected, analysed and verified material from various sources, including Governments, specialized agencies, the Secretary-General, non-governmental organizations, and the writings of recognized scholars and scientists. He had prepared a series of eighty-six draft "country monographs", each of which had been transmitted to the Government of the country concerned for comment and supplementary data. The information in the country monographs, revised in the light of the comments received from the respective Governments, had served as the basis for a two-part draft report (E/CN.4/Sub.2/L.123 and Add. 1), which had been examined by the Sub-Commission at its tenth and eleventh sessions, and subsequently for the final study, which the Sub-Commission, after consideration at its twelfth session, had transmitted to the Commission.

153. In the study, Mr. Krishnaswami explained, he had attempted to formulate positive and constructive principles to be applied in the eradication of discrimination in respect of freedom of thought, conscience and religion. He had called these principles "basic rules".

⁷ United Nations publication, Sales No.: 1957.XIV.3.

The Sub-Commission had adopted them on the whole but had clarified them in some respects. It had also added a preamble and two new provisions, one relating to the maintenance of a religion or belief, and the other relating to the manifestation of a religion or belief through teaching. The Sub-Commission had not expressed itself on the eventual form which these principles might take, but had left that question to the superior bodies to determine. It had however leaned towards a declaration, as was obvious from the form of its resolution on principles. Its minimum request had been that those principles should be adopted, and that they should be borne in mind by the General Assembly when it prepared the final text of article 18 of the draft Covenant on Civil and Political Rights,⁸ on freedom of thought, conscience and religion.

154. Mr. Krishnaswami expressed the view that the attention of the General Assembly should be drawn in particular to the second principle in part I of the texts adopted by the Sub-Commission (E/CN.4/800, para. 160, resolution 1 (XII), annex), on the religious upbringing of children, and to the two principles set forth in paragraphs 1 and 2 of part IV, the first dealing with action to be taken in the event of a conflict between the demands of two or more religions or beliefs, the second with the granting of subsidies or exemptions from taxation to a religion or belief or its followers. In conclusion, he pointed out that there was increasing recognition of the right to freedom of thought, conscience and religion in the world. On the one hand there had occurred a favourable change of attitude towards the rights of agnostics and atheists in certain areas. On the other hand, the attitude of certain religions towards other religions had also improved. In his study he had not minimized the unfavourable factors, and had referred to the possibility of a reversal of the trend towards greater freedom. But the fact that there was, on the whole, a favourable trend gave hope and strength to those who believed that the time was ripe for an elaboration of the general principles of non-discrimination, and of freedom of thought, conscience and religion, enshrined in the Universal Declaration of Human Rights. He warned however that the international community had a responsibility to take proper safeguards against any sudden reversal of those trends. Ultimately, he said, it was the education of the world community that counted in the matter, and that was a difficult and complicated task on which much more serious thinking still had to be done.

155. Various members of the Commission expressed their views on the study. Those views are summarized in the records of the 661st and 662nd meetings.

156. A representative of the Commission on the Status of Women, Mrs. Marie Hélène Lefaucheux (France), also participated in the discussion of the study. Her statement is summarized in the record of the 661st meeting.

157. In addition, the Commission heard statements by representatives of the Agudas Israël World Organization, the Commission of the Churches on International

Affairs, the International Catholic Child Bureau, the International Conference of Catholic Charities and the International Federation of Women Lawyers. These statements are summarized in document E/CN.4/SR.661.

General appraisal of the study

158. In part A of resolution 1 (XII), the Sub-Commission had expressed its deep appreciation to its Special Rapporteur for his devoted work on the study, had congratulated him warmly on his final study, and had expressed its gratitude to the States Members of the United Nations and members of the specialized agencies, to the Commission on the Status of Women and to the non-governmental organizations concerned, for their collaboration. The Sub-Commission had transmitted the study to the Commission on Human Rights, together with the summary records of the discussion at its twelfth session (E/CN.4/Sub.2/SR.280-306), for its consideration. It had also transmitted to the Commission a series of draft principles, which it had prepared on the basis of proposals for action submitted to it by the Special Rapporteur, in the belief that the adoption by the United Nations of recommendations to its Members, based upon these principles, would be a fitting culmination to the study. Finally, it had decided to retain the subject of discrimination in the matter of religious rights and practices on its agenda, in order that it might keep in touch with the efforts made to eradicate such discrimination.

159. Members of the Commission were unanimous in expressing to Mr. Krishnaswami their appreciation of the excellent work which he had performed in his capacity as Special Rapporteur of the Sub-Commission. In their view he had produced, with competence and good faith, a masterly study of great intrinsic importance, pertaining to the very core of the work of the Commission. The study was constructive, comprehensive, and, above all, objective and impartial. Mr. Krishnaswami, in their view, had demonstrated unusual skill and finesse in avoiding the pitfalls of controversy inherent in the subject-matter, and had produced a study which was not only profoundly scientific and scholarly, but which also had the virtues of conciseness and clarity.

Action to be taken on the study

160. In part B of resolution 1 (XII), the Sub-Commission had expressed the belief that the most effective way of combating discrimination in the matter of religious rights and practices was through sustained educational efforts on an international scale, and that the triennial reporting procedure of the Commission on Human Rights provided a suitable framework within which Governments could report progress in combating such discrimination.

161. The Sub-Commission had submitted a draft resolution in accordance with which the Commission would ask the Economic and Social Council to request the Secretary-General (a) to print and give wide circulation to the study of discrimination in the matter of religious rights and practices, and (b) to arrange for the preparation, by a suitably qualified writer, of a brief popular summary of the study, so that the summary

⁸ *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7, annex I, B.*

might be published and used widely throughout the world, particularly in universities, schools and other educational institutions, to combat such discrimination.

162. By the draft resolution the Council would be requested to urge the Governments of States Members of the United Nations and members of the specialized agencies to take into consideration the information and conclusions contained in the study; to be guided by the principles drawn up by the Sub-Commission in that connexion, after their final approval; and to continue, and, if necessary, to accentuate, their educational efforts designed to eliminate all discrimination based upon religion or belief.

163. Finally, the Council would be asked to request the General Assembly to take account of those principles, so far as might seem appropriate, when it came to consider article 18 of the draft Covenant on Civil and Political Rights.

164. The Commission did not examine the Sub-Commission's draft resolution in detail, but accepted as a basis for its discussion two draft resolutions submitted jointly by Argentina, Belgium and the United States of America (E/CN.4/L.565 and E/CN.4/L.566).

Consideration of draft resolutions

165. In the first of the two draft resolutions (E/CN.4/L.565) it was proposed that the Commission should request the Secretary-General to transmit to the Governments of States Members of the United Nations and members of the specialized agencies the text of the draft principles which had been prepared by the Sub-Commission, so that they might submit, not later than 31 October 1960, their comments on the substance of those principles and the form in which they should be embodied. It was further proposed that the Commission should decide to include the question in the provisional agenda of its seventeenth session.

166. Some members of the Commission expressed their support for the principles formulated by the Sub-Commission, but pointed out that the problem of discrimination in the matter of religious rights was of such great importance that it deserved a great deal of further study and cogitation. It was recalled that the Commission had normally, in the course of preparing declarations for submission to the General Assembly, examined the comments of Governments on the texts under consideration before putting them into final form. Moreover, several members stated that because the Sub-Commission had only recently adopted the principles, they were not yet in a position to consider them in detail.

167. The joint draft resolution was put to the vote at the 662nd meeting, on 15 March 1960, and was adopted unanimously. It read as follows:

4. (XVI). DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

The Commission on Human Rights,

Noting the draft principles on religious rights and practices drawn up by the Sub-Commission on Preven-

tion of Discrimination and Protection of Minorities (E/CN.4/800, para. 160, resolution I (XII), annex),

Considering that the importance of the question calls for a thorough study of the principles submitted to the Commission, as well as consideration of the views of the Governments of States Members of the United Nations on the matter,

1. *Requests* the Secretary-General to transmit to the Governments of States Members of the United Nations and members of the specialized agencies the text of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, so that they may submit, not later than 31 October 1960, their comments on the substance of the draft principles and the form in which such principles should be embodied;

2. *Decides* to include this question in the provisional agenda of the seventeenth session of the Commission.

168. In the second of the two draft resolutions (E/CN.4/L.566) it was proposed, first, that the Economic and Social Council should request the Secretary-General to circulate as widely as possible the study prepared by the Special Rapporteur, for the use of Governments, specialized agencies, research centres and individuals interested in the problems concerned; and, secondly, that the Council should draw the attention of the General Assembly to the study prepared by the Special Rapporteur and to the fact that the principles drawn up by the Sub-Commission had been submitted to Governments for their observations, in order that the General Assembly might take that information into account when it considered article 18 of the draft Covenant on Civil and Political Rights.

169. Some members of the Commission supported the three-power proposal, while others expressed the view that it had not gone far enough in making the study of discrimination in the matter of religious rights and practices widely available to all who might be interested in its subject-matter. Those who favoured the proposal explained that, while in their view the study should be circulated widely to those seriously interested in the problem of religious liberty, it should not be made available to anyone who might misuse it for propaganda purposes. Those who held the view that the draft resolution was not sufficiently comprehensive recalled that the Sub-Commission had asked the Commission to request the Economic and Social Council to authorize the printing of the study and its wide dissemination to the general public. Moreover, the Sub-Commission had also recommended that a brief popular summary of the study should be prepared, for use throughout the world in combating discrimination in the matter of religious rights and practices, a proposal which they also viewed with favour. They pointed out that if the study was to be given wide circulation, it should be made available in printed form. It would be circulated not as a report adopted by the United Nations, but as a study prepared for a United Nations organ by Mr. Krishnaswami in his individual capacity as an expert and a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was recalled by some members that the United Nations had frequently printed and distributed reports prepared on the responsibility of individual experts, and that the Commission itself had set a precedent at its

thirteenth session by requesting the Secretary-General to print and give wide circulation to the *Study of Discrimination in Education*. They could see no reason for distinguishing between the treatment accorded the two studies. The study before the Commission had been completed by Mr. Krishnaswami and there was no proposal that it should be revised or rewritten. Even though some of the proposals put forward by Mr. Krishnaswami might not win full acceptance by the responsible United Nations organs, that was immaterial to the question of the printing of the study. An editorial note could be inserted in the study, when printed, explaining its status and indicating that the views expressed and the conclusions drawn were those of the author and not of the United Nations.

170. A statement of the financial implications of the Sub-Commission's draft resolution (E/CN.4/800/Add.1) was drawn to the attention of the Commission (see annex II).

171. In the light of the discussion, the representative of India submitted two amendments (E/CN.4/L.570) to the joint draft resolution. In the first of these it was proposed that the words "print and" should be inserted, in operative paragraph 1, between the words "Secretary-General to" and "circulate". The second was that the words "*inter alia*" should be inserted between the words "for the use" and "of Governments" in the same operative paragraph.

172. The representative of Iraq proposed that an additional operative paragraph should be added to the draft resolution, whereby the Commission would express its appreciation to the Special Rapporteur for his valuable study. This proposal was accepted by the sponsors of the draft resolution.

173. There was some discussion in the Commission concerning the third preambular paragraph of the joint draft resolution, which read as follows:

"*Considering* that the Commission on Human Rights' triennial reporting procedure provides a suitable framework within which Governments can report progress in combating such discrimination."

The objection raised to that paragraph was that it appeared to prejudice decisions which could only be made after the Commission had studied the problem of combating discrimination in the matter of religious rights and practices in greater detail at a later session. In view of those objections, the sponsors withdrew the paragraph.

174. The first of the Indian amendments was adopted by the Commission by 12 votes to none, with 5 abstentions. The second amendment was adopted by 10 votes to 5, with 3 abstentions. The draft resolution, as amended, was adopted unanimously, at the 662nd meeting, on 15 March 1960. It read as follows:

5 (XVI). STUDY OF DISCRIMINATION IN THE MATTER
OF RELIGIOUS RIGHTS AND PRACTICES

The Commission on Human Rights,

Having considered part B of resolution I (XII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 160),

Recommends to the Economic and Social Council the adoption of the following draft resolution:

[*For the text of the draft resolution, see chapter XI, draft resolution III.*]

MANIFESTATIONS OF ANTI-SEMITISM AND OTHER FORMS
OF RACIAL AND NATIONAL HATRED AND RELIGIOUS AND
RACIAL PREJUDICES OF A SIMILAR NATURE

175. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 3 A (XII) (E/CN.4/800, para. 194), had indicated that it was deeply concerned about the manifestations of anti-Semitism and other forms of racial and national hatred, and religious and racial prejudices of a similar nature, which had occurred in various countries and which were reminiscent of the crimes and outrages committed by the Nazis prior to and during the Second World War; and that it believed that it was the responsibility of the United Nations, representing the international community, to speak out against those manifestations, to ascertain the underlying facts and causes, and to recommend the most effective measures which could be taken against them. The Sub-Commission had expressed its gratification that Governments, peoples and private organizations had spontaneously reacted in opposition to those manifestations. It had condemned the manifestations as violations of principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights, and had decided to consider the subject further at its next session.

176. The Sub-Commission had requested the Commission on Human Rights, in resolution 3 B (XII), to adopt the following draft resolution:

"The Commission on Human Rights,

"Noting the manifestations of anti-Semitism and other forms of racial and national hatred and religious and racial prejudices of a similar nature, which have occurred in various countries, reminiscent of the crimes and outrages committed by the Nazis prior to and during the Second World War,

"Expressing its gratification that Governments, peoples and private organizations have spontaneously reacted in opposition to these manifestations,

"Taking into account the recommendations on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 194, resolution 3 B (XII)),

"1. Condemns these manifestations as violations of principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights, as a violation of the human rights of the groups against which they are directed, and as a threat to the human rights and fundamental freedoms of all peoples;

"2. Urges States Members of the United Nations and members of the specialized agencies, wherever the problem exists, to take all appropriate action to prevent and punish such acts, including the adoption of additional laws, if necessary, and the vigorous enforcement of existing laws;

“3. *Calls* upon public authorities and private organizations to initiate or intensify programmes of education designed to eradicate the racialist views and the prejudice reflected in these manifestations;

“4. *Requests* the Secretary-General to obtain from States Members of the United Nations and members of the specialized agencies, at the earliest possible time, information and comments on the following subjects:

“(a) Manifestations of anti-Semitism and other forms of racial and national hatred and religious and racial prejudices of a similar nature which have occurred within their borders;

“(b) Spontaneous public reaction to these manifestations and the action taken with respect thereto by private organizations;

“(c) Measures which have been taken by the public authorities to prevent such manifestations and to punish the perpetrators thereof and any further measures they may contemplate;

“(d) Their views as to the deep-lying causes and motivations of such manifestations;

“5. *Requests* the Secretary-General to obtain from the United Nations Educational, Scientific and Cultural Organization, and from non-governmental organizations in consultative status, any information and suggestions which they may have on these topics;

“6. *Requests* the Secretary-General to transmit all the above information and comments, including such observations as the members of the Sub-Commission may send to him in their individual capacity as experts, from time to time, as received, to the members of the Sub-Commission;

“7. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its next session, to evaluate the materials received in response to the above requests, to draw such conclusions therefrom as seem to be justified, to recommend such action as seems to be desirable, and to report thereon to the Commission on Human Rights.”

177. All members of the Commission who spoke on this question at the 663rd and 664th meetings, paid a tribute to the Sub-Commission for its action in having drawn to the attention of its superior bodies the manifestations of anti-Semitism and other forms of racial and national hatred which had occurred in various countries. Several members reviewed the atrocities which had been committed by the Nazis in their own countries in the past, and expressed the hope that the Commission would act promptly to prevent a recurrence of such unfortunate events.

178. Some members of the Commission drew attention to the seriousness of the recent manifestations, which were reminiscent of Nazi outrages committed before and during the Second World War. They pointed out that in certain countries the conditions for the renewal of Nazism had not been eradicated. They felt it was therefore important to take immediate and effective measures to eliminate that danger, including the removal from public life in general of any influence

inciting to racial and national hatred, as well as racial and national prejudice of a similar nature, and the education of the younger generation.

179. Some members of the Commission supported without reservation the draft resolution prepared by the Sub-Commission. Others, however, expressed doubts about particular paragraphs, or about what they considered to be the somewhat inquisitorial attitude which the Sub-Commission had adopted. They felt that the draft resolution was in some respects lacking in restraint and dignity, and suggested that the Governments concerned might be more inclined to undertake the investigations, and to submit the reports envisaged therein, if more appropriate language were to be employed.

180. Statements on the draft resolution were made by the representatives of the World Federation of United Nations Associations, the Commission of the Churches on International Affairs, the International Council of Women, the World Jewish Congress, the International Association of Penal Law and the World Federation of Trade Unions. These statements are summarized in the records of the 663rd and 664th meetings.

181. Amendments to the Sub-Commission's draft resolution were submitted jointly by Argentina, Austria, the Philippines and the United Kingdom (E/CN.4/L.571) and by India (E/CN.4/L.572).

182. The four-power amendments to the draft resolution were as follows:

“1. Replace the first preambular paragraph by the following:

“‘*Noting with deep concern* the manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance which have recently occurred in various countries.’”

“2. Replace operative paragraph 1 by the following:

“‘*Condemns* these manifestations as violations of principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights, and in particular as a violation of the human rights of the groups against which they are directed.’”

“3. Replace operative paragraph 2 by the following:

“‘*Urges* States Members of the United Nations and members of the specialized agencies, wherever the problem exists, to take all appropriate action to prevent effectively and punish such acts.’”

“4. Replace operative paragraph 4 (a) by the following:

“‘(a) Manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance which have occurred within their borders.’”

183. The Indian amendments were as follows:

“1. Replace operative paragraph 3 by the following:

‘*Calls upon* public authorities and private organizations to make sustained efforts to educate public opinion with a view to eradicating the racial and religious prejudices reflected in such manifestations and

for the elimination of all undesirable influences promoting such prejudices, and take appropriate measures for directing the education of children with due regard to principle 10 of the Declaration of the Rights of the Child adopted in General Assembly resolution 1386 (XIV).’

“2. Delete paragraph 4.”

184. Both the four-power amendments and the Indian amendments were criticized by some members of the Commission, who expressed the view that they tended to weaken the draft resolution, which had been unanimously adopted by the Sub-Commission. These members pointed out that the effect of the four-power amendments was to delete from the preamble references to the crimes and outrages which have been committed by the Nazis prior to and during the Second World War, to delete from operative paragraph 1 the conclusion that the manifestations which had occurred threatened the human rights and fundamental freedoms of all peoples, and to delete from operative paragraph 2 the suggestion that the adoption of additional laws, if necessary, and the vigorous enforcement of existing laws, were appropriate action to be taken by States in which such manifestations had occurred. They felt that such deletions emasculated the original text. Nor did they consider that the draft resolution would be improved by the revision of operative paragraph 3 and the deletion of operative paragraph 4, as proposed by India.

185. The sponsors of the joint amendments accepted a suggestion made by the representative of France that the phrase “and which might be the forerunner of other heinous acts endangering the future” should be added at the end of their amendment to the first preambular paragraph. They also accepted a sub-amendment to the French amendment to the first preambular paragraph, suggested by the representative of Poland, consisting in the addition of the words “once again” after the words “might be” in the French proposal. They did not however accept a sub-amendment, proposed by the representative of Poland, calling for the addition of the words “racial and national hatred and” between the words “other forms of” and the words “racial prejudice”. The sub-amendment was later put to a separate vote (see paragraph 192).

186. The sponsors of the joint amendments did not accept a sub-amendment proposed by the representative of the Ukrainian SSR, calling for the addition of the phrase “and as a threat to the human rights and the fundamental freedoms of all peoples” at the end of their amendment to operative paragraph 1. The sub-amendment was later put to a separate vote (see paragraph 194).

187. The sponsors of the joint amendments accepted a suggestion made by the representative of Venezuela, for the deletion of the words “wherever the problem exists” from their amendment to operative paragraph 2, and for the replacement of the words “and punish” by the clause “and to punish them where they have been committed”. They could not however accept an amendment proposed by the representative of the Ukrainian SSR, calling for the addition of the phrase “including

the adoption of additional laws, if necessary, and the vigorous enforcement of existing laws” at the end of the text of their amendment. This sub-amendment was later put to a separate vote (see paragraph 196).

188. In the light of the discussion of the Indian proposal for a new text for operative paragraph 3 of the Sub-Commission’s draft resolution, the representative of India revised the text of his amendment. In addition to making various drafting changes, he accepted a suggestion made by the representatives of France and Mexico to make reference in his amendment not only to the Declaration of the Rights of the Child but also to the Universal Declaration of Human Rights.

189. The sponsors of the joint amendment accepted a sub-amendment proposed by France (E/CN.4/574) adding the phrase “if they have taken place in their territory” at the end of their amendment to operative paragraph 4.

190. In the light of the views expressed in the Commission relating to the Indian proposal for the deletion of paragraph 4 of the Sub-Commission’s draft resolution, the representative of India submitted to the Commission a revised proposal, to the effect that operative paragraphs 4 and 5 of the Sub-Commission’s draft resolution should be replaced by the following text:

“4. *Requests* the Secretary-General to arrange, in consultation with the Governments of States Members of the United Nations and members of the specialized agencies in whose territories such manifestations have occurred, the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations in consultative status, to obtain any information or comments relevant to such manifestations, the measures taken to combat them, and their causes or motivations.”

The representative of India accepted a suggestion, put forward by the representative of France, for the addition to this text of a reference to public reaction to such manifestations.

191. One member of the Commission requested that a separate vote be taken on the clause in operative paragraph 6 which read: “including such observations as the members of the Sub-Commission may send to him in their individual capacity as experts”.

192. The Commission rejected, by 9 votes to 5, with 4 abstentions, the Polish sub-amendment to the joint amendment to the first preambular paragraph of the Sub-Commission’s draft resolution (see paragraph 185).

193. The Commission unanimously adopted the joint amendment to the first preambular paragraph of the Sub-Commission’s draft resolution, as revised by the sponsors.

194. The Commission adopted the Ukrainian sub-amendment to the joint amendment to operative paragraph 1 of the Sub-Commission’s draft resolution (see paragraph 186) by a roll-call vote of 7 votes to 6, with 5 abstentions. The vote was as follows:

In favour: India, Iraq, Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Venezuela;

Against: Argentina, Belgium, China, France, United Kingdom of Great Britain and Northern Ireland and United States of America;

Abstentions: Austria, Denmark, Lebanon, Pakistan and Philippines.

195. The joint amendment to operative paragraph 1 of the Sub-Commission's draft resolution, as amended, was adopted unanimously.

196. The Ukrainian sub-amendment to the joint amendment to operative paragraph 2 of the Sub-Commission's draft resolution (see paragraph 187) was rejected by 11 votes to 5, with 2 abstentions. The joint amendment to operative paragraph 2, as modified by the sponsors, was adopted unanimously.

197. The Indian amendment to operative paragraph 3 of the Sub-Commission's draft resolution (see paragraph 188), as revised by the sponsor, was adopted unanimously.

198. The Indian amendment replacing paragraphs 4 and 5 by a new paragraph (see paragraph 190), was adopted unanimously after its sponsor had revised it in the light of the discussion in the Commission.

199. As had been requested (see paragraph 191), a separate vote was taken on the clause "including such observations as the members of the Sub-Commission may send to him in their individual capacity as experts", in operative paragraph 6 of the Sub-Commission's draft resolution. The clause was rejected by 9 votes to 1, with 7 abstentions.

200. The draft resolution of the Sub-Commission as a whole, as amended, was adopted unanimously at the 664th meeting, on 16 March 1960, the text read as follows:

6 (XVI). MANIFESTATIONS OF ANTI-SEMITISM AND OTHER FORMS OF RACIAL PREJUDICE AND RELIGIOUS INTOLERANCE OF A SIMILAR NATURE

The Commission on Human Rights,

Noting with deep concern the manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature which have recently occurred in various countries and which might be once again the forerunner of other heinous acts endangering the future,

Expressing its gratification that Governments, peoples and private organizations have spontaneously reacted in opposition to these manifestations,

Taking into account the recommendations on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 194, resolution 3 B (XII)),

1. *Condemns* these manifestations as violations of principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights, and in particular as a violation of the human rights of the groups against which they are directed, and as a threat to the human rights and fundamental freedoms of all peoples;

2. *Urges* States Members of the United Nations and

members of the specialized agencies to take all appropriate action to prevent effectively such acts and to punish them where they have been committed;

3. *Calls* upon public authorities and private organizations to make sustained efforts to educate public opinion with a view to the eradication of the racial prejudice and religious intolerance reflected in such manifestations and the elimination of all undesirable influences promoting such prejudice, and to take appropriate measures so that education may be directed with due regard to article 26 of the Universal Declaration of Human Rights and principle 10 of the Declaration of the Rights of the Child adopted by the General Assembly in resolution 1386 (XIV);

4. *Requests* the Secretary-General to arrange, in consultation with the Governments of States Members of the United Nations and members of the specialized agencies in whose territory such manifestations have occurred, the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations in consultative status, to obtain any information or comments relevant to such manifestations and public reaction to them, the measures taken to combat them, and their causes or motivations;

5. *Requests* the Secretary-General to transmit all the above information and comments, from time to time, as received, to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

6. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its next session, to evaluate the materials received in response to the above requests, to draw such conclusions therefrom as seem to be justified, to recommend such action as seems to be desirable, and to report thereon to the Commission on Human Rights.

SEMINARS TO STUDY VARIOUS ASPECTS OF, AND TECHNIQUES FOR, THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

201. In its resolution 10 (XII) (E/CN.4/800, para. 262) the Sub-Commission submitted to the Commission on Human Rights a draft resolution whereby the Commission would ask the Economic and Social Council to request the Secretary-General, in consultation with interested specialized agencies, and especially the International Labour Organisation and UNESCO, to organize, on his own initiative, a series of seminars of experts, to be nominated by Governments and acting in their individual capacity, to study various aspects of, and techniques for, the prevention of discrimination and the protection of minorities, including seminars on the causes and elimination of prejudice in all its forms.

202. In submitting the draft resolution, the Sub-Commission had recalled General Assembly resolution 926 (X), on advisory services in the field of human rights, whereby the Secretary-General had been authorized to make available certain forms of assistance with respect to the field of human rights, including seminars, at the request of Governments. The Sub-Commission had also recalled

that at its eighth session, in 1956, it had emphasized the desirability of holding seminars on the prevention of discrimination and the protection of minorities, and that the Commission on Human Rights had endorsed that view at its twelfth session in the same year. The Commission had requested the Secretary-General to explore the desirability of holding such seminars. However, as the Sub-Commission noted, no Member State had yet requested the Secretary-General to organize a seminar dealing with the prevention of discrimination or the protection of minorities.

203. While several members of the Commission commended the Sub-Commission's draft resolution as an excellent proposal, it was suggested that the seminars envisaged therein should preferably be included within the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X). The Sub-Commission's suggestion that such seminars should be organized by the Secretary-General on his own initiative was questioned by some members, who felt that that involved the creation of an entirely new programme which would have extensive financial implications. The proposal that the experts to be nominated by Governments to attend seminars should act in their individual capacity was also questioned by some members as envisaging a fundamental change in the character of seminars organized under the advisory services programme. However, with reference to the latter question, it was pointed out that General Assembly resolution 926 (X) did not call for seminars composed of representatives of Governments, and that in the past many Governments had sent experts to such seminars who had acted in their individual capacity as experts.

204. The representatives of the United States of America and of the United Kingdom submitted to the Commission an oral joint amendment to the operative paragraph of the draft resolution prepared by the Sub-Commission, which read as follows:

"Calls the attention of States Members of the United Nations and members of the specialized agencies to the opportunities, under the programme of advisory services in the field of human rights authorized by General Assembly resolution 926 (X), for the organization of seminars to study various aspects of, and techniques for, the prevention of discrimination and the protection of minorities, including seminars on the causes and elimination of prejudice in all its forms."

205. The joint amendment was unanimously adopted at the 665th meeting, on 16 March 1960. The draft resolution as a whole, as amended, was also unanimously adopted. The text reads as follows:

7. (XVI). SEMINARS TO STUDY VARIOUS ASPECTS OF, AND TECHNIQUES FOR, THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

The Commission on Human Rights

Requests the Economic and Social Council to adopt the following draft resolution:

[For the text of the draft resolution, see chapter XI, resolution IV.]

206. At its 665th meeting the Commission considered chapter XI of the report of the twelfth session of the Sub-Commission (E/CN.4/800), and resolution 9 (XII) on the protection of minorities, and a draft resolution on this subject submitted by Austria (E/CN.4/L.573), according to which the Commission would request the Sub-Commission : (a) to formulate a working definition of the term "minority" for the purpose of further study of the problem of the protection of minorities; (b) to study, as a first step, the existing situation and problems of minorities in Europe; and (c) to report on that study to the Commission at its seventeenth session, proposing measures by which the minorities in question might be effectively protected. Further, it was proposed that the Commission should decide to include the item "Protection of minorities" in the agenda of its seventeenth session.

207. In submitting his proposal to the Commission, the representative of Austria recalled that the Sub-Commission had not yet been able to carry out the task which had been assigned to it with respect to the protection of minorities, and that that was due in part to the fact that an acceptable definition of the term "minority" had not been approved by its superior bodies. He suggested therefore that the Sub-Commission should be asked to intensify its efforts to find a generally acceptable definition of the term "minority" and that it should further, on the basis of a working definition of this term, carry out, as a first step, a study of the existing situation and problems of minorities in Europe. He suggested that it might be necessary for the Sub-Commission to appoint a Special Rapporteur who would draft a report on this subject and submit it to the Sub-Commission or to the Commission. On the basis of such a report, general rules might be established which could serve as a model for other regions of the world where the problem of minorities existed. In that way the Sub-Commission could accomplish an important humanitarian task.

208. Some members of the Commission, while approving the spirit underlying the Austrian proposal, recalled that the Sub-Commission had already decided to place the question of the protection of minorities on the agenda of its next session. They suggested that the Commission might wish to refer the Austrian draft resolution to the Sub-Commission without taking any further action on it. Other members of the Commission expressed the view that it was not necessary to have any further theoretical study of the definition of minorities, since measures for the protection of minorities could be taken without such a definition. They objected to the reference to Europe in the draft resolution on the ground that neither the Sub-Commission nor the Commission on Human Rights had been authorized to study concrete situations in particular countries or regions of the world. One member however pointed out that the Sub-Commission had to begin work on the problem somewhere, and that it was up to the Commission to indicate a starting-point.

209. It was recalled that the Sub-Commission had, at its sixth session, in 1954, proposed (E/CN.4/703,

para. 200) a definition of the term "minorities" to the Commission on Human Rights, which had not adopted it. At its seventh session, in 1955, the Sub-Commission had decided (E/CN.4/711, para. 171, resolution F) to concentrate its attention on the various aspects of the problem of discrimination and to defer work on a further study of the whole problem of the special protection of minorities, including the definition of the term "minority", pending the issue by the Commission on Human Rights of a specific directive on the subject. The Sub-Commission had thus indicated that it could do no further work towards defining the term "minorities" until the Commission itself had given it precise directives.

210. In the light of the discussion in the Commission, the representative of Austria withdrew his draft resolution on the understanding that since the Sub-Commission already had decided to place the item "Protection of minorities" on the agenda of its thirteenth session, the Commission would consider further action when it had received the Sub-Commission's report.

CHAPTER VI, VII, VIII AND X OF THE REPORT OF THE SUB-COMMISSION

211. Chapters VI, VII, VIII and X of the report of the Sub-Commission dealt respectively with the study of discrimination in the matter of political rights; measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to *hatred and violence, jointly or separately*; the study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country; and observations on the proceedings of the Second United Nations Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination. Those chapters gave rise to only a brief discussion in the Commission. In particular, the representative of the USSR expressed the hope that the Sub-Commission would study, at its thirteenth session, as an urgent matter, measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constituted an incitement to hatred and violence, jointly or separately. He noted that the Sub-Commission had already decided to include a corresponding item on the provisional agenda of its thirteenth session.

212. At the 665th meeting, on 16 March 1960, the Commission unanimously adopted the following resolution:

8 (XVI). REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (TWELFTH SESSION)

The Commission on Human Rights

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session) (E/CN.4/800).

Study of discrimination in education

213. At the 663rd and 665th meeting, held on 15 and 16 March 1960, the Commission examined chapter IX

of the report of the twelfth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800) and resolutions 6 (XII) and 7 (XII); and three communications which has been received from UNESCO (E/CN.4/802 and Add.1, and E/CN.4/803). The discussion in the Commission related to (a) measures taken by UNESCO for the preparation of international instruments relating to discrimination in education; (b) the time and place of the thirteenth session of the Sub-Commission; and (c) the preparation of a brief popular summary or booklet based on the *Study of discrimination in Education*.⁹

MEASURES TAKEN BY UNESCO FOR THE PREPARATION OF INTERNATIONAL INSTRUMENTS RELATING TO DISCRIMINATION IN EDUCATION

214. At its eleventh session the Sub-Commission, in its resolution E (E/CN.4/778, para. 159), had noted with appreciation the decision of the General Conference of UNESCO to take responsibility for drafting recommendations to member States and an international convention on the various aspects of discrimination in education, and authorizing the Director-General (a) to prepare a preliminary report, draft recommendations and a draft convention to be circulated to member States for comments and (b) to convene in 1960 a committee of technical and legal experts appointed by member States with a view to submitting revised drafts of such recommendations and of a convention to the eleventh session of the General Conference of UNESCO. The Sub-Commission had requested the Secretary-General to arrange with the Director-General of UNESCO that the preliminary report, recommendations and draft convention should be made available also to the Sub-Commission at its twelfth session, in order to enable the Sub-Commission to express its views on those documents before they were submitted to the Committee of Technical and Legal Experts and to the General Conference of UNESCO.

215. The Commission, at its fifteenth session, had received a communication from UNESCO (E/CN.4/777/Add.1 and Corr.1) in which the Director-General had stated that the schedule for the preparation of the draft instruments on discrimination in education made it impossible for UNESCO to have a first draft of the instruments ready until March 1960 and that, therefore, should the Sub-Commission meet earlier, the Director-General would not be able to comply literally with the request of the Sub-Commission. He added that he intended, however, to present to it a progress report containing all available information and documentation. The Commission had requested UNESCO to submit to it a progress report for consideration at its sixteenth session.

216. The Sub-Commission at its twelfth session had received two communications from UNESCO, the first (E/CN.4/Sub.2/201) informing it of the progress which had been made in the preparation of international instruments relating to discrimination in education,

⁹ United Nations publication, Sales No. : 1957.XIV.3.

and the second (E/CN.4/Sub.2/201/Add.1) containing an analysis of replies received from member States up to 15 December 1959 to questions contained in the preliminary report which had been sent to them on 2 June 1959. While expressing its appreciation of the progress that had already been made, the Sub-Commission had noted that it had nevertheless not proved possible for UNESCO to present to it, for consideration at its twelfth session, any text of a draft convention or recommendations. It had decided to retain the subject of discrimination in education on its agenda and had stated that, in the event that the next session of the Sub-Commission were not held until January 1961,¹⁰ it would welcome an opportunity for its individual members to be able to examine both the draft texts and the texts which would be prepared by UNESCO's Committee of Technical and Legal Experts.

217. At the sixteenth session the Commission received two communications from UNESCO. The first (E/CN.4/802) summarized the progress which had been made in the preparation of international instruments relating to discrimination in education, and contained an analysis of the replies which had been received from twenty member States and fourteen non-governmental organizations up to 15 February 1960 to questions contained in the preliminary report. The communication read in part as follows:

“Taking into account the rules followed by UNESCO in preparing international instruments and the nature of the problem involved, the following time schedule has been fixed:

“(1) *14 April 1960.* A final report will be sent to Member States with first drafts of the proposed instruments;

“(2) *13-29 June 1960.* A committee of experts composed of qualified representatives of the Governments of all Member States will establish the final drafts of the instruments;

“(3) *November/December 1960.* The General Conference will examine and adopt the instruments.”

218. The second communication (E/CN.4/802/Add.1) contained preliminary drafts of a convention (annex I) and of a recommendation (annex II) on discrimination in education. In this communication the Director-General of UNESCO pointed out that his final report, containing the draft convention and draft recommendation concerning discrimination in education, would not be drawn up and sent to member States until about the middle of April 1960. Nevertheless, in order to keep the Commission on Human Rights fully informed of the progress made in preparing those instruments, he had prepared drafts which were purely preliminary in character and which he might amend before sending them to member States. Such amendments would take account of possible comments by the commission, as well as of any further replies to the questionnaire by member States.

219. At the 665th meeting, held on 17 March, the representative of UNESCO explained that the drafts

annexed to the second communication had been in general based upon (a) proposals made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolutions B and C, adopted at its ninth session (E/CN.4/740, para. 161), and (b) the procedure followed and the terminology used by the International Labour Organisation in the Convention and Recommendation concerning Discrimination in Respect of Employment and Occupation. The consultations which had been conducted by the Secretary-General of the United Nations and the Director-General of UNESCO in 1957 and 1959 respectively had shown that there was general agreement in principle on the Sub-Commission's proposals, and in particular on its formulation of the fundamental principles to be observed in the eradication of discrimination in education. He explained that, apart from differences of presentation and legal effect inherent in the nature of the two texts of the instruments, the contents of the preliminary draft convention and recommendation were identical; and that in this respect they differed from the Convention and Recommendation concerning Discrimination in respect of Employment and Occupation. He added that the preliminary drafts were in fact essentially “basic instruments”, embodying a number of principles and contemplating action by the States both to combat discrimination and to promote equality of opportunity in education. However, particularly, so far as the latter purpose was concerned, the preliminary drafts did no more than enumerate the fields in which such action was to take place, without precisely specifying the action. Further, the preliminary drafts distinguished between active discrimination on the one hand and inequality of opportunity on the other, and provided for the adoption of different measures to combat those two evils. With regard to the grounds of discrimination mentioned in the instruments, he pointed out that the Director-General had not thought it possible to adopt the very general expression “or other status” which occurred after the enumeration of specific grounds both in article 2 of the Universal Declaration on Human Rights and in the definition which had been proposed by the Sub-Commission. It had been felt that the inclusion of that expression might lead to confusion between discrimination and inequality. Finally, he explained that no special measures for supervising the application of their provisions had been inserted in the preliminary drafts, since a number of States which had answered questions on this subject had indicated that the procedure laid down in the Constitution of UNESCO and rules of procedure concerning recommendations to member States and international conventions seemed to them to be sufficient for the purpose.

220. All members of the Commission who commented on the progress report submitted by UNESCO expressed their sincere appreciation to that specialized agency for its worthwhile initiative and for the progress which had been achieved to date. A few comments on the provisions of the preliminary draft instruments were made by various members. Several members however stated that they would refrain from commenting on the substantive provisions of the instruments in view of their preliminary character and because their Govern-

¹⁰ The Sub-Commission, in resolution 6 (XII), had requested that steps be taken to advance its thirteenth session from 15 August to 9 September 1960 (see paras. 223-226 below).

ments would be represented on the Committee which would establish the final drafts of the instruments in June 1960. The hope was expressed that this Committee would be able to prepare precise drafts which could be adopted by the General Conference of UNESCO at its 1960 session. The views expressed are summarized in the record of the 665th meeting.

221. A statement on the *Study of Discrimination in Education* was also made by the representative of the Commission on the Status of Women. This statement is summarized in the record of the 663rd meeting.

222. A draft resolution on this question was considered later (see paragraphs 229-231 below).

DATE AND PLACE OF THE THIRTEENTH SESSION OF THE SUB-COMMISSION

223. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 6 (XII), (E/CN.4/800, para. 236), had requested the Commission on Human Rights to take appropriate steps to authorize the advancing of the thirteenth session of the Sub-Commission to a period from 15 August to 9 September 1960, preferably in Geneva if that was found to be feasible, otherwise in New York. In making this request the Sub-Commission had noted that under the time-table which had been adopted by UNESCO it would not be possible for it to submit any text of an international instrument on discrimination in education to the Sub-Commission for comment prior to its final adoption by the General Conference of UNESCO unless the next session of the Sub-Commission were advanced to a date prior to September 1960.

224. The request of the Sub-Commission was opposed by all members of the Commission who spoke on the question. It was pointed out that advancing the date would create a dangerous precedent and interfere with the normal schedule of sessions of the Sub-Commission, and that it would leave too long a period between the Sub-Commission's thirteenth and fourteenth sessions, resulting in a postponement of its work on the study of discrimination in the matter of political rights. It was also pointed out that in as much as UNESCO's Committee of Experts was to be composed of qualified representatives of the Governments of all member States, there was little advantage to be gained from having the comments of the Sub-Commission, which was composed of experts from only fourteen States, on the draft which the Committee had prepared. Moreover, the schedule envisaged by the Sub-Commission did not provide for examination of its comments by the Commission on Human Rights before they were transmitted to the General Conference of UNESCO. Finally, it was recalled that even the Sub-Commission had been far from unanimous on this proposal, which had won only 6 votes in its favour, with 2 against and 5 abstentions.

225. Some members of the Commission also opposed the proposal to advance the date of the next session of the Sub-Commission because of the financial implications involved, as summarized in document E/CN.4/800/Add.1.

226. As no member of the Commission proposed a draft resolution relating to the time and place of the

thirteenth session of the Sub-Commission, no action on this question was considered to be necessary.

PREPARATION OF A BRIEF POPULAR SUMMARY BASED ON THE "STUDY OF DISCRIMINATION IN EDUCATION"

227. At its thirteenth session in 1957, the Commission, after examining the *Study of Discrimination in Education* prepared by Mr. Charles D. Ammoun (Lebanon), Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had requested UNESCO to prepare, in collaboration with the Special Rapporteur, a brief popular summary of the study to be used, particularly in educational institutions, to combat discrimination in education (E/2970/Rev.1, para. 189, resolution VIII B). The Sub-Commission at its twelfth session in 1960, had urged UNESCO to expedite the production of the summary, and had requested the *Secretary-General to consult with the Director-General* of UNESCO as to the possibility of issuing it at an early date. The Secretary-General had accordingly informed the Commission on Human Rights of the views of UNESCO, as set forth in a letter dated 1 March 1960, which read in part as follows (E/CN.4/803):

"As the UNESCO representative stated at the meeting of the Sub-Commission, the decision taken by the General Conference to proceed with the elaboration of legal instruments concerning discrimination in education has changed UNESCO's position with respect to the preparation of the summary. It is now considered that a booklet intended for the general public should take into account not only the *Study of Discrimination in Education*, but also the international convention and recommendation, the adoption of which by the General Conference of UNESCO will constitute a very important step forward in combating discrimination in education and the fulfilment of one of the aims of the *Study* as far as international law is concerned.

"The appropriate measures for the publication of such a popular summary will be taken soon after the eleventh session of the General Conference, which is to take place in November 1960."

228. Some members of the Commission supported the position which had been taken by UNESCO and urged UNESCO to continue its work on the brief popular summary and to issue it as soon as possible after the eleventh session of the General Conference of UNESCO in 1960. They endorsed the plan of UNESCO to supplement the summary of the *Study* by the texts of any international instruments on discrimination in education which might be adopted by the General Conference. Other Members however stated that in their view there was no basis for the argument by UNESCO that the summary of the *Study of Discrimination in Education* should be deferred, since the task of summarizing the *Study* was not in any way related to the preparation of international instruments by the General Conference.

It was suggested that since UNESCO had not yet been able to publish the popular summary, the Commission might reconsider its decision and request the Secretary General of the United Nations to undertake that task.

Some members declared that the final decision concerning the publication of the summary should be left to Mr. Ammoun.

CONSIDERATION OF DRAFT RESOLUTION

229. A draft resolution on the *Study of Discrimination in Education* was submitted jointly by France and Mexico (E/CN.4/L.576). The draft resolution was to the effect that the Commission noted with appreciation the efforts of UNESCO to establish international instruments on discrimination in education, and requested UNESCO to submit to it, at its seventeenth session, the convention and recommendations which the General Conference would have adopted at its next session, and to keep it informed regularly of any subsequent recommendations which the General Conference might make on the subject.

230. The draft resolution contained a final paragraph stating that the Commission expressed the hope that UNESCO would issue, as soon as possible after the eleventh session of its General Conference, a summary of the *Study of Discrimination in Education*, supplemented by the texts of any instruments adopted by the General Conference. Some members of the Commission proposed the deletion of the paragraph. Furthermore, some members proposed the addition of a new paragraph whereby the Commission would decide to retain the question of discrimination in education on its agenda.

231. In the light of the discussion of the draft resolution, the sponsors agreed to two suggestions: first that they should withdraw the final paragraph; and secondly, that they should add an additional operative paragraph stating that the Commission retained the question of discrimination in education on its agenda. The draft resolution, as revised, was adopted unanimously at the 665th meeting, on 16 March 1960. It read as follows:

9 (XVI). STUDY OF DISCRIMINATION IN EDUCATION

The Commission on Human Rights,

Having noted resolution 7 (XII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 240),

Recalling its resolution 6 (XV) of 31 March 1959.¹¹

Having taken cognizance of the notes (E/CN.4/802 and Add.1 and E/CN.4/803) by which the Secretary-General transmitted to the Commission the information supplied by the Director-General of the United Nations Educational, Scientific and Cultural Organization, relating, in particular, to the preparation of a convention and a recommendation concerning discrimination in education which the General Conference of UNESCO proposes to adopt at its next session,

1. *Notes with appreciation the efforts made by UNESCO* to establish international instruments on discrimination in education,

2. *Requests* the United Nations Educational, Scientific and Cultural Organization:

(a) To submit to it, at its seventeenth session, the Convention and Recommendations which the General Conference will have adopted at its next session;

(b) To keep it regularly informed of any subsequent recommendations which the General Conference of UNESCO may make on this subject;

3. *Decides* to retain the question of discrimination in education on its agenda.

¹¹ *Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 8, para. 208.*

VIII. REVIEW OF PROGRAMME

232. At its 665th meeting, on 16 March 1960, the Commission took note of the memorandum submitted by the Secretary-General (E/CN.4/797) concerning the human rights programme.

233. One member expressed the view that the Commission should devote sufficient time to consideration of economic and social rights. Some members drew attention to the question of slavery. It was recalled that for years the United Nations had been concerned with the question and that in 1956 a Supplementary Convention on the Abolition of Slavery, the Slave-Trade and Institutions and Practices similar to Slavery had been adopted by a conference of plenipotentiaries convened by the Economic and Social Council.¹² The question of slavery was within the competence of the Commission on Human Rights and the suggestion was made that the Commission should consider ways of dealing with it.

¹² United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices similar to Slavery, *Final Act and Supplementary Convention* (United Nations publication, Sales No.: 1957.XIV.2).

IX. COMMUNICATIONS CONCERNING HUMAN RIGHTS

234. On 16 March 1960 the Commission held a private meeting to consider item 9 of its agenda: "Communications concerning human rights".

235. The Commission had before it a non-confidential list of communications (E/CN.4/CR.29), a confidential list of communications (H.R. Communications List No. 10) and replies of Governments (H.R. Communications Nos. 161 to 188). It also had before it a confidential document (H.R. Communications/Stat. 1) of a statistical nature which had been prepared by the Secretary-General on the basis of the confidential list. In addition, it had before it chapter IV of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the twelfth session (E/CN.4/800), on communications relating to the prevention of discrimination and the protection of minorities (see paragraph 149 above).

X. ADOPTION OF THE REPORT

236. The Commission considered the draft report of its sixteenth session (E/CN.4/L.568 and Add. 1-3) at its 666th meeting on 18 March 1960. A separate vote was taken on chapter III of the report. Chapter III was adopted by 16 votes to none, with 2 abstentions. The report as a whole was adopted unanimously.

XI. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

I

Advisory services in the field of human rights¹³

The Economic and Social Council,

Expressing its deep satisfaction that the Declaration of the Rights of the Child, based upon the text prepared by the Commission on Human Rights at its fifteenth session, was adopted unanimously by the General Assembly in its resolution 1386 (XIV) of 20 November 1959,

Considering that in the Declaration of the Rights of the Child the General Assembly calls upon all peoples and Governments to recognize the rights set forth therein and strive for their observance,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the programme of advisory services in the field of human rights,

Considering that the recognition and observance of the rights proclaimed in the Declaration would be furthered by the organization of seminars devoted to those rights,

1. *Directs the attention* of the Governments of States Members of the United Nations to the rights proclaimed in the Declaration of the Rights of the Child as desirable topics for seminars, either on a regional or an international level;

2. *Invites* the Secretary-General to render, within the scope of the programme of advisory services in the field of human rights, such assistance, in agreement with the

Governments concerned, as may be necessary for the organizing of such seminars.

II

National advisory committees on human rights¹⁴

The Economic and Social Council,

Recalling its resolution 9 (II) of 21 June 1946, relating to local human rights committees,

Recognizing the importance of the contribution which can be made towards the promotion of respect for, and observance of, human rights by bodies representing, in each country, informed opinion on questions relating to human rights,

Recognizing further that such bodies can play an important role in regard to the education of public opinion upon questions relating to human rights,

1. *Considers* that the studies and opinion of such bodies on questions of human rights can be of great value to Governments in the promotion of respect for, and observance of, human rights;

2. *Invites* the Governments of States Members of the United Nations and members of the specialized agencies to stimulate, in such manner as may be appropriate, the formation of such bodies—which might take the form, *inter alia*, of local human rights committees or national advisory committees in the field of human rights—or to encourage them where they already exist;

3. *Invites* the Governments of States Members of the United Nations and members of the specialized agencies,

¹³ See paragraph 29.

¹⁴ See paragraph 50.

with a view to the exchange of information and experience in regard to the functions of such bodies, including the nature and extent of their contact with Governments, to communicate all relevant information on this subject in order that the Secretary-General may prepare a report to be circulated to Governments and submitted to the Commission on Human Rights at its eighteenth session.

III

Study of discrimination in the matter of religious rights and practices¹⁵

The Economic and Social Council,

Believing that the most effective way of combating discrimination in the matter of religious rights and practices is through sustained educational efforts on an international scale,

Taking into account the important contribution to the above-mentioned purpose made by the study submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twelfth session by its Special Rapporteur, Mr. Arcot Krishnaswami,¹⁶

Noting the decision taken by the Commission on Human Rights at its sixteenth session to consider further, at its next session, the draft principles drawn up by the Sub-Commission,¹⁷

1. *Expresses its appreciation* to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Arcot Krishnaswami, for his valuable study;

2. *Requests* the Secretary-General to print and circulate as widely as possible the study prepared by the Special Rapporteur, for the use, *inter alia*, of Governments, specialized agencies, research centres and individuals interested in these problems;

3. *Draws the attention* of the General Assembly, in connexion with the consideration by the Assembly of article 18 of the draft Covenant on Civil and Political Rights,¹⁸ to the study prepared by the Special Rapporteur and to the fact that the principles drawn up by the Sub-Commission have been submitted to Governments for their observations.

¹⁵ See paragraph 174 and annex II.

¹⁶ E/CN.4/Sub.2/200.

¹⁷ *Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 8*, para. 167, resolution 4 (XVI).

¹⁸ *Ibid.*, *Eighteenth Session, Supplement No. 7*, annex I B.

IV

Seminars to study various aspects of, and techniques for, the prevention of discrimination and the protection of minorities¹⁹

The Economic and Social Council,

Recalling General Assembly resolution 926 (X) of 14 December 1955, on advisory services in the field of human rights, whereby the Secretary-General is authorized to perform certain services, including the organization of seminars, at the request of any State Member of the United Nations,

Recalling that the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its eighth session, in 1956, and the Commission on Human Rights at its twelfth session, in the same year, both emphasized the desirability of holding seminars on the prevention of discrimination and the protection of minorities and requested the Secretary-General to explore the desirability of holding seminars in the field of human rights, especially with regard to the prevention of discrimination and the protection of minorities,²⁰

Noting that no Member State has yet requested the Secretary-General to organize a seminar dealing with the prevention of discrimination or the protection of minorities,

Calls the attention of states Members of the United Nations and members of the specialized agencies to the opportunities, under the programme of advisory services in the field of human rights authorized by General Assembly resolution 926 (X), for the organization of seminars to study various aspects of, and techniques for, the prevention of discrimination and the protection of minorities, including seminars on the causes and elimination of prejudice in all its forms.

V

Report of the Commission on Human Rights

The Economic and Social Council

Takes note of the report of the Commission on Human Rights (sixteenth session).²¹

¹⁹ See paragraph 205.

²⁰ See E/CN.4/721, annex I, and *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, para. 87, resolution III.

²¹ *Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 8* (E/3335).

ANNEXES

Annex I

List of documents before the Commission on Human Rights at its sixteenth session

DOCUMENTS ISSUED IN THE GENERAL SERIES

- E/CN.4/790. — Provisional agenda of the sixteenth session of the Commission on Human Rights.
- E/CN.4/791. — Note by the Secretary-General on national advisory committees on human rights.
- E/CN.4/792 and Add.1. — Memorandum by the Secretary-General on freedom of information.
- E/CN.4/793 and Add.1-6 and Add.5/Corr.1. — Comments of Governments on the draft Declaration on the Right of Asylum.
- E/CN.4/794 and Add.1-3. — Comments of non-governmental organizations on the draft Declaration on the Right of Asylum.
- E/CN.4/795. — Note by the Secretary-General on the draft Declaration on the Right of Asylum.
- E/CN.4/796. — Comments of the United Nations High Commissioner for Refugees on the draft Declaration on the Right of Asylum.
- E/CN.4/797. — Memorandum by the Secretary-General on review of the human rights programme.
- E/CN.4/798 and Add.1-2. — Report by the Secretary-General on advisory services, in the field of human rights.
- E/CN.4/799. — Progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/800 and Add.1. — Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session).
- E/CN.4/801. — Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session) (Minority report by Mr. Philip Halpern).
- E/CN.4/802 and Add.1. — Note by the Secretary-General on the study of discrimination in education.
- E/CN.4/803. — Note by the Secretary-General on the study of discrimination in education.
- E/CN.4/804. — Report of the Commission on Human Rights (sixteenth session).
- E/CN.4/CR.29. — Non-confidential list of communications dealing with the principles involved in the promotion of universal respect for and observance of, human rights, received by the United Nations from 1 January 1959 to 31 December 1959, prepared by the Secretary-General.
- E/CN.4/SR.643-666. — Summary records of the meetings of the Commission at its sixteenth session.

DOCUMENTS ISSUED IN THE LIMITED SERIES

- E/CN.4/L.547 and E/CN.4/L.547/Rev. 1. — India, Iraq, Poland and the United States of America : draft resolution on advisory services in the field of human rights.
- E/CN.4/L.548 and E/CN.4/L.548/Rev.1. — Austria, Denmark, France, Lebanon, Philippines, United Kingdom of Great Britain

and Northern Ireland and Venezuela: draft resolution on national advisory committees on human rights.

- E/CN.4/L.549. — Resolution adopted by the Commission on Human Rights at its 649th meeting on 4 March 1960 on national advisory committees on human rights.
- E/CN.4/L.550. — United States of America: amendment to the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.551. — Argentina, Mexico and Venezuela : amendment to article 2 of the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.552.^a — United States of America : amendment to the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.553. — France: revised text of article 1 of the draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.554. — Argentina, Mexico and Venezuela: amendment to article 3 of the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.555. — Philippines: amendment to article 2 of the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.556 and E/CN.4/L.556/Rev.1. — India, Iraq; Lebanon and the United States of America: amendments to articles 2 and 4 of the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.557. — Text of the preamble and articles 1 and 2 of the draft Declaration on the Right of Asylum adopted by the Commission at its 652nd, 653rd and 654th meetings on 8 and 9 March 1960.
- E/CN.4/L.558. — Austria: amendment to article 3 of the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.559. — France: revised text of article 3, paragraph 1, of the draft Declaration on the Right of Asylum.
- E/CN.4/L.560 and E/CN.4/L.560/Rev.1. — France: revised text of article 3, paragraph 3, of draft Declaration on the Right of Asylum.
- E/CN.4/L.561. — France: revised text of article 3, paragraph 2, of the draft Declaration on the Right of Asylum.
- E/CN.4/L.562. — India and Lebanon: amendments to document (E/CN.4/L.559).
- E/CN.4/L.563. — Lebanon: amendment to the revised draft Declaration on the Right of Asylum (E/CN.4/L.517).
- E/CN.4/L.564 and E/CN.4/L.564/Rev.1. — Text of articles 3, 4 and 5 of the draft Declaration on the Right of Asylum adopted by the Commission at its 658th and 659th meetings on 11 March 1960.
- E/CN.4/L.565. — Argentina, Belgium and the United States of America: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session).

^a This document has been withdrawn.

E/CN.4/L.566. — Argentina, Belgium and the United States of America: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session).

E/CN.4/L.567. — France: draft resolution on the draft Declaration on the Right of Asylum.

E/CN.4/L.568 and Add.1-3. — Draft report of the Commission on Human Rights (sixteenth session) to the Economic and Social Council.

E/CN.4/L.569. — India and Lebanon: amendment to document E/CN.4/L.567.

E/CN.4/L.570. — India: amendment to document E/CN.4/L.566.

E/CN.4/L.571 and Corr.1. — Argentina, Austria, Philippines and the United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 3 B (XII) (E/CN.4/800, para. 194).

E/CN.4/L.572. — India: amendment to the draft resolution submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (in its resolution 3 B (XII) (E/CN.4/800, para. 194).

E/CN.4/L.573. — Austria: draft resolution on the protection of minorities.

E/CN.4/L.574. — France: amendment to document E/CN.4/L.571 and to resolution 3 B (XII) of the Sub-Commission on Prevention

of Discrimination and Protection of Minorities (E/CN.4/800, para. 194).

E/CN.4/L.575. — Text of the draft Declaration on the Right of Asylum adopted by the Commission at its 662nd meeting, on 15 March 1960.

E/CN.4/L.576. — France and Mexico : draft resolution on the study of discrimination in education.

DOCUMENTS ISSUED IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES

E/CN.4/NGO.87. — Statement submitted by the International League for the Rights of Man, a non-governmental organization having consultative status in category B, on prevention of discrimination and protection of minorities.

E/CN.4/NGO.88. — Statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Register, on prevention of discrimination and protection of minorities.

E/CN.4/NGO.89. — Statement submitted by the International League for the Rights of Man, a non-governmental organization having consultative status in category B, on advisory services in the field of human rights.

E/CN.4/NGO.90. — Statement submitted by the International Federation of University Women, a non-governmental organization having consultative status in category B, on prevention of discrimination and protection of minorities.

Annex II

Financial implications of decisions taken by the Commission on Human Rights during its sixteenth session

STUDY OF DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

Financial implications of draft resolution III: note by the Secretary-General^a

The proposed printing of the "Study of Discrimination in the Matter of Religious Rights and Practices", assuming a total of eighty pages, would entail an estimated cost of \$2,400 for the English, French and Spanish editions. The estimated cost of translation is \$1,700.

^a This note was circulated to the members of the Commission in document E/CN.4/800/Add.1. See paragraph 170; paragraph 174, resolution 5 (XVI); and chapter XI.

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