



UNITED NATIONS

COMMISSION ON HUMAN RIGHTS
REPORT of the FIFTEENTH SESSION

(16 March - 10 April 1959)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS: TWENTY-EIGHTH SESSION

SUPPLEMENT No. 8

NEW YORK

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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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E/CN.4/789



UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS
TWENTY-EIGHTH SESSION

SUPPLEMENT No. 8

COMMISSION ON HUMAN RIGHTS

Report to the Economic and Social Council on the fifteenth session of the Commission, held at United Nations Headquarters from 16 March to 10 April 1959 inclusive

I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Commission on Human Rights held its fifteenth session at the Headquarters of the United Nations, New York, from 16 March to 10 April 1959 inclusive.

2. Mr. Ratnakirti S. S. Gunewardene (Ceylon), Chairman of the Commission at its fourteenth session, opened the session (610th meeting).

Attendance

3. Attendance at the session was as follows :

MEMBERS

Argentina : Mr. Carlos A. Bertomeu;¹ Mr. Raúl A. J. Quijano; * Mr. Leopoldo H. Tettamanti; * Mr. Carlos Ortiz de Rozas **

Belgium : Mr. Jacques Basyne

Ceylon : Mr. Ratnakirti S. S. Gunewardene; Mr. N. T. D. Kanakaratne;² * Mr. H. O. Wijegoona-wardena;² * Mr. T. A. Kreltshheim **

China : Mr. Cheng Paonan; Mrs. Chu-sheng Yeh Cheng; * Mr. Hu Chun; ** Mr. Wang Meng-hsien **

France : Mr. René Cassin; Mr. Pierre Juvigny; * Mr. Jean-Marcel Bouquin *

India : Mr. C. S. Jha; Mr. T. J. Natarajan; * Mr. A. K. Mitra *

Iran : Mr. Djalal Abdoh;¹ Mr. Fereydoun Adamiyat; * Mr. Mahmoud Salehi **

Iraq : Mr. Ismat T. Kittani

Israel : Mr. Haim H. Cohn; Mr. Shimshon Inbal; *

* Alternate.

** Adviser.

¹ Did not attend the session.

² In accordance with rule 13, paragraph 2, of the rules of procedure of the functional Commissions of the Economic and Social Council, Mr. Kanakaratne and Mr. Wijegoona-wardena represented Ceylon during various parts of the session.

Mrs. Ruth Freimann **

Italy : Mr. Francisco Maria Dominedo; Mr. Vittorio Ivella; * Mr. Bartolomeo Attolico **

Lebanon : Mr. Georges Hakim

Mexico : Mr. Pablo Campos Ortiz; Mr. Eduardo Espinosa y Prieto; * Mr. Arturo L. de Ortigosa; ** Mr. Alvaro C. Avila **

Philippines : Mr. Francisco A. Delgado; Mr. Hor-tencio J. Brillantes; * Mr. Ismael D. Quiambao; ** Mr. Cecilio R. Espejo **

Poland : Mrs. Zofia Wasilkowska; Mr. Antoni Czarkowski *

Ukrainian Soviet Socialist Republic : Mr. P. E. Ned-bailo; Mr. I. K. Neklessa; * Mr. I. F. Grichtchenko **

Union of Soviet Socialist Republics : Mr. P. D. Moro-zov;¹ Mr. V. J. Sapozhnikov; * Mr. B. P. Pisarev; ** Mr. N. M. Talanov **

United Kingdom of Great Britain and Northern Ireland : Sir Samuel Hoare; Mr. P. W. J. Buxton; * Mr. A. C. Dugdale *

United States of America : Mrs. Oswald B. Lord; Mr. S. M. Finger; * Mr. Warren Hewitt; * Mr. Chauncey Parker *

OBSERVERS

Austria : Mr. Gert Heible

Cambodia : Mr. Lamouth Kang

Chile : Mr. Oscar Pinochet

Cuba : Mr. Carlos Lechuga

Dominican Republic : Mr. Enrique de Marchena, Mr. K. L. Dipp Gómez

Hungary : Mr. Tamás Lörine, Mr. Imre Hollai

Japan : Mr. Yoshinobu Nagashima, Mr. Masao Ito

Netherlands : Miss J. D. Pelt

Romania : Mr. Raymond Vianu, Mr. Dorel Opreseu

Uruguay : Mr. E. Rodríguez Fabregat

COMMISSION ON THE STATUS OF WOMEN

Miss Uldarica Mañas (Cuba), Chairman of the Commission

SPECIALIZED AGENCIES

International Labour Organisation (ILO) : Mr. R. A. Métall, Mr. Philippe Blamont, Mr. Mirza Khan

Food and Agriculture Organization of the United Nations (FAO) : Mr. Joseph L. Orr, Mr. P. V. Acharya

United Nations Educational, Scientific and Cultural Organization (UNESCO) : Mr. Tor Gjesdal, Mr. Arthur F. Gagliotti, Mr. Asdrubal Salsamendi

World Health Organization (WHO) : Dr. Rodolphe L. Coigny, Dr. M. R. Sacks, Mrs. S. Meagher

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Paul Weis, Miss Aline Cohn

NON-GOVERNMENTAL ORGANIZATIONS

CATEGORY A

International Chamber of Commerce : Mrs. Lusardi

International Confederation of Free Trade Unions :
Miss J. Seigel

International Co-operative Alliance : Mr. L. E. Woodcock

International Federation of Christian Trade Unions :
Mr. Gerard C. Thormann

World Federation of Trade Unions : Miss Elinor Kahn

World Federation of United Nations Associations :
Mr. Hilary Barrett-Brown, Mrs. Oliver Weerasznghe

World Veterans Federation : Mr. Herbert Hill, Mrs. Claire Rogger, Miss Emily Nichols

CATEGORY B

Agudas Israel World Organization : Mr. Isaac Lewin

Catholic International Union for Social Service :
Mrs. A. S. Vergara, Mrs. Carmen Giroux

Chamber of Commerce of the United States of America :
Mr. Earl F. Cruickshank

Commission of the Churches on International Affairs :
Mr. O. Frederick Nolde, Mr. A. Dominique Micheli
Consultative Council of Jewish Organizations : Mr. Moses Moskowitz

Friends World Committee for Consultation : Mr. Elton Atwater

International Catholic Child Bureau : Miss Margaret M. Bedard

International Catholic Migration Commission : Mr. James Norris

International Conference of Catholic Charities : Mr. Louis C. Longarzo

International Federation for the Rights of Man : Mr. José Asensio

International Federation of Business and Professional Women : Mrs. Maude Baylay

International Federation of University Women :
Mrs. S. Mitra

International Federation of Women Lawyers : Mrs. Rose Korn Hirschman, Mrs. Elizabeth Bass Golding, Lady Gladys Chatterjee, Miss Channa Tanz, Miss Donna Tracy

International League for the Rights of Man : Mr. Roger Baldwin, Mr. Max Beer, Mrs. Dora D. Roitburd, Miss Frances Grant

International Union for Child Welfare : Miss Frieda S. Miller

Pan Pacific South-East Asia Women's Association :
Mrs. Henry G. Fowler

Women's International League for Peace and Freedom :
Mrs. A. N. Baker, Mrs. Brenda Bailey

World Federation of Catholic Young Women and Girls :
Mrs. Frank J. Berberich

World Jewish Congress : Mr. Maurice L. Perlzweig, Mr. Gerhard Jacoby

World Union for Progressive Judaism : Mrs. Victor Polstein

World Union of Catholic Women's Organizations :
Miss Catharine Schaefer, Miss Alba Zizzamia, Mrs. Mary Spillman

World Young Women's Christian Association :
Mrs. George Britt, Miss Elsie D. Harper

REGISTER

World Association of Girl Guides and Girl Scouts :
Mrs. Edward F. Johnson, Mrs. Harvey N. Davis, Mrs. Charles H. Ridder, Miss Eloise Centoz

World Federation for Mental Health : Mrs. Charles S. Ascher, Mrs. John A. Cook

4. Mr John P. Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Deputy Director of the Division of Human Rights, represented the Secretary-General at various meetings of the session. Mr. Pedro L. Yap acted as Secretary of the Commission.

Representation of China

5. At the 610th meeting, the representative of the USSR, speaking on a point of order, 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 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 610th meeting the Commission elected the following officers :

Mr. Ratnakirti S. S. Gunewardene (Ceylon), *Chairman*;

Mrs. Zofia Wasilkowska (Poland), *First Vice-Chairman*;
 Mr. Carlos A. Bertomeu (Argentina), *Second Vice-Chairman*;
 Mr. Ismat T. Kittani (Iraq), *Rapporteur*.

Agenda

7. At its 610th meeting, held on 16 March 1959, the Commission unanimously adopted the provisional agenda (E/CN.4/770) drawn up by the Secretary-General in consultation with the Chairman of the fourteenth session of the Commission.

8. The agenda for the fifteenth session was as follows :

1. Election of officers.
2. Adoption of the agenda.
3. Freedom of information.
4. Advisory services in the field of human rights.
5. Periodic reports on human rights.
6. Prevention of discrimination and protection of minorities :
 - (a) Study of discrimination in education;
 - (b) Report of the eleventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
 - (c) Membership of the Sub-Commission;
 - (d) Second Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination.
7. Study of the right of everyone to be free from arbitrary arrest, detention and exile : progress report of the Committee.
8. Draft Declaration of the Rights of the Child.
9. Right of asylum.
10. Communications :
 - (a) Report of the Committee on Communications;
 - (b) Lists of communications and replies from Governments.
11. Review of programme and priorities.
12. Control and limitation of documentation.
13. Report of the fifteenth session of the Commission on Human Rights to the Economic and Social Council.

9. At the 610th meeting, the Commission agreed to commence with the consideration of item 3 (Freedom of information) and continue with items 9 (Right of asylum) and 8 (Draft Declaration of the Rights of the Child). However, after the consideration of item 9, the Commission took up items 7, 4 and 5 before item 8 in order that the representative of the Commission on the Status of Women, which was holding its session at that time, could be present during the deliberations on item 8.

Meetings, resolutions and documentation

10. The Commission held 33 plenary meetings. The views expressed at those meetings are summarized in the records of the 610th to 642nd meetings.

11. 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 (616th, 618th, 621st, 623rd, 624th, 627th, 629th, 630th, 633rd, 637th and 641st) to representatives of the following non-governmental organizations : *Category A* : International Confederation of Free Trade Unions (Miss J. Seigel); International Federation of Christian Trade Unions (Mr. Gerard C. Thormann); *Category B* : Agudas Israel World Organization (Mr. Isaac Lewin); International Catholic Migration Commission (Mr. James Norris); International Federation of Women Lawyers (Mrs. Rose Korn Hirschman); International League for the Rights of Man (Mr. Roger Baldwin, Mr. Max Beer and Miss Frances Grant); International Union for Child Welfare (Miss Frieda S. Miller); Women's International League for Peace and Freedom (Mrs. A. N. Baker), and the World Jewish Congress (Mr. Maurice L. Perlzweig).

12. 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 XIV of the present report.

13. The documents before the Commission at its fifteenth session are listed in annex I to the present report. Statements of financial implications made by the Secretary-General relating to certain proposals are reproduced in annex II to this report.

II. FREEDOM OF INFORMATION³

14. In its resolution 6 (XIV),⁴ the Commission on Human Rights requested the Economic and Social Council, and, through it, UNESCO and other specialized agencies concerned, to initiate action to consider

and implement the suggestions of the Committee on Freedom of Information (E/CN.4/762 and Corr.1) concerning the development of media of information in under-developed countries, and decided to consider the other suggestions of the Committee at its fifteenth session, in compliance with such decisions as the General Assembly might take. In resolution 7 (XIV),⁵ the Commission, having considered General Assembly resolution 1189 B (XII), decided to consider at its

³ In accordance with the decision taken by the Economic and Social Council at its 1046th meeting, on 10 December 1958, the Commission submitted the text of this chapter, draft resolutions I and II in chapter XIV, and annex II A to the Council at its twenty-seventh session in a special report (E/3224).

⁴ *Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8*, para. 123.

⁵ *Ibid.*, para. 130.

fifteenth session, in the light of discussions and such decisions as the General Assembly might take during its thirteenth session, such procedures as might be expedient to ensure constant review of problems of information.

15. The Economic and Social Council, in resolution 683 C (XXVI), requested the Secretary-General to seek the observations of Member States, the specialized agencies and non-governmental organizations on the report of the Committee on Freedom of Information, and requested the Commission to complete its recommendations on freedom of information in the light of the report of its Committee and the comments received, for review by the Council.

16. The General Assembly, in resolution 1313 A (XIII), expressed the hope that the Council, taking into account recommendations of the Commission to be submitted in response to Council resolution 683 C (XXVI), would at its twenty-eighth session formulate a programme of concrete action for the development of information enterprises in under-developed countries, and invited the Council to request the Commission to give particular attention to procedures by which constant review of the problems of providing technical assistance to under-developed countries might be assured and to report regularly to the Council on progress in this field. In accordance with a decision taken by the Council at its resumed twenty-sixth session (1046th meeting), the resolution of the General Assembly was transmitted to the Commission with the request that it consider it sufficiently early at its fifteenth session to enable it to report to the Council at its twenty-seventh session (E/CN.4/774).

17. Having before it the above-mentioned resolutions, the report of its Committee on Freedom of Information (E/CN.4/762 and Corr.1) and the comments by Member States (E/CN.4/771 and Add.1-5), specialized agencies (E/CN.4/772 and Add.1) and non-governmental organizations (E/CN.4/773), the Commission discussed the item at its 611th to 617th and 625th meetings, held on 16 to 20 and 25 March 1959.

Proposals submitted to the Commission

18. Two draft resolutions and several amendments were submitted to the Commission.

19. The first draft resolution, submitted by the representatives of Ceylon, India, Iran, Italy, Mexico, the Philippines and the United States of America (E/CN.4/L.511), was revised (E/CN.4/L.511/Rev.1) and underwent changes to incorporate certain oral suggestions. The Secretary-General submitted a statement of the financial and other implications of that proposal (E/CN.4/L.511/Add.1). The Secretary-General's statement is given in annex II to this report.

20. The preamble of the seven-Power draft resolution (E/CN.4/L.511/Rev.1, as orally revised) contained two paragraphs, under which the Commission on Human Rights would note (1) the suggestions and observations of the Committee on Freedom of Information concerning the development of information

media in under-developed countries, and (2) the action already undertaken by UNESCO in this field. The second paragraph was added upon the proposal of the representative of France (E/CN.4/L.513).

21. In paragraph 1 of the operative part of the seven-Power draft resolution, the Commission would decide to review developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information as a regular item on its agenda.

22. In paragraph 2 of the operative part, it was recommended that the Economic and Social Council, having recalled, *inter alia*, its resolution 683 C (XXVI) — a proposal by France (E/CN.4/L.513) — General Assembly resolution 1189 B (XII) — a suggestion by Iraq — and General Assembly resolution 1313 (XIII), should adopt a resolution in two parts, A and B, as follows.

23. Under part A, paragraph 1, the Council would note with approval the suggestions contained in paragraph 9 and the conclusions in paragraph 12 of the report of the Committee on Freedom of Information (E/CN.4/762 and Corr.1) concerning the development of information media in under-developed countries. The reference to paragraph 12 of the Committee's report was included upon the suggestion of the representative of Poland.

24. In paragraph 2 of part A the Council would request UNESCO to undertake a survey of the problems of providing technical assistance to under-developed countries in the field of information, and to forward its report and recommendations to the Commission on Human Rights and to the Economic and Social Council before the summer of 1961 so as to enable the Council to evaluate the requirements for implementation of the programme. The recommendation that UNESCO should report to the Commission on Human Rights as well as to the Council was included upon the proposal of the representative of France (E/CN.4/L.513). Changes suggested orally were made to specify that UNESCO would undertake a survey "within the scope of its programme", and that the Council should evaluate the requirements of the programme envisaged in resolution 1313 (XIII) of the General Assembly.

25. In part B, paragraph 1 of the draft resolution, the Council would note with approval the Commission's decision to review "developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information", as a regular item on its agenda. The original draft (E/CN.4/L.511) contained the formula "new developments affecting freedom of information" without specific reference to technical assistance.

26. Under paragraph 2 of part B, the Secretary-General would be requested (a) to submit to the Commission annual reports on "developments affecting freedom of information, including the problem of providing technical assistance to under-developed countries in the field of information" on the basis of

material furnished by UNESCO and other interested specialized agencies " as well as any other information available " and (b) to prepare a substantive report for submission to the Council in 1961 on " developments in the field of freedom of information since 1954 ", " including ", *inter alia*, " developments in the facilities for the free flow of information into and out of under-developed countries "; the report was to be made in co-operation with " the Member States, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, non-governmental organizations in consultative status and the professional organizations concerned, both national and international ".

27. The representative of France withdrew his amendments (E/CN.4/L.513), all of which had been accepted by the authors of the draft resolution.

28. The representative of the United Kingdom submitted amendments (E/CN.4/L.515) calling for the replacement of paragraph 1 of part A of the draft resolution for the Economic and Social Council by two paragraphs under which the Council would (1) express appreciation of the work done by the Committee on Freedom of Information, and (2) invite UNESCO and other specialized agencies concerned to consider and implement, wherever possible and as expeditiously as possible (taking due account of the observations which have been made by Governments, specialized agencies and non-governmental organizations) the suggestions in paragraph 9 of the report concerning the development of media of information in under-developed countries.

29. The representative of the Ukrainian SSR submitted amendments (E/CN.4/L.514/Rev.1) as follows :

(a) The first amendment consisted in deleting the words " freedom of information, including " from operative paragraph 1 of the joint draft resolution, so that the Commission would decide to review only developments affecting " the problem of providing technical assistance to under-developed countries in the field of information ", as a regular item on its agenda;

(b) The same changes were proposed in paragraphs 1 and 2 (a) of part B, the effect of the amendment being to limit the scope of the proposed annual reports by the Secretary-General to " developments affecting the problem of providing technical assistance to under-developed countries in the field of information ";

(c) The last amendment, relating to paragraph 2 (b) of part B, called upon the Secretary-General to submit to the Council a substantive report, not on " developments in the field of freedom of information " as a whole, but on " the provision of technical assistance to under-developed countries in the field of freedom of information " since 1954. The latter part of the paragraph, beginning with the word " including " was to be deleted.

30. At the 617th meeting of the Commission, the representative of the USSR orally proposed that the words " accurate and undistorted " be inserted between

the words " free flow of " and the word " information " in the last phrase of paragraph 2 (b) of part B.

31. The second draft resolution was submitted by the representatives of Ceylon, India, Iran and Iraq (E/CN.4/L.512), later joined by the representative of Poland (E/CN.4/L.512/Rev.1). It was to the effect that the Commission, taking note with approval of the suggestions concerning international press cable rates contained in paragraph 9 (c) of the report of the Committee on Freedom of Information (E/CN.4/762 and Corr.1) should submit to the Economic and Social Council for adoption a draft resolution whereby the Council, considering that high and divergent rates for international press cables were an impediment to the free flow of undistorted and accurate information and to the development of international understanding, and noting with commendation the efforts of the International Telecommunication Union (ITU), UNESCO and other bodies towards reduction of those rates, would express the hope, in particular, that agreements would be reached at the 1959 Conference of Plenipotentiaries of ITU to bring into effect reduced international press cable rates. The words " undistorted and accurate ", to qualify the word " information " in the preamble of the draft resolution for the Economic and Social Council, were added in the revised draft (E/CN.4/L.512/Rev.1), which, otherwise, was identical with the original text.

Issues discussed

32. The Commission first examined the task it was to undertake at the current session by virtue of the resolutions concerning freedom of information recently adopted by the Commission itself, the Economic and Social Council and the General Assembly. In the opinion of some representatives, General Assembly resolution 1313 A (XIII), the authority of which was supreme, limited the mandate of the Commission at its fifteenth session to the following tasks : making recommendations to the Council on the development of information media in under-developed countries, and establishing procedures by which constant review of problems of providing technical assistance to under-developed countries in the field of information might be assured. All other aspects of freedom of information were to be dealt with by the Assembly itself at its fourteenth session, in connexion with the draft Convention on Freedom of Information.

33. By proposing that annual reviews be made of developments affecting the whole field of freedom of information, the seven-Power draft resolution (E/CN.4/L.511/Rev.1, operative paragraph 1, and part B of the draft resolution for the Council) disregarded, in the view of those representatives, the Assembly's instructions. The representatives who supported this view stated that such a proposal was designed to divert attention from the work on the draft Convention. The purpose of the Ukrainian amendments (E/CN.4/L.514/Rev.1), as stated by its author, was to bring the seven-Power proposal into harmony with General Assembly resolution 1313 A (XIII).

34. The authors of the draft resolution (E/CN.4/L.511/Rev.1) did not accept those views. Their opinion, which was shared by the majority of the Commission, was that General Assembly resolution 1313 A (XIII), while placing the emphasis on technical assistance, did not restrict the broad terms of reference contained in Assembly resolution 1189 B (XII), Commission resolution 6 (XIV) and Council resolution 683 C (XXVI). It was recalled, furthermore, that the Commission had the right, and indeed the duty to concern itself with all aspects of freedom of information, as a part of its general competence in the field of human rights set forth in the Charter of the United Nations and in its terms of reference.

35. The Commission considered, next, what course of action it should take at its current and future sessions. The consensus of opinion was that the Commission should consider as a matter of priority, both at its current session and in the future, problems of providing technical assistance to under-developed countries in the field of information. All representatives agreed that the provision of adequate media in that field was a very important prerequisite of the exercise of the right to freedom of information, and would greatly contribute to the maintenance of peace and international understanding.

36. Some representatives expressed their readiness to consider also, at the current session, the other suggestions made by the Committee on Freedom of Information; this procedure, according to them, was contemplated by the Commission itself in its resolution 6 (XIV). Other representatives would restrict such a debate to new questions raised in the observations received from Governments and specialized agencies; they advised caution before undertaking, at that juncture, a discussion of the political aspects of freedom of information which were to be considered by the General Assembly in connexion with the draft Convention.

37. Several representatives expressed the view, however, that various matters directly connected with freedom of expression and the free flow of information should never be neglected and might well deserve examination regularly at future sessions.

38. The seven-Power draft resolution reflected those views by providing for an annual review of developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information (E/CN.4/L.511/Rev.1, operative paragraph 1), and by requesting the Secretary-General to submit annual reports and a substantive report on the entire field of freedom of information since 1954 (E/CN.4/L.511/Rev.1, part B, paragraphs 2 (a) and (b)).

39. Against the proposed inclusion of the words "accurate and undistorted" to qualify the words "free flow of information" in part B, paragraph 2 (b) of the draft, some representatives pointed out that the Secretary-General's report would deal in any case with "the news sources to which people have access". Furthermore, the text, if so amended, might imply

that the Commission would not object to the transmission of distorted information into and out of technically developed countries. The majority of the Commission, however, agreed with that amendment which, they felt, was in conformity with the wording of previous resolutions.

40. Some representatives drew attention to the statement of financial and other implications by the Secretary-General (E/CN.4/L.511/Add.1) (see annex II to this report).

41. The procedures best suited for promoting technical assistance to under-developed countries in the field of information were discussed in some detail. It was proposed (E/CN.4/L.511/Rev.1, part A, paragraph 1) that the Council, in order to express its concern for the development of information media in under-developed countries, should first note with approval the specific suggestions and conclusions on this subject contained in the report of the Committee on Freedom of Information. On the other hand, it was said, in support of the United Kingdom amendments (E/CN.4/L.515, paras. 1 and 2), that the Council would not be in a position to approve all the detailed suggestions of the Committee; and that the most advisable procedure would be to leave broad discretion to the specialized agencies for carrying those suggestions into effect. The majority of the Commission, however, preferred the formula contained in the seven-Power proposal.

42. In part A, paragraph 2, of the draft resolution, the Council would request UNESCO to undertake a survey of the problems of providing technical assistance to under-developed countries in the field of information so as to enable the Council in 1961 to make an evaluation of the various requirements for implementation of a programme of concrete action in that field. According to one representative, such a proposal was not in harmony with operative paragraph 1 of General Assembly resolution 1313 A (XIII), under which the Commission itself was expected to make concrete recommendations to the Council with regard to technical assistance. The majority of the representatives, however, agreed with the procedure outlined in the draft resolution. They stressed that the Commission on Human Rights, being seized of the reports by UNESCO, would be in a position to make its own recommendations thereon.

43. Commending the action already undertaken by UNESCO, several representatives referred to various aspects of technical assistance to under-developed countries, including professional training for information personnel, provision of audio-visual equipment and low-cost radio receivers, and efforts made to negotiate low international press cable rates (see paragraphs 46 and 47 below). Some representatives expressed the view that the Commission should not overlook the existence of under-developed areas within the territories of States which, as a whole, were considered as technically developed.

44. The representative of UNESCO stated that his organization would be in a position, within the scope

of its programme, to meet the request contained in the seven-Power proposal. Within its programme in that field UNESCO contemplated a series of regional meetings and surveys over a period of years.

45. It was suggested that the Economic and Social Council should establish a study group, including representatives of the Secretariat, the Technical Assistance Board and the specialized agencies, to consider the relevant surveys and reports, and to recommend concrete measures for the development of information media in under-developed countries. The representative of UNESCO expressed the wish that the Council would give particular attention to the means of financing any programme of technical assistance in the field of information which might evolve as a result of those surveys.

46. The authors of the five-Power draft resolution concerning press cable rates (E/CN.4/L.512/Rev.1) stressed that, in order to promote an understanding of problems arising in under-developed countries, which was of particular importance for the maintenance of peace, and with a view to promoting the free flow of information for all peoples, measures should be taken to negotiate a low and, if possible, a uniform international press cable rate.

47. Some doubts were expressed concerning the suggestion made by the Committee on Freedom of Information, that a uniform press rate might be established at the United Nations Headquarters for messages sent by information personnel accredited to the United Nations and the specialized agencies, a suggestion which would seem to discriminate against other information personnel. The advisability of using the formula "free flow of undistorted and accurate information" in relation to press cable rates was questioned. Nevertheless, the substance of the draft resolution met with general agreement.

Voting and resolutions adopted

48. The voting took place at the 617th meeting, on 20 March 1959. The results of the voting on the draft resolution submitted by Ceylon, India, Italy, Mexico, the Philippines and the United States of America (E/CN.4/L.511/Rev.1) and the amendments to it were as follows:

(a) The first amendment by the Ukrainian SSR (E/CN.4/L.514/Rev.1, para. 1), relating to paragraph 1 of the operative part, was rejected by 10 votes to 3, with 5 abstentions.

(b) The amendments by the United Kingdom (E/CN.4/L.515, paras. 1 and 2), relating to part A, paragraph 1, of the proposal, were rejected by 9 votes to 5, with 4 abstentions, and 11 votes to 4, with 3 abstentions, respectively.

(c) The second amendment by the Ukrainian SSR (E/CN.4/L.514/Rev.1, para.2), relating to part B, paragraph 1, of the proposal, was rejected by 11 votes to 3, with 4 abstentions.

(d) The third amendment by the Ukrainian SSR (E/CN.4/L.514/Rev.1, para. 3), relating to part B, paragraph 2 (a) of the proposal, was rejected by 14 votes to 3, with 1 abstention.

(e) The fourth amendment by the Ukrainian SSR (E/CN.4/L.514/Rev.1, para. 4), relating to part B, paragraph 2 (b) of the proposal, was rejected by 13 votes to 3, with 3 abstentions.

(f) The representative of the USSR requested a roll-call on his oral amendment (see paragraph 30) consisting in the insertion of the words "accurate and undistorted" between the words "free flow of" and "information" in part B, paragraph 2 (b), of the draft resolution. The amendment was adopted by 11 votes to 2, with 5 abstentions, as follows:

In favour: Argentina, Ceylon, India, Iran, Iraq, Lebanon, Mexico, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: China, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Belgium, France, Israel, Italy, United States of America.

(g) The representative of Iraq requested a separate vote on paragraph 2 of part B of the draft resolution for the Council.

(h) At the request of the representative of the USSR, the vote was taken by division on the seven-Power proposal (E/CN.4/L.511/Rev.1, as orally revised), as amended. The voting was as follows:

(i) The first paragraph of the preamble was adopted unanimously.

(j) The second paragraph of the preamble was adopted unanimously.

(k) Paragraph 1 of the operative part, beginning with the word "Decides...", was adopted by 15 votes to none, with 3 abstentions.

(l) The whole of the preamble to the draft resolution for the Economic and Social Council was adopted unanimously.

(m) Part A, paragraph 1, was adopted by 16 votes to none, with 2 abstentions.

(n) Part A, paragraph 2, as orally revised, was adopted unanimously.

(o) Part B, paragraph 1, was adopted by 15 votes to none, with 3 abstentions.

(p) Part B, paragraph 2, as amended, was adopted by 12 votes to 2, with 4 abstentions.

(q) Part A as a whole was adopted by 17 votes to none, with 1 abstention.

(r) Part B as a whole, as amended, was adopted by 12 votes to 2, with 4 abstentions.

(s) The draft resolution (E/CN.4/L.511/Rev.1, as orally revised), as a whole, as amended, was adopted by 14 votes to none, with 4 abstentions.

49. The text of the resolution adopted at the 617th meeting, on 20 March 1959, is as follows:

1 (XV). FREEDOM OF INFORMATION

The Commission on Human Rights,

Noting the suggestions and observations made by members of the Committee on Freedom of Information appointed by the Commission at its thirteenth session on the development of media of information in under-developed countries as embodied in their report,⁶

Noting the action already undertaken by the United Nations Educational, Scientific and Cultural Organization in this field,⁷

1. *Decides* to review developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information, as a regular item on its agenda;

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

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

50. The voting on the draft resolution submitted by Ceylon, India, Iran, Iraq and Poland (E/CN.4/L.512/Rev.1) was as follows :

(a) At the request of the representative of the United Kingdom, a separate vote was taken on the words " with approval " contained in the second paragraph of the preamble. It was decided, by 14 votes to 2, with 2 abstentions, to retain these words.

(b) At the request of the representative of China, a separate vote was taken on the second sentence of the text quoted in the second paragraph of the preamble. By 12 votes to none, with 6 abstentions, it was decided to retain this sentence.

⁶ E/CN.4/762 and Corr.1.

⁷ E/3206.

(c) At the request of the representative of China, a separate vote was taken on the words " undistorted and accurate " in the first paragraph of the preamble to the draft resolution for the Economic and Social Council. By 10 votes to 2, with 6 abstentions, it was decided to retain those words.

(d) At the request of the representative of the United Kingdom, a separate vote was taken on the draft resolution for the Economic and Social Council. It was adopted unanimously.

(e) The draft resolution (E/CN.4/L.512/Rev.1) as a whole was adopted by 17 votes to none, with 1 abstention.

51. The text of the resolution adopted at the 617th meeting, on 20 March 1959, is as follows :

2 (XV). FREEDOM OF INFORMATION

The Commission on Human Rights,

Having considered the report of the Committee on Freedom of Information,⁸

Taking note with approval of the suggestion in paragraph 9 (c) of the report, which reads as follows :

" Expeditious measures should be taken to negotiate a low and if possible a uniform international press cable rate. A beginning could be made at the United Nations Headquarters by negotiating a uniform press rate for all countries for press messages sent by information media personnel accredited to the United Nations and its specialized agencies."

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

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

⁸ E/CN.4/762 and Corr.1.

III. RIGHT OF ASYLUM

52. The Commission decided in 1956, at its twelfth session,⁹ that it would place the question of the right of asylum on the agenda of its thirteenth session, and it asked the Secretary-General to prepare an historical analysis of previous discussions in the United Nations on the subject. At the thirteenth session (1-26 April 1957) the Commission discussed¹⁰ a draft Declaration on the Right of Asylum submitted by the representative of France (E/CN.4/L.454 and E/CN.4/L.454/Rev.1). It took note of the preliminary draft Declaration, and requested the Secretary-General to communicate it, together with amendments which had been submitted by the representative of Israel (E/CN.4/L.459), the memoranda prepared by the Secretary-General (E/CN.4/713 and E/CN.4/738) and the summary records of the Commission's discussions (E/CN.4/SR.560 and 572-575)

⁹ See *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, paras. 109-112.

¹⁰ *Ibid.*, *Twenty-fourth Session, Supplement No. 4*, paras. 206-215.

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.

53. The Economic and Social Council, in resolution 651 F (XXIV), extended by one year the time limit for the submission of the comments, from 31 December 1957 to 31 December 1958. In 1958, therefore, the Commission at its fourteenth session postponed consideration of the right of asylum to the fifteenth session.

54. Comments were received from the following twenty-three Governments : Australia, Austria, Belgium, Ceylon, Czechoslovakia, Denmark, France, Greece, Haiti, Honduras, India, Israel, Japan, Morocco, Netherlands, Pakistan, Peru, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Yugoslavia (E/CN.4/781 and Add.1-2). The Governments of Cambodia, Laos and Nepal replied that they had no observations to make. Comments were

also received from the United Nations High Commissioner for Refugees (E/CN.4/785).

55. The Commission discussed the right of asylum at its fifteenth session at the 618th to 622nd meetings held from 23-25 March 1959. A statement was made at the 620th meeting by the Observer for Austria. The representative of the United Nations High Commissioner for Refugees also made a statement at the 621st meeting. The Commission heard representatives of three non-governmental organizations in category B consultative status: the Agudas Israel World Organization, the International Catholic Migration Commission, and the International League for the Rights of Man (E/CN.4/SR.618 and 621).

56. The text of the draft declaration submitted by the representative of France (E/CN.4/L.454/Rev.1) at the thirteenth session was 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."

57. Many members of the Commission expressed themselves in favour of a declaration on the right of asylum, but views differed on what such a declaration should contain. It was pointed out that the majority of government comments were favourable in principle to a declaration although it was said that the number of comments received was not sufficiently large to draw any definite conclusions.

58. Divergent views on the nature of the right of asylum were stated. Some considered it a right of the individual and thought that some means of ensuring it should be found. It was argued that the right "to seek and to enjoy" asylum, proclaimed in article 14 of the Universal Declaration of Human Rights, implied a right to "receive" asylum. Others did not agree with such an interpretation, and emphasized that the right to grant asylum was a sovereign right of the State, and Governments would not accept any obligations in this respect. Article 1 of the draft Declaration, stating that responsibility for granting asylum should lie with the United Nations, was unacceptable to them. Some members pointed out that this would constitute interference in the internal affairs of States, and that this would not be compatible with the Charter of the United Nations. The view was also expressed that article 5 of the draft Declaration in its present wording imposed an obligation on States to grant asylum.

59. It was pointed out that a declaration on the right of asylum would not be legally binding, and would not impose any legal obligations on States. It would have strong moral force and would lay down certain standards of conduct, but States would be completely free to determine the extent to which they could comply with the standards laid down.

60. It was also pointed out that, whatever the legal position might be, States had, in practice, been very generous in affording asylum to those fleeing from persecution and had been guided primarily by humanitarian considerations. It was argued that certain principles relating to the right of asylum had already been widely accepted by States in practice. The purpose of the declaration was to find agreement on such principles and incorporate them in a document which would have universal application.

61. Reference was made to article 33 of the 1951 Convention relating to the Status of Refugees (A/CONF.2/108)¹¹ providing that no contracting State should expel or return a refugee to territories where his life or freedom would be threatened on grounds of race, religion, nationality or membership of a particular social group or political opinion. That stated a principle now generally accepted, but the Convention applied to a very limited group of persons.

62. It was also argued that States, in recent times, had acted both individually and collectively through the United Nations to assist countries which had given asylum to masses of refugees and this severely taxed their national economy and resources. The international community as represented by the United Nations had a responsibility to see that the burdens of countries of first asylum were lightened. Moreover, if the principle were thus declared, more States might be encouraged to offer their assistance. It was also pointed out that the United Nations had a responsibility towards persecuted persons and refugees.

¹¹ 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).

63. Some believed that the declaration should consist merely of an affirmation of these two principles. Others thought a statement on the nature of the right of asylum should be included. The view was expressed that the declaration should recognize the right of a State to grant or refuse asylum and it should be made clear that no obligations in this respect were being imposed on Governments. It was also pointed out that asylum was sought not only by masses of refugees but also by individuals, and that problems of individual political refugees and of mass movements of refugees were different. Some attempt to define the right of asylum should be made for the purpose of the declaration.

64. The view was expressed that the question of the right of asylum should not be substituted for, or confused with, the refugee problem, which was constantly under review by the General Assembly. It was pointed out that the draft Declaration dealt with only one aspect of the refugee problem, namely, re-settlement: there was also the matter of voluntary repatriation.

65. Some members, while not opposed in principle to a declaration on the right of asylum, were skeptical of its value unless it received wide support among Members of the United Nations. It was said that a declaration receiving such support could probably go little further than the terms of article 14 of the Universal Declaration of Human Rights and would not be of great value. It was also pointed out that there was a danger that by attempting to enunciate principles which States already practised generously, the Commission might be taking a retrograde step since such statements might be interpreted restrictively.

66. Some members were of the view that since the right of asylum had been incorporated in the Universal Declaration of Human Rights it was unnecessary to draft a further declaration and a more effective approach would be to include an article in the draft International Covenants on Human Rights which would be legally binding.

67. To meet some of the points raised, the representative of France presented the following revised draft Declaration in the form of a draft resolution for adoption by the General Assembly (E/CN.4/L.517):

" 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 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."

68. The representative of Iraq submitted the following amendment (E/CN.4/L.518) to the revised draft Declaration :

" After article 4, add the following as article 5 :

" ' 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.' "

69. Several members of the Commission commented that the revised text met many of the objections raised. Some feared, however, that the principles stated were not universally recognized and believed that Governments should be consulted further on the new text. It was also suggested that interested non-governmental organizations should be invited to comment.

70. At the 622nd meeting, on 25 March 1959, the representative of France submitted a draft resolution (E/CN.4/L.519) proposing that the Commission should decide in principle to prepare a draft Declaration on the Right of Asylum at its next session to be transmitted

to the General Assembly and asking Governments of States Members of the United Nations and members of the specialized agencies and the United Nations High Commissioner for Refugees to comment on the revised draft Declaration, the amendment of Iraq and the records of the Commission's discussions.

71. The representative of China proposed an oral amendment to operative paragraph 1 replacing the words "prepare at its next session a draft Declaration on the Right of Asylum" by "undertake at its next session the drafting of a Declaration on the Right of Asylum", which was accepted by the representative of France. The representative of Poland proposed the deletion of the phrase "which shall be transmitted to the General Assembly"; this amendment was also accepted by the representative of France.

72. The representative of the Philippines proposed the addition of the following phrase in paragraph 2: "and interested non-governmental organizations in consultative status with the Economic and Social Council". The phrase was also accepted by the representative of France.

73. The Commission voted (622nd meeting) on the draft resolution paragraph by paragraph. The preamble was adopted by 15 votes to none, with 2 abstentions; operative paragraph 1, as amended, was adopted by 14 votes to 2, with 1 abstention; and operative paragraph 2, as amended, was adopted by 14 votes to 2, with 1 abstention. The draft resolution as a whole, as amended, was adopted by 15 votes to 2, with 1 abstention.

74. The text of the resolution adopted at the 622nd meeting, on 25 March 1959, is as follows:

3 (XV). RIGHT OF ASYLUM

The Commission on Human Rights,

Having considered the observations submitted¹² pursuant to resolution X adopted by the Commission at its thirteenth session,¹³ on the value of a Declaration on the Right of Asylum and on the preliminary draft Declaration submitted by France,¹⁴ and the revised version thereof,¹⁵

1. *Decides* to undertake at its next session the drafting of a Declaration on the Right of Asylum;

2. *Invites* the Secretary-General to communicate the revised preliminary draft Declaration submitted by France,¹⁵ the amendment submitted by Iraq¹⁶ and the summary records of the Commission's discussions at its fifteenth session¹⁷ to the 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.

¹² E/CN.4/781 and Add.1-2, and E/CN.4/785.

¹³ *Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4*, para. 214.

¹⁴ E/CN.4/L.454.

¹⁵ E/CN.4/L.517.

¹⁶ E/CN.4/L.518.

¹⁷ E/CN.4/SR.618-622.

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

75. At its fourteenth session the Commission took note¹⁸ of a progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/763), containing, *inter alia*, an account of its methods of work and a tentative outline of its report.

76. In a progress report submitted to the Commission at its fifteenth session (E/CN.4/779 and Add.1), the Committee stated that, in accordance with its previous decision (E/CN.4/763, para. 10), it had continued to prepare monographs on the status of the right under study in States Members of the United Nations or members of the specialized agencies, and to forward them to the Governments concerned for checking, verification and comments; and that thirty-two such monographs had so far been transmitted to the Governments concerned.

77. The Committee had also requested its Chairman-Rapporteur to prepare by November 1959 a draft report on the right under study, which should as far as possible be similar in scope to the final report. This

draft would be based on the country monographs available at the time of its preparation on which the Governments concerned have had an opportunity to comment (E/CN.4/779/Add.1, para. 3). Finally the Committee expressed the hope that it would be in a position to prepare its final report in the course of 1960 in time for consideration and approval by the Commission on Human Rights at its seventeenth session in 1961 (E/CN.4/779/Add.1, para. 4).

78. The Commission considered the progress report at its 622nd meeting on 25 March 1959.

79. The representative of the USSR wished it to be recorded that, in his view, the preparation of studies on specific human rights was not necessary, since the Commission had already studied those rights in the course of its work on the draft International Covenants on Human Rights. He maintained that the programme of studies could only divert the attention of the United Nations from its basic task: the completion of international instruments setting forth legal obligations in the field of human rights.

80. Several representatives expressed the opinion that the study was a valuable and difficult undertaking. It was noted that the Committee, in its final report,

¹⁸ See *Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8*, chap. VII.

would have to examine thoroughly the concepts of "arbitrary arrest, detention and exile". To that end, it was suggested that many documents, including the records of discussion in the Third Committee of the General Assembly on the draft Covenant on Civil and Political Rights, the reports of the seminars on the protection of human rights in criminal law and procedure, and new legislation of various countries in the field of criminal procedure, should be fully taken into account.

V. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

83. In General Assembly resolution 926 (X), which established the programme of advisory services in the field of human rights, the Secretary-General was requested to report regularly to the Commission on Human Rights, among other United Nations bodies, on measures taken in compliance with the terms of the resolution. The Economic and Social Council at its twenty-sixth session in resolution 684 (XXVI) requested the Commission to review the programme of advisory services at each of its sessions on the basis of work plans presented by the Secretary-General.

84. The Commission had before it a report by the Secretary-General on advisory services in the field of human rights (E/CN.4/775 and Add.1). In this report the Secretary-General informed the Commission that the Council in resolution 684 (XXVI) had approved the plan for holding seminars in the year 1959, requesting him to keep in mind the possibility of organizing in the future an international seminar on a subject of universal interest. He further indicated that the General Assembly in resolution 1261 (XIII) had also approved the plan for 1959 and had subsequently authorized an appropriation of \$100,000 for the programme of advisory services in 1959. The 1959 programme includes three seminars to be organized, with the co-operation of the respective host governments, in Ceylon and Argentina (on judicial and other remedies against the illegal exercise or abuse of administrative authority), and in Colombia (on the participation of women in public life). The Secretary-General also stated that he hoped to organize three seminars in 1960. One of these would be in Ethiopia, on the subject of the participation of women in public life, and another would be in Japan, on a subject yet to be determined, while the Secretary-General was negotiating with certain other governments regarding the third seminar.

85. The Commission discussed the item relating to advisory services at its 623rd meeting, on 25 March 1959.

81. As regards the Committee's programme of work, several representatives noted with satisfaction that the Committee would prepare a substantial draft report in the course of 1959 and a final report in the course of 1960.

82. Several representatives expressed their appreciation of the work already accomplished by the Committee and its Chairman-Rapporteur, and of the assistance they had received from the Secretariat.

86. During the discussion there was general agreement as to the value and importance of the programme of advisory services, which, it was noted, had already progressed beyond the experimental stage. Members endorsed the seminar programme for 1959 and favoured the organization of three seminars in 1960.

87. It was suggested that some attention should be paid at seminars to "follow-up" activities, with a view to consolidating the results achieved and applying the principles discussed. Some members expressed doubts regarding the usefulness of fellowships and scholarships and the provision of expert assistance on the ground that countries were reluctant to admit that they were in need of assistance in the field of human rights, and thought that for the time being efforts should be concentrated on the organization of seminars.

88. Some members, while expressing agreement concerning the usefulness of the work accomplished under the programme, felt that the scope of the seminars was still too narrow, and suggested that international seminars on subjects of universal interest, including economic, social and cultural rights, should be organized. It was pointed out, however, that according to General Assembly resolution 926 (X), the initiative with regard to advisory services lay essentially with governments, which meant, for example, that while seminar topics might be suggested by the Secretary-General, there had to be agreement with the host country. In this connexion it was said that the Secretary-General, when considering the topic for a seminar, should take account of the interests of different countries in a given region. The opinion was also expressed that the organization of seminars on a wider basis might be contemplated at a later stage, but was premature just then, and that the present aim should be to make the best use of the limited funds available for the programme, amounting to \$100,000.

89. The Commission did not consider it necessary to take any specific action under this item.

VI. PERIODIC REPORTS ON HUMAN RIGHTS

90. In 1956 the Commission, at its twelfth session, and the Economic and Social Council, in resolution 624 B (XXII), initiated a system of periodic reporting by Governments.¹⁹ States Members of the United

Nations and members of the specialized agencies were asked to report, every three years, on developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in their metropolitan areas and Trust and Non-Self-Governing Territories. The rights on which Governments were asked

¹⁹ See *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, paras. 21-46.

to report were those enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination. The Commission decided that, on the basis of the information reported and summarized by the Secretary-General and the specialized agencies, it would consider general developments in human rights, and transmit to the Council such comments, conclusions and recommendations of an objective and general character in accordance with the Charter of the United Nations as it deemed appropriate.

91. The Commission began discussion of the first series of government reports, covering the three-year period 1954-1956, at its fourteenth session in 1958,²⁰ but decided to consider the matter further at the fifteenth session. It expressed the hope that Governments which had not transmitted reports would do so before its fifteenth session. The Commission also asked the Secretary-General, in consultation with the specialized agencies, to submit to it, at the fifteenth session, suggestions for a more detailed plan to guide Governments in preparing future triennial reports, and for the avoidance of duplication between his summary of the reports of Governments and the reports of the specialized agencies.

92. The total number of reports received by the Secretary-General in the first series was forty-one, submitted by the Governments of the following States : Australia, Austria, Brazil, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Hungary, India, Indonesia, Israel, Japan, Luxembourg, Mexico, Morocco, Nepal, Netherlands, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, El Salvador, Spain, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

93. When the Commission considered the item at its fifteenth session (624th and 625th meetings, held on 26 March 1959), it had before it with respect to the first series of reports : the summary of the forty-one reports received prepared on a topical basis by the Secretary-General (E/CN.4/757 and Add.1-7); and summaries of reports of statements on the reporting procedures submitted by the International Labour Organisation, UNESCO, the World Health Organization, the Universal Postal Union and the International Telecommunication Union (E/CN.4/758 and Add.1-2). In response to the wish which the Commission had expressed at its fourteenth session for co-operation in the consideration of periodic reports, WHO circulated a report on medical and hospital care of the sick and the protection of people against the potential danger of ionizing radiation (E/CN.4/758/Add.3).

94. The Commission also had before it, with respect to future series of periodic reports, a memorandum by the Secretary-General, prepared in consultation with the specialized agencies, in response to the Commission's

request at its fourteenth session (E/CN.4/776 and Add.1-2). In presenting his suggestions, which are given below, the Secretary-General explained some of the difficulties experienced in summarizing the first series of reports, and pointed out that the purpose of the reporting system was possibly not clearly understood. The Secretary-General's view was that Governments should submit concise statements, describing and explaining significant developments in human rights, mentioning difficulties encountered and the manner in which they had been overcome, as well as progress achieved. Such reports would enable Governments to exchange knowledge and experiences, and assist one another in the promotion of human rights through the medium of the Commission. They would also maintain the distinction which the Council had drawn, in resolution 683 D (XXVI), between the information to be furnished for the *Yearbook on Human Rights* and the information to be furnished in the triennial reports.

95. In a statement circulated to the Commission (E/CN.4/776/Add.2) the Deputy Director-General of WHO stated that article 25 of the Universal Declaration of Human Rights went beyond the competence of WHO and did not lend itself to direct reporting by Governments to the organization, but the Director-General would consider arrangements under which WHO might assist in studying reports on health questions received by the Secretary-General under that article.

96. The suggestions were as follows :

SUGGESTIONS TO ASSIST GOVERNMENTS IN PREPARING TRIENNIAL REPORTS ON HUMAN RIGHTS

(1) Reports should cover the three-year period under review. They should be confined to developments of particular significance. They should deal with rights enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination. These general suggestions are elaborated further below.

A. Suggestions concerning developments to be reported

(2) Governments should concentrate on evaluating and interpreting significant events and experiences, and on explaining important legislative and other measures taken during the period under review.

(3) In compiling their reports, Governments might consider developments which have arisen in connexion with constitutional provisions, laws or decrees, judicial decisions, administrative regulations or measures.

(4) In particular, they might describe and explain :

(a) The background and need which gave rise to the enactment of, or changes in, the instruments or arrangements referred to above;

(b) The manner in which such instruments or arrangements are applied and enforced;

(c) Important judicial decisions;

(d) Difficulties encountered;

(e) Techniques found to be of value in promoting human rights or in combating difficulties;

²⁰ *Ibid.*, Twenty-sixth Session, Supplement No. 8, chap. II.

- (f) Progress achieved;
- (g) Other significant events and experiences.

(5) Since the Economic and Social Council has recommended, in resolution 683 D (XXVI), that information furnished annually for the *Yearbook* should consist primarily of texts, or extracts from texts, of various instruments, Governments should not include any such texts as part of their triennial reports. If appropriate, they may make references to them.

B. Suggestions concerning the rights to be covered

(6) Governments should report significant developments relating to the rights enunciated in the Universal Declaration of Human Rights and also to the right of peoples to self-determination, subject to the suggestions relating to rights within the purview of the specialized agencies. Governments should concentrate on reporting significant developments rather than attempting to cover seriatim every right set forth.

(7) In preparing their reports Governments may wish to bear in mind the provisions of the following Conventions.

With respect to *article 3* of the Declaration :

The Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 (General Assembly resolution 260 III).

With respect to *article 4* of the Declaration :

The International Slavery Convention signed at Geneva on 25 September 1926²¹ and amended by the Protocol opened for signature or accession at the Headquarters of the United Nations, New York, on 7 December 1953 (General Assembly resolution 794 (VIII));

The Supplementary Convention on the Abolition of Slavery, the Slave-trade and Institutions and Practices similar to Slavery of 7 September 1956 (E/CONF.24/23);²²

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others approved on 2 December 1949 (General Assembly resolution 317 (IV)).

With respect to *article 14* of the Declaration :

The Convention relating to the Status of Refugees of 28 July 1951 (A/CONF.2/108);²³

The Convention relating to the Status of Stateless Persons of 4 September 1954 (E/CONF.17/5/Rev.1).²⁴

²¹ League of Nations, document C.586.M.223.1926.VI.

²² 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* (United Nations publication, Sales No.: 1957.XIV.2).

²³ 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).

²⁴ United Nations Conference on the Status of Stateless Persons, *Final Act and Convention relating to the Status of Stateless Persons* (United Nations publication, Sales No.: 1956.XIV.1).

With respect to *article 15* of the Declaration :

The Convention on the Nationality of Married Women of 29 January 1957 (General Assembly resolution 1040 (XI), annex).

With respect to *article 21* of the Declaration :

The Convention on the Political Rights of Women, approved on 20 December 1952 (General Assembly resolution 640 (VII), annex).

Rights within the purview of the specialized agencies

(8) Some of the rights enumerated in the Universal Declaration, and especially some of those set forth in articles 22 to 27, fall within the purview of specialized agencies. In principle, States members of the agencies concerned should report direct to the agencies on developments relating to such rights.

(9) States members of the International Labour Organisation should report to that agency (unless they have already done so during the period under review in their regular reports on the effect given to unratified and ratified conventions and to recommendations) any significant developments which have occurred in the implementation of those ILO instruments with rights enumerated in the Declaration, especially in articles 2, 22, 23, 24 and 25 thereof. The matters covered by such instruments include the prohibition of discrimination, the right to social security, to free choice of employment and protection against unemployment, to equal pay and just remuneration, to form and join trade unions, to rest, limitation of working hours and holidays with pay and to special protection for motherhood and childhood.²⁵

(10) States members of UNESCO should report to UNESCO developments relating to rights enumerated in articles 26 and 27 of the Universal Declaration.

(11) With respect to the right to freedom of opinion and expression set forth in article 19, it is suggested that, in their reports to the United Nations, Governments should deal primarily with the political and legal aspects of the right, and report to UNESCO on such matters as economic regulations, the development of mass communications and the professional training of news personnel.

Rights studied by other United Nations organs

(12) Some rights enumerated in the Universal Declaration are already under study by organs of the United Nations other than the Commission on Human Rights, and Governments have been asked or may be asked for information relating to them. In such cases, Governments should report only those developments which they wish to bring specifically to the attention of the Commission on Human Rights. It may be sufficient for this purpose to make precise reference to reports already submitted or to United Nations publications. This would apply, *inter alia*, to Trust and Non-Self-Governing Territories where reporting systems are already in operation.

²⁵ See E/CN.4/758/Add.1, paras. 4-11; and E/CN.4/776/Add.1, annex.

C. Suggestions concerning the time of submission of reports

(13) Governments should submit their reports as soon as possible and not later than six months after the year which ends the three-year period on which they are reporting. Reports should be as succinct as possible.

97. In the Commission's discussions (624th and 625th meetings, held on 26 March 1959) while one member expressed reservations on the value of the periodic reporting system, the majority emphasized its importance, although it was recognized that the system was still in an experimental stage. It was said that the fact that Governments prepared the reports was useful since, by so doing, they were obliged to review the situation with respect to human rights in their countries. It was also said that the reports could provide valuable guidance for the work of the Commission: they would give the Commission an opportunity of seeing concrete problems, and thus help to prevent its work from becoming too theoretical. The view was expressed that the development of the reporting system should not be allowed to detract from the primary task of completing the draft International Covenants on Human Rights.

98. Some members expressed the view that the action which the Commission should take on the reports received required further clarification, but, at the current stage, it would be premature to take any decisions. It was encouraging that forty-one Governments had submitted reports, even though the reports in the first series might not be entirely satisfactory. It was said that many of the reports submitted were too long and concentrated on matters of detail, frequently duplicating the information published in the *Yearbook on Human Rights*. This made it difficult to discern any general trends or developments. It was hoped that, in future, Governments would be able to report much more concisely and concentrate on the evaluation of significant developments.

99. Most members of the Commission expressed the view that the Secretary-General's suggestions regarding future series of reports would be helpful in overcoming

the difficulties experienced with the first series. They made clear the distinction between the information to be included in the periodic reports and the texts which should be furnished for the *Yearbook on Human Rights*.

100. It was said with respect to the suggestions regarding the rights within the purview of the specialized agencies that it was important for Governments to report to the agency concerned and for the agency itself to submit to the Commission a summary of the reports received.

101. It was pointed out that the suggestions regarding rights studied by other United Nations organs should not be interpreted as implying that the Commission was not interested in receiving information relating to Trust and Non-Self-Governing Territories. The purpose of this section was to avoid duplication and to suggest to Governments that they should indicate precisely the information pertaining to human rights in existing reports, submitted for consideration by other organs, which they wished to include as part of their periodic reports. The Secretary-General would then bring such information to the attention of the Commission.

102. The Commission unanimously adopted a draft resolution submitted by France (E/CN.4/L.521).

103. The text of the resolution, adopted at the 625th meeting, on 26 March 1959, is as follows:

4 (XV). PERIODIC REPORTS ON HUMAN RIGHTS

The Commission on Human Rights,

*Having taken note of the Secretary-General's memorandum concerning periodic reports on human rights,*²⁶

Believing that the suggestions contained in the annex to the memorandum will assist Governments in preparing and submitting periodic reports,

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

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

²⁶ E/CN.4/776 and Add.1-2.

VII. DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

104. In 1950 the Social Commission at its sixth session adopted a draft Declaration of the Rights of the Child.²⁷ The draft Declaration was transmitted to the Economic and Social Council, which discussed it at its eleventh session.²⁸ The Economic and Social Council, in resolution 309 C (XI), requested the Commission on Human Rights to consider the draft Declaration and to communicate to the Council "its observations on the principle and contents" of the draft.

²⁷ *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 3, annex II, part IV.*

²⁸ See E/AC.7/SR.125-128; and *Official Records of the Economic and Social Council, Eleventh Session, 387th meeting.*

105. The draft Declaration was placed on the agenda of the Commission at its seventh session in 1951, but was considered by the Commission for the first time at its thirteenth session in 1957. After a general discussion, the Commission decided to transmit to the Governments of Member States the draft Declaration together with the record of the discussions and proceedings in the Commission on Human Rights and in the Economic and Social Council and the written statements submitted by non-governmental organizations "with a view to receiving their comments thereon by 1 December 1957 at the latest, so that the Commission might be able

to take these comments into account during its further consideration of the question".²⁹

106. On 24 July 1957 the Economic and Social Council adopted resolution 651 E (XXIV) in which it considered that "the purposes of the Commission would be fully served if Governments were given more time to prepare their comments" on the draft Declaration; and resolved that the comments of Governments on the draft Declaration may be transmitted until 1 December 1958 in order that the Secretary-General may circulate them to the members of the Commission by 31 December 1958 for consideration by the Commission at its next session thereafter.

107. The following twenty-one Governments replied to the request for comments: Australia, Cambodia, Ceylon, Denmark, Dominican Republic, Greece, Hungary, Israel, Jordan, Laos, Luxembourg, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Sudan, the United Kingdom of Great Britain and Northern Ireland and the United States of America (E/CN.4/780); Finland, France, Japan, the Union of Soviet Socialist Republics and Yugoslavia (E/CN.4/780/Add.1); India, Netherlands and Turkey (E/CN.4/780/Add.2).

108. The following two non-governmental organizations having consultative status in category B submitted written statements: the International Federation of Women Lawyers (E/CN.4/NGO/85) and the International Union for Child Welfare (E/CN.4/NGO/84).

109. The Commission also had before it a memorandum by the Secretary-General (E/CN.4/512) containing the text of the draft Declaration of the Rights of the Child, background information and the Declaration of Geneva of 1924.

110. The draft Declaration of the Rights of the Child was considered by the Commission at its 626th to 640th meetings, on 30 March to 8 April 1959.

111. During the discussion many of the members of the Commission expressed themselves in favour of a brief declaration which should proclaim general principles without provisions on methods of implementation. Some members stated that they would have preferred a legally binding convention rather than a declaration, but they were prepared to support the principle of a declaration. They stressed, however, that such a declaration should not be limited to a simple proclamation of general principles but should also provide for practical measures to ensure the observance of the rights of the child proclaimed.

112. Some members recalled that in its resolution 309 C (XI) the Council had requested the Commission to communicate "its observations on the principle and contents" of the draft Declaration and wondered whether the Commission was in a position to redraft the declaration. It was pointed out, however, that the Declaration had been proposed many years previously and that since then further comments had been requested and received from Governments. It seemed, there-

fore, that the Commission could submit its observations in any form that it desired. It was agreed that the Commission was not precluded from forwarding a new draft, which the Council could consider with the draft Declaration prepared by the Social Commission.

113. The Commission proceeded to discuss the draft Declaration, particularly in the light of the amendments submitted to it by the members and taking into account the provisions of the Universal Declaration of Human Rights as suggested by the Council in its resolution 309 C (XI). The amendments and voting thereon are set out below together with the texts adopted by the Commission. The Commission, however, draws the attention of the Council to the summary records of the discussion (E/CN.4/SR.626-640) because the various, and in many cases divergent, opinions expressed by the members of the Commission cannot be indicated accurately or adequately in any concise and brief account which might be furnished in this report.

114. The Chairman of the Commission on the Status of Women suggested to the Commission on Human Rights that it might wish to refer the text it finally adopted to the Commission on the Status of Women for study and comment.

115. The Commission also heard the representatives of the International Labour Organisation and UNESCO, and the representatives of the following non-governmental organizations in consultative status: the Agudas Israel World Organization, the International Confederation of Free Trade Unions, the International Federation of Women Lawyers, the International Union for Child Welfare and the Women's International League for Peace and Freedom.

Preamble

116. At its 628th and 629th meetings, on 31 March 1959, the Commission discussed the first five paragraphs of the preamble to the draft prepared by the Social Commission, the text of which read as follows:

" 1. *Whereas* the United Nations have, in the Charter and in the Universal Declaration of Human Rights, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

" 2. *Whereas* the United Nations have declared that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

" 3. *Whereas* Member States have, in the Universal Declaration of Human Rights, proclaimed their recognition of the fundamental rights of persons,

" 4. *Whereas*, as has specifically been stated since 1924 in the Geneva Declaration of the Rights of the Child, mankind owes to the child the best it has to give,

²⁹ *Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4, chap. IV.*

" 5. *Whereas* the child needs special safeguards by reason of his physical and mental immaturity and his particular legal status."

117. Amendments to the second and third paragraphs of the preamble were submitted by France (E/CN.4/L.524) and Israel (E/CN.4/L.525). Subsequently, France joined Israel as a sponsor of its amendments.

118. In the absence of any objection, the Commission accepted the following text for the first paragraph :

" *Whereas* the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,"

119. In the absence of any objection, the Commission also adopted the following text for the second paragraph :

" *Whereas* the United Nations have, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,"

120. In the absence of any objection, the Commission decided to delete the third paragraph of the preamble and to replace it by the text proposed by Israel, as orally revised. The text read as follows :

" *Whereas* the child needs special safeguards, including special legal protection, by reason of its physical and mental immaturity,"

121. A text was submitted by Israel (E/CN.4/L.525) to replace the text of the fourth paragraph of the preamble. As orally revised to incorporate suggestions by France and the United Kingdom, the text read as follows :

" *Whereas* the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and has again been recognized in article 25, paragraph 2, of the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,"

122. This text was adopted by the Commission, without objection, to replace the fourth paragraph of the original text.

123. In the absence of any objection, it was decided that the fifth paragraph should be replaced by the following text taken from an amendment proposed by Israel (E/CN.4/L.525) :

" *Whereas* mankind owes to the child the best it has to give,"

Operative paragraph

124. The operative paragraph (paragraph 6) preceding the principles set forth in the draft prepared by the Social Commission was as follows :

" *Now therefore*

" 6. *The General Assembly recognizes and proclaims the essential rights of the child* to the end that he may have a happy childhood and be enabled to grow up to enjoy, for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as through their local authorities and national Governments to recognize and strive for the observance of these rights through the application of the following principles :

125. The Commission discussed this paragraph at its 630th meeting, on 1 April 1959. An amendment submitted by the USSR (E/CN.4/L.526) calling for the insertion of the words "the Governments of States as well as all" after the words "calls upon" and the deletion of the words "as individuals as well as through their local authorities and national Governments" was not pressed to a vote. The representative of the USSR reserved his right to raise the question again. The original text, with an oral amendment by India replacing the words "through their" by "upon", was adopted unanimously.

Principles

126. At its 628th meeting, on 31 March 1959, the Commission discussed an amendment proposed by Iran and the Philippines (E/CN.4/L.523) replacing the word "the" before the word "child" in all the principles by the word "every". The amendment was not adopted, the vote being 6 in favour, 6 against and 5 abstentions.

127. The numbers of the principles given below are those finally determined by the Commission on Human Rights; the numbers of the principles in the draft prepared by the Social Commission are indicated at the beginning of each principle. Decisions by the Commission on the numbering of certain principles are indicated.

PRINCIPLE 1

128. At its 630th meeting, on 1 April 1959, the Commission decided by 11 votes to none, with 6 abstentions, on the proposal of France (E/CN.4/L.524), to include principle 10 of the draft prepared by the Social Commission as principle 1 of the new draft.

129. Principle 10 of the draft prepared by the Social Commission was as follows :

" The child shall enjoy the rights set forth above, irrespective of any consideration of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth, legitimacy or other status."

130. The Commission discussed this principle at its 630th meeting, on 1 April 1959. Amendments were submitted by France (E/CN.4/L.524), Israel (E/CN.4/L.525) and the United Kingdom (E/CN.4/L.529).

131. The text proposed in the Israel amendment, as orally revised, was as follows :

"The child shall enjoy all the rights set forth in this Declaration without distinction or discrimination on account of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of either of his parents. All children, whether born in or out of wedlock, shall enjoy these rights."

132. The United Kingdom amendment deleting the word "caste" was adopted by 15 votes to none, with 3 abstentions. The second sentence of the text proposed in the Israel amendment was adopted by 9 votes to 1, with 8 abstentions.

133. The text proposed in the Israel amendment, as amended, as a whole, was adopted by 12 votes to 1, with 5 abstentions, as principle 1 of the Declaration.

PRINCIPLE 2

134. Principle 1 of the draft prepared by the Social Commission was as follows:

"The child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity."

135. The Commission discussed this principle at its 631st meeting, on 1 April 1959. The original text was adopted unanimously.

PRINCIPLE 3

136. At its 639th meeting, on 7 April 1959, the Commission discussed a proposal by Poland (E/CN.4/L.527/Add.1) for the insertion of a new principle which, as orally revised, read as follows:

"The child shall enjoy protection by law and by other means. Whenever necessary, opportunities and facilities shall be provided by law to enable him to develop in accordance with the principles of this Declaration. The best interests of the child shall be the paramount consideration in the enactment of such laws."

137. The words "and by other means" in the first sentence were adopted by 10 votes to 2, with 5 abstentions.

138. The second sentence was adopted by 12 votes to 3, with 3 abstentions.

139. An oral amendment by the Philippines replacing the words following "consideration" in the third sentence by the words "in the granting of protection, opportunities, and facilities for his development", was rejected by 11 votes to 2, with 4 abstentions. The original text of the third sentence was adopted by 12 votes to 2, with 4 abstentions.

140. The new principle, as proposed, as a whole, was adopted by 12 votes to 2, with 4 abstentions. The Commission also decided by 14 votes to none, with 3 abstentions, on the motion of the representative of Iraq, to insert this new principle as principle 3 of the new draft.

PRINCIPLE 4

141. Principle 2 of the draft prepared by the Social Commission was as follows:

"The child shall be entitled from his birth to a name and a nationality."

142. The Commission discussed this principle at its 631st meeting, on 1 April 1959, and unanimously adopted the original text. An amendment by Poland (E/CN.4/L.527) was withdrawn on the understanding that it would be submitted subsequently as a proposal for insertion as a new principle (see principle 3 above).

PRINCIPLE 5

143. Principle 3 of the draft prepared by the Social Commission was as follows:

"The child shall enjoy the benefits of social security. He shall be entitled even from before birth to grow and develop in health. He shall have the rights to adequate nutrition, housing, recreation and free medical services."

144. The Commission discussed this principle at its 631st to 633rd meetings, on 1 and 2 April 1959. Amendments were submitted by the USSR (E/CN.4/L.526 and Add.1 and Add.1/Rev.1), the United Kingdom (E/CN.4/L.529), the United States (E/CN.4/L.530), the Philippines (E/CN.4/L.531) and India (E/CN.4/L.533).

145. The Commission rejected by 9 votes to 3, with 6 abstentions, the amendment of the Soviet Union (E/CN.4/L.526/Add.1/Rev.1) calling for the insertion of the following text after the sentence ending with the words "to grow and develop in health":

"To safeguard the normal development of the child, it is recommended that States should take steps, in particular, to ensure that women workers are granted paid maternity leave both before and after confinement, that the employment of expectant and nursing mothers on work detrimental to their health is prohibited, and that such mothers are transferred, where necessary, to lighter work without any reduction in pay and are granted intervals during the working day to enable them to feed their children."

146. The Commission rejected by 9 votes to 3, with 6 abstentions, the amendment of the Soviet Union (E/CN.4/L.526/Add.1/Rev.1) calling for the replacement of the last sentence by the following:

"The child shall have the right to proper nutrition, housing, recreation and free medical services. The State shall assure free medical care to all children and expectant and nursing mothers by establishing an adequate network of hospitals, clinics, maternity homes and other medical institutions."

"States shall also promote the balanced physical development of the rising generation and, to that end, encourage the provision of various sports facilities for children."

147. The Commission then voted on the text proposed in the amendment of India (E/CN.4/L.533), which was as follows:

" The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health. To this end adequate pre-natal and post-natal care, including social and health services (such as grant of maternity leave before and after delivery, prohibition of heavy work during such periods, and establishment of clinics and maternity homes), shall be provided to the mother. The child shall have the right to adequate nutrition, housing, recreation and medical services."

148. The Commission adopted by 10 votes to 4, with 4 abstentions, the oral amendment to the Indian amendment proposed by the United Kingdom. The amendment consisted in inserting a semi-colon after the second sentence and adding the following text to replace the third sentence : " to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care ".

149. The oral amendment of the Soviet Union to insert the word " free " before the words " medical services " in the last sentence of the Indian amendment was voted on by roll-call and rejected by 11 votes to 3, with 4 abstentions. The voting was as follows :

In favour : Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against : Argentina, Belgium, China, France, India, Israel, Italy, Lebanon, Mexico, the United Kingdom of Great Britain and Northern Ireland, the United States of America.

Abstentions : Ceylon, Iran, Iraq, Philippines.

150. The first sentence of the text proposed in the Indian amendment was adopted unanimously. The last sentence of the Indian text was adopted by 16 votes to none, with 2 abstentions.

151. The text proposed in the Indian amendment as a whole, as amended, was adopted by 15 votes to none, with 3 abstentions, in the following form :

" The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services."

PRINCIPLE 6

152. Principle 4 of the draft of the Social Commission was as follows :

" The child shall be given opportunity to grow up in economic security, in the care of his own parents whenever possible, and in a family atmosphere of affection and understanding favourable to the full and harmonious development of his personality."

153. The Commission discussed this principle at its 633rd to 635th meetings, on 2 and 3 April 1959, amendments were submitted by France (E/CN.4/L.524), the USSR (E/CN.4/L.526), Poland (E/CN.4/L.527 and Add.2), the Philippines (E/CN.4/L.531) and by France and Israel (E/CN.4/L.535), which superseded the pre-

vious amendment submitted by France. The Philippines amendment was subsequently withdrawn.

154. The voting commenced with the amendment of France and Israel, which, as orally revised to incorporate a suggestion of Iran, was as follows (E/CN.4/L.535 and E/CN.4/SR.633-635) :

" For the full and harmonious development of his personality, the child needs love and understanding. He shall, save where his best interest requires otherwise, grow up in the care of his own parents, and a young child shall not, save in exceptional circumstances, be separated from his mother. In any case, opportunity shall be provided to the child to grow up in an atmosphere of affection and moral and material security."

155. An Iraqi amendment consisting in deleting the word " young " was not adopted, there being 7 votes in favour, 7 against and 4 abstentions.

156. The first sentence was adopted by 17 votes to none, with 1 abstention.

157. The phrase " He shall, save where his best interest requires otherwise, grow up in the care of his own parents " in the second sentence was adopted unanimously. The rest of the second sentence was adopted by 9 votes to 5, with 4 abstentions.

158. The third sentence was adopted by 17 votes to none, with 1 abstention.

159. The amendment as a whole was adopted by 16 votes to none, with 2 abstentions.

160. The Commission rejected by 10 votes to 2, with 6 abstentions, the amendment proposed by the Soviet Union (E/CN.4/L.526), consisting in the addition of the following paragraph :

" States shall provide for the proper maintenance and upbringing in children's homes, boarding schools and other children's institutions of orphaned children and children whose parents have insufficient means for their maintenance. The payment by the State of maintenance allowances to large families is desirable."

161. The Commission adopted by 10 votes to 5, with 3 abstentions, the revised amendment submitted by Poland (E/CN.4/L.527/Add.2) adding the following sentence at the end of the principle :

" Society as well as public authorities shall have the duty to extend particular care to children without a family or those without adequate means of support."

162. Principle 6, as amended, was unanimously adopted as a whole.

PRINCIPLE 7

163. Principle 5 of the draft of the Social Commission was as follows :

" The child shall be given an education which will bestow upon him general culture and enable him to develop his abilities and individual judgement and to become a useful member of society. Such education shall be free."

164. The Commission discussed this principle at its 635th to 637th meetings, on 3 and 6 April 1959. Amendments were submitted by France (E/CN.4/L.524), Israel (E/CN.4/L.525), the Soviet Union (E/CN.4/L.526 and Add.2), Italy (E/CN.4/L.528), the United Kingdom (E/CN.4/L.529), the United States of America (E/CN.4/L.530), India, Iran and Iraq (E/CN.4/L.537), China (E/CN.4/L.538). A sub-amendment to the amendment of the United Kingdom was submitted by the Soviet Union (E/CN.4/L.536) and to the amendment of India, Iran and Iraq by the Soviet Union (E/CN.4/L.539 and E/CN.4/L.539/Rev.1) and by the Ukrainian SSR (E/CN.4/L.540). The first of the amendments submitted by France (E/CN.4/L.524) and the amendment of Israel (E/CN.4/L.525), the amendment of Italy (E/CN.4/L.528), the United Kingdom (E/CN.4/L.529), the United States of America (E/CN.4/L.530) and the sub-amendment of the Ukrainian SSR (E/CN.4/L.540) were subsequently withdrawn.

165. The Commission at its 639th meeting, on 7 April 1959, voted on the basis of the substitute text submitted by India, Iran and Iraq, which took into account the French amendment. The text was as follows (E/CN.4/L.537) :

“ The child is entitled to receive free and compulsory education, at least in the elementary stages. The education of the child shall be directed to the full development of his personality and the strengthening of respect for human rights and fundamental freedoms. It shall enable him, enjoying the same opportunities as others, to develop his abilities and individual judgement and to become a useful member of society. It shall promote tolerance and understanding of his own as well as other cultures and of the principles and purposes of the United Nations.”

166. The Commission rejected by 4 votes to 3, with 9 abstentions, the amendment of the Soviet Union (E/CN.4/L.539/Rev.1) calling for the insertion of the following text after the first sentence of the joint amendment :

“ The right shall be ensured by the State through the organization of an extensive network of schools, adequately staffed, housed and equipped. States shall take all necessary steps to extend the principle of free and universal education to secondary schools as well. Every child, including minors in employment, shall have the right to education.”

167. The Commission then voted by parts on the amendment submitted by the Soviet Union (E/CN.4/L.539/Rev.1) whereby the last part of the joint amendment, beginning after the words “ enjoying the same opportunities as others ”, was to be replaced by the following :

“ ... to develop his abilities and to become a responsible and useful member of society. It shall promote mutual understanding, tolerance and friendship, among all peoples and racial or religious groups, as well as understanding of the culture both of his own people and of other peoples and of the principles and purposes of the United Nations.

“ States shall prohibit the dissemination of war propaganda and racial and national hatred in schools.”

168. The first sentence of the first paragraph of the amendment submitted by the Soviet Union was rejected by 6 votes to 3, with 7 abstentions. The second sentence of the first paragraph, replacing the last sentence of the joint amendment, was adopted by 5 votes to 2, with 8 abstentions. The second paragraph of the amendment was rejected by 9 votes to 3, with 4 abstentions.

169. The Commission adopted by 11 votes to none, with 6 abstentions, the amendment submitted by France (E/CN.4/L.524) consisting in the addition of the following :

“ The best interest of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.”

170. The first part of the sentence of the joint amendment (E/CN.4/L.537) up to the word “ education ” was adopted unanimously. The remaining part of the first sentence, namely, the words “ at least in the elementary stages ” was adopted in a roll-call vote by 14 votes to 2, with 1 abstention. The voting was as follows :

In favour : Argentina, Belgium, Ceylon, China, France, India, Iran, Iraq, Israel, Lebanon, Mexico, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against : Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining : Poland.

171. The joint amendment, as a whole, as amended, was adopted by 15 votes to none, with 2 abstentions, in the following form :

“ The child is entitled to receive free and compulsory education, at least in the elementary stages. The education of the child shall be directed to the full development of his personality and the strengthening of respect for human rights and fundamental freedoms; it shall enable him, enjoying the same opportunities as others, to develop his abilities and individual judgement and to become a useful member of society. It shall promote mutual understanding, tolerance and friendship among all peoples and racial or religious groups, as well as understanding of the culture both of his own people and of other peoples and of the principles and purposes of the United Nations. The best interests of the child shall be the guiding principles of those responsible for his education and guidance; that responsibility lies in the first place with his parents.”

PRINCIPLE 8

172. Principle 6 of the draft of the Social Commission was as follows :

“ The child shall in all circumstances be amongst the first to receive protection and relief.”

173. The Commission discussed this principle at its 638th meeting on 7 April 1959. It adopted by 10 votes

to 2, with 5 abstentions, the amendment submitted by Israel (E/CN.4/L.525) deleting the word "amongst" The text as amended was unanimously adopted.

PRINCIPLE 9

174. Principle 9 of the draft of the Social Commission was as follows :

" The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition."

175. This principle was discussed at the 639th meeting, on 7 April 1959. The original draft was adopted unanimously. It was also agreed without objection that this principle should be included as principle 9 of the new draft.

PRINCIPLE 10

176. Principle 7 of the draft of the Social Commission was as follows :

" The child shall be protected against all forms of neglect, cruelty and exploitation. He shall in no case be caused to engage in any occupation or employment which would prejudice his health or education or interfere with his development."

177. The Commission discussed this principle at its 638th meeting, on 7 April 1959. Amendments were submitted by Israel (E/CN.4/L.525) and the USSR (E/CN.4/L.526) and orally by the United Kingdom.

178. The Commission rejected by 9 votes to 3, with 6 abstentions, the amendment submitted by the Soviet Union (E/CN.4/L.526) calling for the insertion of the following sentence after the first sentence :

" In particular, the child shall not be subjected to corporal punishment in schools."

179. The Commission then voted on the amendment submitted by the Soviet Union (E/CN.4/L.526) consisting in the addition of the following paragraphs at the end of the principle :

" To these ends, the States shall enact legislation prohibiting the employment of minors below a certain age-limit to be established by law, and also the employment of minors for unhealthy or hazardous work. Criminal liability shall be established for the employment of minors who have not attained the minimum age established by law, and also for the employment of minors for unhealthy or hazardous work."

" States shall take measures to ensure a shorter working day, adult wage rates and adequate paid annual leave for minors."

180. The first sentence of the first paragraph of the amendment was rejected by 8 votes to 4, with 6 abstentions. The second sentence of the first paragraph of the amendment was rejected by 9 votes to 2, with 7 abstentions. The second paragraph of the amendment was rejected by 10 votes to 2, with 6 abstentions.

181. The first sentence of the original text was adopted unanimously.

182. The United Kingdom oral amendment, which consisted in adding, at the beginning of the second sentence of the original text, the phrase, " He shall not be admitted to employment before an appropriate age;" was adopted by 16 votes to none, with 2 abstentions.

183. The amendment submitted by Israel was orally revised to add the words " or permitted," after the word " caused " and to insert the words " physical, mental or moral " before the word " development " in the second sentence. The first part of the amendment was adopted unanimously and the second part of the amendment was adopted by 16 votes to none, with 2 abstentions.

184. The text of the principle as a whole as amended was adopted by 16 votes to none, with 2 abstentions, in the following form :

" The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be admitted to employment before an appropriate age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development."

PRINCIPLE 11

185. Principle 8 of the draft of the Social Commission was as follows :

" The child shall be protected against any practice which may foster racial or national discrimination or hatred. He shall be brought up in the consciousness that he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace."

186. The Commission discussed this principle at its 639th meeting, on 7 April 1959. Amendments were submitted by Israel (E/CN.4/L.525), the Soviet Union (E/CN.4/L.526), Poland (E/CN.4/L.527), the United States of America (E/CN.4/L.530), the Philippines (E/CN.4/L.531) and India, Lebanon and Mexico (E/CN.4/L.543) and a sub-amendment to the United States amendment by India, Lebanon and Mexico (E/CN.4/L.542). The Israel and Philippine amendments were subsequently withdrawn.

187. The Commission voted first on a revised amendment submitted by Poland calling for the insertion of the following sentence at the beginning of the principle : " The child has the right to live in peace." This amendment was rejected by 5 votes to 3, with 9 abstentions.

188. The amendment submitted by the United States of America, incorporating the sub-amendment of India, Lebanon and Mexico, as orally revised, was adopted by 17 votes to none, with 1 abstention, in the following form as a replacement of the first sentence :

" The child shall be brought up in an atmosphere which will promote understanding, tolerance and friendship among peoples, and national, racial and religious groups, and aversion for all forms of national, racial or religious discrimination."

189. The Commission adopted by 15 votes to 1, with 2 abstentions, the amendment submitted by India, Lebanon and Mexico as orally revised to insert a new sentence after the first sentence as follows: "He shall be protected from practices based on any such discrimination."

190. The amendment submitted by the Soviet Union, as orally revised, which consisted in inserting in the second sentence after the words "brought up" the words "in a spirit of peace, friendship and brotherhood among nations", was adopted by 11 votes to 1, with 6 abstentions.

191. An oral amendment submitted by the Ukrainian SSR calling for the replacement of the words "his fellow men" by "society" was not adopted, the vote being 7 in favour, 7 against and 4 abstentions.

192. The amendment submitted by the Soviet Union, calling for the addition of the following sentence: "States shall prohibit the dissemination of war propaganda and racial and national hatred in schools," at the end of the principle, was rejected by 12 votes to 2, with 4 abstentions.

193. The principle, as a whole, as amended, was adopted by 14 votes to none, with 4 abstentions.

LAST PARAGRAPH

194. The last paragraph of the draft of the Social Commission was as follows:

"*The General Assembly calls upon all Governments and peoples to make known the above principles and explain them to parents, educators, doctors, social workers and all others who deal directly with children and to children themselves.*"

195. The Commission discussed this paragraph at its 639th meeting, on 7 April 1959. It adopted, by 14 votes to none, with 3 abstentions, the proposal by Iraq for the deletion of the paragraph. The representative of Poland then stated that she would not press her amendment (E/CN.4/L.527) calling for the addition of another

paragraph to the draft Declaration, but would reserve her right to raise the matter in the Economic and Social Council.

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

196. At the 639th meeting, on 7 April 1959, the Commission adopted by 7 votes to none, with 11 abstentions, the proposal of the representative of India that the draft Declaration as prepared by the Commission on Human Rights should be voted on as a whole. At its 642nd meeting, on 10 April 1959, the Commission adopted, by 8 votes to 2, with 6 abstentions, a proposal by the representative of Iraq that separate votes should be taken on such provisions of the draft Declaration prepared by the Commission as might be requested before voting on the draft as a whole. The voting was as follows:

(a) The paragraph preceding principle 1 was adopted by 16 votes to none, with 2 abstentions;

(b) Principle 5 was adopted by 14 votes to none, with 3 abstentions;

(c) It was decided, by 11 votes to 4, with 2 abstentions, to retain the word "young" in the second sentence of principle 6; and principle 6 was adopted by 15 votes to none, with 2 abstentions;

(d) Principle 7 was adopted by 15 votes to none, with 2 abstentions;

(e) Principle 10 was adopted by 15 votes to none, with 2 abstentions;

(f) Principle 11 was adopted by 13 votes to none, with 4 abstentions;

(g) The draft Declaration as a whole as prepared by the Commission was adopted unanimously.

197. At the 639th and 640th meetings, on 7 and 8 April 1959, the Commission discussed a draft resolution submitted by Argentina, India and the Philippines (E/CN.4/L.544 and E/CN.4/L.544/Rev.1) and adopted it unanimously. The text of the resolution adopted at the 640th meeting, on 8 April 1959, is as follows:

5 (XV). DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

The Commission on Human Rights,

Having considered, in accordance with Economic and Social Council resolution 309 (XI) of 13 July 1950, the draft Declaration of the Rights of the Child prepared by the Social Commission,³⁰

Having taken into account the comments of Governments and non-governmental organizations submitted under Council resolution 651 E (XXIV) of 24 July 1957,

Transmits to the Economic and Social Council its observations in the form of a draft Declaration adopted by the Commission, together with the records and documents of its proceedings.³¹

³⁰ *Ibid.*, *Eleventh Session, Supplement No. 3*, annex II, part IV.

³¹ E/CN.4/512, 780, 780/Add.1-2; E/CN.4/L.523-526, 526/Add.1-2, 526/Add.1/Rev.1, 527 and Add.1-2, 528-531, 533, 535-539, 539/Rev.1, 540-544, 544/Rev.1, 545; E/CN.4/NGO/84-85; and E/CN.4/SR.626-640 and 642.

DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

TEXT OF THE COMMISSION ON HUMAN RIGHTS

Preamble

Whereas the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations have, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child needs special safeguards, including special legal protection by reason of his physical and mental immaturity,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and has again been recognized in Article 25 (2) of the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give,

Now therefore

The General Assembly recognizes and proclaims the essential Rights of the Child to the end that he may have a happy childhood and be enabled to grow up to enjoy for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as upon local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles.

Principles

1. The child shall enjoy all the rights set forth in this Declaration without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of either of his parents. All children whether born in or out of wedlock shall enjoy these rights.

2. The child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

3. The child shall enjoy special protection by law and by other means. Whenever necessary, opportunities and facilities shall be provided by law to enable him to develop in accordance with the principles of this Declaration. The best interests of the child shall be the paramount consideration in the enactment of such laws.

4. The child shall be entitled from his birth to a name and a nationality.

5. The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

TEXT OF THE SOCIAL COMMISSION

Preamble

1. Whereas the United Nations have, in the Charter and in the Universal Declaration of Human Rights, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

2. Whereas the United Nations have declared that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

3. Whereas Member States have, in the Universal Declaration of Human Rights, proclaimed their recognition of the fundamental rights of persons,

4. Whereas, as has specifically been stated since 1924 in the Geneva Declaration of the Rights of the Child, mankind owes to the child the best it has to give,

5. Whereas the child needs special safeguards by reason of his physical and mental immaturity and his particular legal status,

Now therefore

6. The General Assembly recognizes and proclaims the essential Rights of the Child to the end that he may have a happy childhood and be enabled to grow up to enjoy, for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as through their local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles :

Principles

10. The child shall enjoy all the rights set forth above, irrespective of any consideration of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth, legitimacy or other status.

1. The child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

[No equivalent.]

2. The child shall be entitled from his birth to a name and a nationality.

3. The child shall enjoy the benefits of social security. He shall be entitled even from before birth to grow and develop in health. He shall have the right to adequate nutrition, housing, recreation and free medical services.

6. For the full and harmonious development of his personality, the child needs love and understanding. He shall, save where his best interests require otherwise, grow up in the care of his parents, and a young child shall not, save in exceptional circumstances, be separated from his mother. In any case, opportunity shall be provided to the child to grow up in an atmosphere of affection and moral and material security. Society as well as public authorities shall have the duty to extend particular care to children without a family or those without adequate means of support.

7. The child is entitled to receive free and compulsory education, at least in the elementary stages. The education of the child shall be directed to the full development of his personality and the strengthening of respect for human rights and fundamental freedoms; it shall enable him, enjoying the same opportunities as others, to develop his abilities and individual judgement and to become a useful member of society. It shall promote mutual understanding, tolerance and friendship among all peoples and racial or religious groups, as well as understanding of the culture both of his own people and of other peoples and of the principles and purposes of the United Nations.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

8. The child shall in all circumstances be the first to receive protection and relief.

9. The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

10. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be admitted to employment before an appropriate age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.

11. The child shall be brought up in an atmosphere which will promote understanding, tolerance and friendship among peoples and national, racial and religious groups and aversion for all forms of national, racial or religious discrimination. He shall be protected from practices based on any such discrimination. He shall be brought up in a spirit of peace, friendship and brotherhood among nations in the consciousness that he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace.

[Deleted.]

4. The child shall be given opportunity to grow up in economic security, in the care of his own parents wherever possible, and in a family atmosphere of affection and understanding favourable to the full and harmonious development of his personality.

5. The child shall be given an education which will bestow upon him general culture and enable him to develop his abilities and individual judgement and to become a useful member of society. Such education shall be free.

6. The child shall in all circumstances be amongst the first to receive protection and relief.

9. The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

7. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall in no case be caused to engage in any occupation or employment which would prejudice his health or education or interfere with his development.

8. The child shall be protected against any practice which may foster racial or national discrimination or hatred. He shall be brought up in the consciousness that he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace.

The General Assembly calls upon all Governments and peoples to make known the above principles and explain them to parents, educators, doctors, social workers and all others who deal directly with children, and to children themselves.

VIII. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

198. At the 620th, 625th, 626th, 628th, 629th, 635th, 640th and 641st meetings, held on 24, 26 and 31 March and 8 April 1959, the Commission examined item 6 of its agenda, entitled "Prevention of discrimination and protection of minorities". It dealt with

four aspects of the question, as follows: (a) study of discrimination in education; (b) report of the eleventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/778 and Corr.1); (c) membership of the Sub-Commission;

and (d) second conference of non-governmental organizations interested in the eradication of prejudice and discrimination.

199. The Commission examined chapter IV of the Sub-Commission's report (E/CN.4/778 and Corr.1), on communications relating to the prevention of discrimination and protection of minorities, in connexion with item 10 of its agenda (see chapter IX of the present report).

Study of discrimination in education

200. At its fourteenth session the Commission expressed itself as being in favour of drafting fundamental principles on the eradication of discrimination in education.³² The Commission began to draft these principles, but later decided to postpone the work until the fifteenth session in order to take advantage of further comments received from Governments during the interim period. Between the fourteenth and fifteenth sessions additional comments were received from the Governments of Japan, Portugal and Yugoslavia (E/CN.4/760/Add.7).

201. At the fourteenth session the Commission also held a preliminary discussion on the advisability of preparing one or more international instruments designed to eradicate discrimination in education. The Commission was advised that the question of an item on the subject was on the agenda of the 1958 UNESCO General Conference. It therefore decided to postpone action until the fifteenth session, when it would resume its discussion in the light of the position taken during 1958 by the directing bodies of UNESCO.

202. The Sub-Commission on Prevention of Discrimination and Protection of Minorities was informed at its eleventh session of 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 "to prepare a preliminary report, draft recommendations and a draft convention to be circulated to member States for comments, and 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". At that time the Sub-Commission requested the Secretary-General, "utilizing the direct means of contact between the Sub-Commission and UNESCO authorized by resolution 545 E (XVIII) of the Economic and Social Council, to arrange with the Director-General of UNESCO that the preliminary report, recommendations and draft convention which will be circulated to member States for comment be made available also to the Sub-Commission at its twelfth session in 1960, in order to enable the Sub-Commission to express its views on these documents

before they are submitted to the Committee of Technical and Legal Experts and to the eleventh session of the General Conference of UNESCO". The Sub-Commission further decided to examine the preliminary report, draft recommendations and draft convention at its twelfth session.

203. At the fifteenth session the Commission received two communications from the Director-General of UNESCO. The first of these (E/CN.4/777) informed the Commission of the decision of the General Conference of UNESCO, mentioned above. The second (E/CN.4/777/Add.1 and Corr.1) referred to the request which the Sub-Commission had made for collaboration in the preparation of the draft instruments on discrimination in education. This communication read in part as follows:

"Due note has been taken of the request of the Sub-Commission that the Secretary-General 'arrange with the Director-General of UNESCO that the preliminary report, recommendations and draft convention which will be circulated to Member States for comment be made available also to the Sub-Commission in 1960, in order to enable the Sub-Commission to express its views on these documents before they are submitted to the Committee of Technical and Legal Experts and to the eleventh session of the General Conference of UNESCO'.

"In this connexion, a problem of timing arises, as regards in particular the presentation to the Sub-Commission of the draft texts of the proposed convention and recommendations.

"Taking into account our rules for the preparation of international instruments and the nature of the problem involved, the following time schedule has to be applied:

"(1) *Beginning of June 1959*. A preliminary report will be sent to Member Governments containing:

(a) A description of the problems involved and of the various solutions that might be applied;

(b) Questions addressed to Member States.

It would not be possible or appropriate to include in this report any text of draft convention or recommendation, even in a very tentative form.

"(2) *30 November 1959*. Deadline for Governments' replies.

"(3) *Beginning of April 1960*. A final report will be sent to Member States with first drafts of the proposed instruments.

"(4) *June or beginning of July 1960*. A Committee of Governmental Experts will establish the final drafts of the instruments.

"(5) *November/December 1960*. The General Conference will examine and adopt instruments.

"The above schedule, which was worked out in detail, makes it impossible for us to have a first draft of the instruments ready until some time in March 1960. Therefore, should the Sub-Commission meet as usual in January, the Director-General would not be able to comply literally with the request of the

³² See *Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8*, para. 62, resolution 2 (XIV).

Sub-Commission. He intends, however, to present to the Sub-Commission a progress report containing all information and documentation available at that time."

204. At its 628th and 629th meetings, held on 31 March 1959, the Commission considered several questions, among them (a) whether it should continue its work of drafting fundamental principles relating to the eradication of discrimination in education and its discussion of the advisability of preparing one or more international instruments in this field, in view of the decision taken by UNESCO; and (b) how best it could establish effective collaboration in this activity between the Commission, the Sub-Commission and UNESCO.

205. Varying views were expressed on the question whether the Commission should continue its work in this field. Some members felt that the Commission should avoid duplicating the work undertaken by UNESCO, and considered that any further debate on the subject in the Commission, before UNESCO had completed its task, would be sterile and useless. They pointed out that the drafting of fundamental principles was not on the agenda of this session. Other members, while noting with satisfaction the decision of UNESCO, felt that the Commission should not relinquish the drafting of principles, a task that remained within its competence. In their view, principles drafted by the Commission would serve as a guide to UNESCO in its work.

206. Several members referred to the fact that UNESCO had apparently not provided for consultation with the Commission and the Sub-Commission in the preparation of the proposed draft instruments. They noted, however, the plan of UNESCO to present to the Sub-Commission at its twelfth session a progress report containing all information and documentation available at that time; and expressed the view that it would be desirable if the Commission could also receive such a progress report at its sixteenth session.

207. At the Chairman's request the Rapporteur of the Commission prepared a draft resolution on the study of discrimination in education. The draft resolution was considered at the 629th meeting, and adopted unanimously (E/CN.4/L.532).

208. The text of the resolution adopted at the 629th meeting, on 31 March 1959, is as follows:

6 (XV). STUDY OF DISCRIMINATION IN EDUCATION

The Commission on Human Rights,

Having considered resolution C adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its ninth session³³ and resolution E adopted by the Sub-Commission at its tenth session,³⁴

Recalling resolution 2 (XIV) adopted by the Commission at its fourteenth session.³⁵

³³ E/CN.4/740.

³⁴ E/CN.4/764.

³⁵ *Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8*, para. 62.

1. *Takes note with satisfaction* of the resolution adopted by the tenth session of the General Conference of the United Nations Educational, Scientific and Cultural Organization³⁶ regarding the drafting by that organization of recommendations to member States and an international convention on the various aspects of discrimination in education;

2. *Requests* the United Nations Educational, Scientific and Cultural Organization to submit for the consideration of the Commission at its sixteenth session a progress report on this subject;

3. *Decides* to include the item "Study of discrimination in education" in the agenda of its sixteenth session.

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

209. At the 640th and 641st meetings, held on 8 April 1959, the Commission considered those parts of the report of the eleventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/778 and Corr.1) which were not dealt with under other items of the agenda.

210. In a brief general debate, several members of the Commission commended the Sub-Commission for its work, and expressed their satisfaction with the quality of the studies being produced by the Sub-Commission's special rapporteurs. Some members expressed regret at the slow rate of progress made by the Sub-Commission, but noted that a certain amount of delay was inherent in the "country study" method which it had adopted and which had proved its worth.

211. Some members of the Commission, while conceding the excellence of the Sub-Commission's work, expressed the view that it seemed to be concerning itself too much with questions of a legal nature, and to be losing sight of equally important problems in the economic and social fields. They pointed out that in future the Sub-Commission might well devote more attention to the problem of eradicating discrimination in those fields.

212. *Study of discrimination in the field of employment and occupation.* In resolution A (E/CN.4/778 and Corr.1, para. 45) on the study of discrimination in the field of employment and occupation, the Sub-Commission noted with satisfaction that the 42nd session of the International Labour Conference had adopted, on 23 June 1958, a Convention concerning Discrimination in respect of Employment and Occupation (Convention 111), and a Recommendation concerning Discrimination in respect of Employment and Occupation (Recommendation 111).³⁷ The Sub-Commission stated that that action marked a very important step towards the abolition of discrimination in that field. It requested the Commission on Human Rights to ask the Economic and Social Council to invite Governments to ratify the

³⁶ See E/CN.4/777.

³⁷ International Labour Office, *Official Bulletin*, vol. XLI, 1958, No. 2.

Convention in order that it might be applied as fully and widely as possible, and to adjust their policies in the light of the Recommendation. At the Sub-Commission's request, the Secretary-General transmitted the observations of its members on the two instruments to the International Labour Organisation.

213. A draft resolution on the study of discrimination in the field of employment and occupation was submitted to the Commission jointly by the representatives of India and Iraq (E/CN.4/L.546). After the sponsors had accepted several amendments suggested orally by other members of the Commission and had deleted the final paragraph as unnecessary, the draft resolution as amended was adopted by 15 votes to none, with 1 abstention.

214. The text of the resolution adopted at the 640th meeting, on 8 April 1959, is as follows:

7 (XV). STUDY OF DISCRIMINATION IN THE FIELD
OF EMPLOYMENT AND OCCUPATION

The Commission on Human Rights,

Having considered resolution A adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its eleventh session,³⁸

1. *Notes with great satisfaction* the adoption by the International Labour Organisation of a Convention and a Recommendation concerning Discrimination in respect of Employment and Occupation;

2. *Requests* the Economic and Social Council to invite the Governments of States Members of the United Nations and members of the International Labour Organisation to ratify or to take other appropriate action with regard to the said Convention, and to adjust their policies to the said Recommendation.

215. *Study of discrimination in the matter of religious rights and practices.* In resolution B, on the study of discrimination in the matter of religious rights and practices (E/CN.4/778 and Corr.1, para. 111), the Sub-Commission expressed its appreciation to its Special Rapporteur, Mr. Arcot Krishnaswami (India), and to all those who had co-operated with him in preparing the supplement to his draft report on discrimination in the matter of religious rights and practices (E/CN.4/Sub.2/L.123/Add.1). The Special Rapporteur was requested to take into account the views expressed in the Sub-Commission during its eleventh session, and to complete his final report so that it could be presented by him to the Sub-Commission for consideration at its twelfth session. The Sub-Commission further expressed the hope that, in any work done during 1959 on article 18 of the draft Covenant on Civil and Political Rights, the higher bodies of the United Nations would take into account the ideas contained in the draft basic rules included by the Special Rapporteur in chapter XI of his supplementary report, and the discussion of them in the Sub-Commission.

216. At the 641st meeting, held on 8 April 1959, several members of the Commission commented favourably on the general excellence of the draft report which Mr. Krishnaswami had submitted to the Sub-Commis-

sion. One member pointed out that the Special Rapporteur might in future devote greater attention to the problem of the deliberate suppression by Governments of all religions, or the suppression of the religion of a large minority in a country.

217. The hope expressed by the Sub-Commission, that the Special Rapporteur's preliminary proposals would be taken into account in any work done in 1959 on article 18 of the draft Covenant on Civil and Political Rights, was not shared by several members of the Commission, who considered that it would be premature for any action to be taken on those proposals until they were in a final form.

218. *Study of discrimination in the matter of political rights.* In resolution C, on the study of discrimination in the matter of political rights (E/CN.4/778 and Corr.1, para. 134), the Sub-Commission expressed its appreciation to its Special Rapporteur, Mr. Hernán Santa Cruz (Chile), particularly for his valuable provisional analysis of the concept of discrimination in the matter of political rights, which appeared in his progress report on that subject (E/CN.4/Sub.2/L.147). The Sub-Commission requested the Secretary-General to provide the necessary assistance to enable the Special Rapporteur to submit a draft report to the Sub-Commission at its twelfth session, and a final report at its thirteenth session.

219. The Sub-Commission was advised that it would be possible to produce a skeleton draft report on discrimination in the matter of political rights in time for the twelfth session (January 1960), based, however, on fewer "country studies" than had been the practice in the past. However, the final report could be produced in time for the following session (January 1961) only if new funds for staff beyond the existing level were provided. A precise statement of the financial implications of the Sub-Commission's request appeared in its report (E/CN.4/778 and Corr.1, annex III).

220. At its 641st meeting, on 8 April 1959, members of the Commission agreed that the request of the Sub-Commission should be drawn to the attention of the Council. A draft resolution, submitted orally by the representative of the Philippines, was unanimously adopted.

221. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows:

8 (XV). STUDY OF DISCRIMINATION IN THE MATTER
OF POLITICAL RIGHTS

The Commission on Human Rights,

Having considered chapter VII of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eleventh session),³⁹

Invites the attention of the Economic and Social Council to the request contained in resolution C of the Sub-Commission.⁴⁰

³⁹ E/CN.4/778 and Corr.1.

⁴⁰ *Ibid.*, para. 134, and annex III.

³⁸ E/CN.4/778 and Corr.1, para. 45, resolution A.

222. *Study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the Universal Declaration of Human Rights.* In resolution D (E/CN.4/778 and Corr.1, para. 148) the Sub-Commission expressed its gratitude to its Special Rapporteur, Mr. José D. Ingles (Philippines) for the excellent preliminary study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the Universal Declaration of Human Rights (E/CN.4/Sub.2/L.146). The Sub-Commission recognized that limitations of the Secretariat, and its prior commitments, prevented a full study of this subject from being undertaken before 1960. It therefore requested Mr. Ingles to continue such preparatory work on the subject as he might find useful and feasible, for consideration at its twelfth session. In particular he was asked to prepare a draft questionnaire or list of topics which could serve as an outline or framework for the study.

223. There was some discussion in the Commission at its 640th meeting, on 8 April 1959, on the scope of the study which would eventually be made by the Sub-Commission. Some members were of the view that the study should deal with the substance of paragraph 1, as well as that of paragraph 2 of article 13 of the Universal Declaration of Human Rights. They pointed out that there was apparently no opposition to an eventual study of discrimination in respect of the right set forth in paragraph 1, and maintained that to have a study on paragraph 2, followed by a separate study on paragraph 1, would lead to unnecessary dispersal of effort and additional expenditure. Other members, however, felt that the Economic and Social Council had clearly limited the Sub-Commission's study, in resolution 545 D (XVIII), to "the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the Universal Declaration of Human Rights". In their view that decision had been reaffirmed subsequently by the Council in resolution 586 B (XX). They argued that, while the rights covered by paragraph 1 were bracketed in article 13 with the rights covered in paragraph 2, they were of a different kind and raised completely different problems.

224. A draft resolution submitted by the Ukrainian SSR (E/CN.4/L.541) proposed that the Economic and Social Council should be requested to supplement resolutions 545 D (XVIII) and 586 B (XX) by authorizing the Sub-Commission to undertake a study of article 13 as a whole: that is, to study simultaneously the right of everyone to leave any country, including his own, and to return to his country, and the right of everyone to freedom of movement and residence within the borders of each State.

225. Several members of the Commission indicated their inability to support the Ukrainian SSR proposal on the ground that a similar suggestion had already twice been rejected by the Economic and Social Council. Some members felt that the study carried on was

very important and should not be overburdened by inclusion of additional subject-matter. The sponsor of the resolution, on the other hand, maintained that the question which the Council had considered had related only to whether or not the proposed study should deal with discrimination in immigration; the Council had not yet examined any proposal that a study should be made of discrimination in respect of all the rights set forth in article 13.

226. After the representative of the Ukrainian SSR had accepted several amendments suggested orally by the representative of the Philippines, the draft resolution, as amended, was adopted by 10 votes to 7, with 1 abstention.

227. The text of the resolution adopted at the 640th meeting, on 8 April 1959, is as follows:

9 (XV). STUDY OF DISCRIMINATION IN THE MATTER OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY, AS PROVIDED IN ARTICLE 13, PARAGRAPH 2, OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Commission on Human Rights,

Recalling that the Sub-Commission on Prevention of Discrimination and Protection of Minorities has before it the question of the study of discrimination in the matter of the right provided for in article 13, paragraph 2, of the Universal Declaration of Human Rights,

Having taken note of resolution D, adopted by the Sub-Commission at its eleventh session,⁴¹

Draws the attention of the Economic and Social Council to the views expressed in the Sub-Commission and in the Commission on Human Rights regarding the link existing between paragraphs 1 and 2 of article 13 of the Universal Declaration of Human Rights;⁴²

228. *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.* In resolution G (E/CN.4/778 and Corr.1, para. 171) the Sub-Commission decided to retain on its agenda, in order that it might take appropriate action at a future session, the item "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". Some members of the Commission commended this decision, and expressed the wish that the Commission might consider the question at the earliest possible opportunity.

229. A draft resolution on the report of the eleventh session of the Sub-Commission, submitted orally by the representative of Iraq, was considered at the 641st meeting of the Commission and adopted unanimously.

230. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows:

⁴¹ E/CN.4/778 and Corr.1, para. 148.

⁴² *Ibid.*, chap. VIII, and E/CN.4/SR.640.

10 (XV). REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (ELEVENTH SESSION)

The Commission on Human Rights

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eleventh session).⁴³

Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

231. At its first session (in January and February 1947) the Commission decided, *inter alia*:

“(a) That the Sub-Commission be composed of twelve persons selected by the Commission in consultation with the Secretary-General and subject to the consent of the Governments of which the persons are nationals;

“(b) That not more than one person be selected from any single country;”⁴⁴

232. At its fifteenth session the Commission discussed the question of the membership of the Sub-Commission at its 620th, 625th, 626th and 635th meetings. It was generally agreed that, since the term of office of the present members of the Sub-Commission expired on 31 December 1959, it would be desirable to elect new members; and that the term of office of the new members should be three years, ending 31 December 1962.

233. Before proceeding to the election of new members, the Commission considered the desirability of altering the composition of the Sub-Commission. A system of rotation, by which a certain proportion of the members would retire each year, was suggested as a means of ensuring greater flexibility without a loss of continuity in the Sub-Commission's work. However, the Commission took no decision on this suggestion.

234. Another suggestion, to increase the number of members in the Sub-Commission from twelve to fourteen, met with general acceptance. Members of the Commission recalled that the Sub-Commission's work had stimulated a great deal of interest on the part of Member States, specialized agencies, and non-governmental organizations in consultative status. They pointed out that a large number of new States had been admitted to the United Nations since the membership of the Sub-Commission had been fixed at twelve in 1947. Further, several members stressed the need to expand the membership of the Sub-Commission with a view to securing an equitable geographical distribution and suitable representation from among new Members of the United Nations. Other members, however, believed that since the Sub-Commission was composed of experts, the principle of geographical distribution did not apply.

235 At the 625th meeting the Commission considered a draft resolution submitted by India (E/CN.4/L.522) by which it would decide, unless the Economic and Social Council determined otherwise, to increase the membership of the Sub-Commission from twelve to fourteen. A statement of financial implications of the draft resolution was also before the Commission (see annex II).

236. Discussion of the draft resolution centred around two questions: (a) whether the increase in the membership should be for the sole purpose of enabling experts from States newly admitted to the United Nations to take a more active part in the Sub-Commission's work; and (b) whether the Commission could elect fourteen members immediately without awaiting the concurrence of the Economic and Social Council.

237. Some members of the Commission felt that the draft resolution should clearly state that the purpose of the increase in membership was to enable experts from States newly admitted to the United Nations, particularly those from the African continent, to participate in the Sub-Commission's work. Others were of the view that the distribution of seats in the Sub-Commission should not be determined in advance and that the resolution should not be open to the interpretation that only the two new seats in the Sub-Commission were reserved for experts from new Member States.

238. It was agreed that the Commission itself had been accorded the right to determine the Sub-Commission's composition, but that the question should nevertheless be drawn to the attention of the Economic and Social Council in view of its financial implications. The representative of India accepted an amendment replacing the words “subject to the concurrence of the Economic and Social Council” in his draft resolution by the words “unless otherwise determined by the Economic and Social Council.”

239. At the 626th meeting the Indian draft resolution, as amended, was adopted by 11 votes to none, with 5 abstentions.

11 (XV). MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

The Commission on Human Rights,

Taking note of the useful work done by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the interest shown by Member States, specialized agencies, and non-governmental organizations in consultative status with the Economic and Social Council in the work of the Sub-Commission,

Taking into consideration the fact that since the membership of the Sub-Commission was fixed at twelve in 1947 a large number of new Members have been admitted to the United Nations,

Mindful of the need to expand the membership of the Sub-Commission with a view to securing equitable

⁴³ E/CN.4/778 and Corr.1.

⁴⁴ *Official Records of the Economic and Social Council, Fourth Session, Supplement No. 3, para. 20.*

geographical distribution and suitable representation from among new Members of the United Nations,

Decides, unless it is determined otherwise by the Economic and Social Council, to increase the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from twelve to fourteen.

241. From a list of candidates nominated by its members (E/CN.4/786 and Add.1-7) and by States non-members of the Commission (E/CN.4/788 and Add.1-4), the Commission at its 635th meeting elected twelve persons as members of the Sub-Commission, subject to the consent of their Governments, for a period of three years, beginning 1 January 1960. It decided that in accordance with the above resolution the two additional members would be elected at its sixteenth session. The persons elected were :

Mr. Abdel Hamid Abdel-Ghani (United Arab Republic);

Mr. Charles D. Ammoun (Lebanon);

Mr. Andrei Andronovich Fomin (Union of Soviet Socialist Republics);

Mr. Philip Halpern (United States of America);

Mr. C. Richard Hiscocks (United Kingdom of Great Britain and Northern Ireland);

Mr. José D. Ingles (Philippines);

Mr. Pierre Juvigny (France);

Mr. Wojciech Ketrzynski (Poland);

Mr. Arcot Krishnaswami (India);

Mr. Franz Matsch (Austria);

Mr. Vieno Voitto Saario (Finland);

Mr. Hernán Santa Cruz (Chile).

242. The representative of Argentina drew attention to what he considered to be insufficient representation of experts from Latin America on the newly elected Sub-Commission, and expressed the hope that the Com-

mission would subsequently elect an expert from that region to one of the new vacancies. This view was supported by the representatives of India, Mexico and the Philippines.

Second conference of non-governmental organizations interested in the eradication of prejudice and discrimination

243. In resolution 683 E (XXVI), authorizing the Secretary-General to convene a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination, in Geneva for a one-week period (22-26 June 1959), the Council requested the Commission "to direct the Sub-Commission to include in its subsequent report to the Commission its observations on the proceedings of the Conference".

244. The Commission unanimously adopted a draft resolution suggested by the Chairman.

245. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows :

12 (XV). SECOND CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS INTERESTED IN THE ERADICATION OF PREJUDICE AND DISCRIMINATION

The Commission on Human Rights,

Noting that a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination is to be held in Geneva from 22-26 June 1959 in accordance with Economic and Social Council resolution 683 E (XXVI), of 21 July 1958,

Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to include, in its subsequent report to the Commission, its observations on the proceedings of the Conference.

IX. COMMUNICATIONS

246. The Commission dealt with the item concerning communications at its 641st meeting, on 8 April 1959.

Lists of communications, and replies from Governments

247. The opening of the meeting was held in private to permit the circulation of a confidential list of communications (HR/Communications List No. 9) and observations from Governments (HR/Communications Nos. 132-160), submitted by the Secretary-General in accordance with Economic and Social Council resolutions 75 (V), 192 A (VIII), 275 B (X) and 454 (XIV). In addition to this confidential list, the Commission had before it a non-confidential list of communications (E/CN.4/CR.28) dealing with the principles involved in the promotion of universal respect for, and observance

of, human rights. The non-confidential list contained summaries of nine communications received between 1 January and 31 December 1958. The confidential list contained summaries of, or references to, 6,277 other communications received during the same period. The Commission agreed, without objection, to make public the summary record of the meeting (E/CN.4/SR.641).

Report of the Committee on Communications

248. At its fourteenth session the Commission, desiring to recommend to the Economic and Social Council that it should re-examine its resolutions 75 (V) and 275 (X), with a view to establishing a procedure for handling communications which is better calculated to promote respect for, and observance of, fundamental human rights, had appointed a committee

to study the question and prepare recommendations for consideration at its fifteenth session.⁴⁵

249. The Committee on Communications, composed of the representatives of Argentina, India, Israel, Italy, Lebanon, the Philippines and the Ukrainian SSR, held six meetings during January and February 1959, with Mr. H. J. Brillantes (Philippines) as its Chairman-Rapporteur, and adopted a report (E/CN.4/782) by 6 votes to none, with 1 abstention. The Committee had no changes to suggest in regard to the communications dealing with the principles involved in the promotion of universal respect for, and observance of, human rights (paragraph (a) of Council resolution 75 (V), as amended). It concentrated its discussion on the procedures and problems arising out of the handling of the communications which are summarized in the confidential list and which for the most part relate to complaints and allegations of violations of human rights (paragraph (b) of Council resolution 75 (V), as amended).

250. The Committee made four recommendations to the Commission :

First, it recommended that the Commission should propose to the Council that it should re-word paragraph (d) of resolution 75 (V), as amended, in order to avoid any possible impression on the part of the writer of a communication that the Commission on Human Rights or the Secretary-General might take action on the substance of his communication. It suggested, moreover, that the procedures relating to communications now contained in Council resolution 75 (V), as amended by resolution 275 B (X) and as supplemented by resolutions 116 A (VI) and 192 A (VIII), be consolidated into a single resolution. The Committee was also unanimously of the opinion that communications received from individuals who asked the United Nations for assistance or advice in various personal problems should not be handled under the proposed consolidated resolution relating to communications concerning human rights. It was confident that those communications could be left to the Secretariat to deal with within the limits of the resources available to it. The Committee was aware of the fact that the actions of the Secretariat, which consisted mostly in referring the applicant to existing international or national authorities, would of necessity be of a limited nature.

Secondly, it recommended that the Commission request the Secretary-General to submit with the confidential list of communications a confidential document of a statistical nature based on that list, which, without disclosing either the names of the writers or the countries to which the communications might relate, would indicate in four columns (1) the relevant article of the Universal Declaration of Human Rights, (2) the subject-matter of that article, (3) the number of communications relevant to that article received, and (4) the number of alleged incidents relevant to the article. Communications which could not be classified under (1) would be indicated separately. Also

separately indicated would be the names and numbers of communications received from non-governmental organizations in consultative relationship with the Economic and Social Council.

Thirdly, the Committee recommended that the confidential list of communications and replies received from Governments should in future be distributed on the opening date of the Commission's session.

Fourthly, the Committee recommended that the Commission discontinue its practice of formally taking note of the distribution of the confidential list and the replies of Governments, but continue mentioning them as heretofore in its report to the Economic and Social Council.

251. The Chairman-Rapporteur of the Committee on Communications introduced the report of the Committee and, on behalf of the Government of the Philippines, expressed his appreciation of the co-operation shown by its members.

252. A statement relating to this item was submitted by the International League for the Rights of Man on its own behalf and on behalf of the Co-ordinating Board of Jewish Organizations, the Friends World Committee for Consultation and the Women's International League for Peace and Freedom (E/CN.4/NGO/86). The Commission also heard oral statements by the representative of the International League on behalf of the four organizations, and by representatives of the International Federation of Christian Trade Unions and of the World Jewish Congress.

253. In the discussion which followed, it was stated, on the one hand, that the Committee had not been able to recommend a procedure "better calculated to promote respect for and observance of human rights" and that the Commission itself had possibly not been bold enough in its approach to the question, but that the matter might be reopened in the future. On the other hand, it was stated that no real improvement was possible as long as the Council continued to approve "the statement that 'the Commission recognizes that it has no power to take any action in regard to any complaints concerning human rights'" and that the Committee had done all it could within these limitations. It was also said that the Commission on Human Rights could not set itself up as a judge in a matter involving an individual and his Government. Some members pointed out that there was no need to revise resolution 75 (V) of the Council, as amended, and that under the Charter of the United Nations only the Trusteeship Council was empowered to deal with petitions from private individuals.

254. Specifically, it was suggested, as regards the second recommendation of the Committee, that the proposed tabulation of communications might be made available to the non-governmental organizations and that this could be achieved by presenting the information it contained in the report of the Commission, in a manner similar to a practice of the Commission at earlier sessions. One member objected to revealing in this tabulation the names of non-governmental organizations in consultative relationship.

⁴⁵ See *Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8*, para. 194.

255. Recommendation I of the Committee (E/CN.4/782, para. 10) was adopted by the Commission by 13 votes to 2, with 1 abstention.

256. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows:

13 (XV). COMMUNICATIONS CONCERNING
HUMAN RIGHTS

The Commission on Human Rights,

Having considered the report of its Committee on Communications and in particular the recommendations of the Committee relating to Economic and Social Council resolution 75 (V), as amended,⁴⁶

Decides to recommend the Economic and Social Council:

(a) To amend paragraph (d) of resolution 75 (V), as amended, to read:

“To inform the writers of all communications concerning human rights, however addressed, that their communications will be handled in accordance with this resolution; the Secretary-General should indicate that the Commission has no power to take any action in regard to any complaint concerning human rights;”

(b) To approve a consolidated draft resolution relating to communications concerning human rights as set out below, subject to the Council's adoption of the amendments proposed in sub-paragraph (a) above:

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

257. Upon the request of the representative of the Ukrainian SSR, recommendation II of the Committee (E/CN.4/782, para. 16) was voted upon in two parts. Paragraphs (1) and (2) were adopted unanimously. Paragraph (3) was adopted by 13 votes to 2, with 1 abstention. The recommendation as a whole was adopted by 14 votes to 2.

258. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows:

14 (XV). COMMUNICATIONS CONCERNING
HUMAN RIGHTS

The Commission on Human Rights

Requests the Secretary-General to prepare and to furnish with the confidential list of communications concerning human rights to each session of the Com-

⁴⁶ E/CN.4/782.

mission a confidential document of a statistical nature to be based on that list without disclosing either the names of writers of communications or the countries to which they may relate, the document to consist of:

(1) Four columns as follows:

Column 1. Article of the Universal Declaration of Human Rights,

Column 2. Subject-matter of the article of the Universal Declaration,

Column 3. Number of communications relevant to the article received,

Column 4. Number of alleged incidents relevant to the article;

(2) Separate indication of number of communications which defy classification under (1) above;

(3) As an exception to the general rule laid down in this resolution about the disclosure of the names of writers of communications, a separate indication of the names and numbers of communications received from non-governmental organizations having consultative relationship with the Economic and Social Council.

259. The Commission unanimously adopted recommendation III of the Committee (E/CN.4/782, para. 18).

260. The text of the resolution adopted at the 641st meeting, on 8 April 1959, is as follows:

15 (XV). COMMUNICATIONS CONCERNING
HUMAN RIGHTS

The Commission on Human Rights

Requests the Secretary-General to distribute to the members of the Commission on the opening date of each session the confidential list of communications and replies received from Governments to communications sent to them.

261. The Commission adopted, by 14 votes to none, with 2 abstentions, recommendation IV of the Committee (E/CN.4/782, para. 19) to the effect that the Commission should discontinue its practice of voting or taking a decision by which it takes note of the distribution of the confidential list of communications and of the replies of Governments, but would continue to mention in its report to the Economic and Social Council that the list and the replies have been circulated by the Secretary-General and received by the members of the Commission, as has been done heretofore in the opening paragraph of the chapter dealing with communications in its report to the Economic and Social Council.

X. PROGRAMME OF WORK, AND PRIORITIES

262. At its 641st meeting, on 8 April 1959, the Commission had before it a note by the Secretary-General on the review of programmes and priorities (E/CN.4/783), and an appraisal of the United Nations programme in the matter of human rights and the status of women (E/CN.4/787) prepared by the Secretary-General in accordance with Council resolutions 665 C (XXIV) and 694 D (XXVI).

263. The Chairman, supported by the representative of France, recalled resolution 2/9 of the Council, of 21 June 1946, relating to the establishment of local human rights committees and suggested that this item might be included in the provisional agenda of the Commission's sixteenth session.

264. The representative of France proposed inclusion in the provisional agenda of the next session of

an item entitled "Improvement in the status of persons suffering from leprosy", drawing attention to the study made by the World Health Organization on that problem⁴⁷ as well as to several meetings on the situation of persons suffering from leprosy held in 1958 under the auspices of WHO.

⁴⁷ World Health Organization, *Technical Report Series*, 1958, No. 71.

265. It was suggested that use could be made of the provisions of the rules of procedure under which, among others, any Member of the United Nations, the Chairman of the Commission and the Secretary-General were free to propose items for inclusion in the provisional agenda of the Commission at the appropriate time before the opening of a session.

XI. CONTROL AND LIMITATION OF DOCUMENTATION

266. The Commission, at its 641st meeting, on 8 April 1959, had before it a note by the Secretary-General on control and limitation of documentation (E/CN.4/784). In the absence of any objection it approved a suggestion contained in that note to delete from the *Yearbook on Human Rights* the documentary references on United Nations action in relation to human rights, referred to in paragraph 3 of Council resolution 683 D I (XXVI), and decided to recommend it to the Council. The Commission believes this change would make it possible to utilize fully the limited space of the *Yearbook* for the presentation of material not available in other United Nations publications.

XII. PLACE OF MEETING OF NEXT SESSION OF THE COMMISSION

267. At the 641st meeting, on 8 April 1959, the representative of Iraq proposed that the 1960 session of the Commission be held in Geneva. The Commission unanimously adopted the following resolution:

16 (XV). PLACE OF MEETING OF THE NEXT SESSION OF THE COMMISSION

The Commission on Human Rights

Recommends the Economic and Social Council to decide that the sixteenth session of the Commission on Human Rights should be held in Geneva.

XIII. ADOPTION OF THE REPORT

268. The Commission considered the draft report of its fifteenth session (E/CN.4/L.534 and Add. 1-6) at its 642nd meeting, on 10 April 1959. Each chapter of the report and the report as a whole were adopted unanimously.

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

I

Freedom of information⁴⁹

The Economic and Social Council,

Recalling General Assembly resolutions 1189 B (XII) of 11 December 1957 and 1313 (XIII) of 12 December 1958 and Council resolution 683 C (XXVI) of 21 July 1958 and the desire manifested in the United Nations to ensure greater freedom of information, particularly in under-developed countries,

⁴⁸ Draft resolutions I and II were submitted to the Economic and Social Council at its twenty-seventh session, in accordance with the decision taken by the Council at its 1046th meeting, on 10 December 1958. See also footnote 3.

⁴⁹ See paragraph 49 and annex II A. See also footnote 3.

Noting the recommendations of the Commission on Human Rights with regard to freedom of information,

A

1. *Notes with approval* the suggestions contained in paragraph 9 and the conclusions in paragraph 12 of the report of the Committee on Freedom of Information⁵⁰ concerning the development of media of information in under-developed countries;

2. *Requests* the United Nations Educational, Scientific and Cultural Organization, in consultation with other specialized agencies concerned, Governments of member States and organizations actively engaged in

⁵⁰ E/CN.4/762 and Corr.1.

the field of information to undertake, within the scope of its programme, a survey of the problems of providing technical assistance to under-developed countries in that field, bearing in mind the conclusions and suggestions in the report of the Committee on Freedom of Information concerning the development of media of information in under-developed countries, and General Assembly resolution 1313 (XIII), and to forward its report and recommendations to the Commission on Human Rights and to the Economic and Social Council before the summer of 1961 to enable the Council to make an evaluation of the material, financial and professional requirements and resources for implementation of the programme envisaged in that resolution, including expert advice, fellowship awards, seminars and the provision of equipment and other facilities;

B

1. *Notes with approval* the decision of the Commission on Human Rights to review developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of informations as a regular item on its agenda;

2. *Requests* the Secretary-General:

(a) To facilitate the Commission's regular review of this subject by providing 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, on the basis of material furnished by the United Nations Educational, Scientific and Cultural Organization and other interested specialized agencies as well as any other information available;

(b) To prepare in co-operation with the Governments of Member States, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, non-governmental organizations in consultative status with the Council and the professional organizations concerned, both national and international, a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954, including in particular:

- (i) The news sources to which peoples have access;
- (ii) The extent to which they receive news of the United Nations and its specialized agencies and their work for peace;
- (iii) Developments in the facilities for the free flow of accurate and undistorted information into and out of under-developed countries.

II

Freedom of information ⁵¹

The Economic and Social Council,

Considering that the existence of generally high and divergent rates for international press cables is a serious impediment to the free flow of undistorted and

accurate information and to the development of international understanding,

Noting with commendation the efforts of the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization and other bodies towards reduction of international press cable rates,

Expresses the hope that such efforts will be continued and that in particular at the forthcoming conference of plenipotentiaries of the International Telecommunication Union to be held in October 1959, agreements will be reached to bring into effect reduced international press cable rates.

III

Periodic reports on human rights ⁵²

The Economic and Social Council,

Considering that the suggestions submitted by the Secretary-General ⁵³ will assist Governments in preparing and submitting triennial reports on human rights,

Requests States Members of the United Nations or members of the specialized agencies to take full account of those suggestions in drafting their triennial reports on human rights.

IV

Communications concerning human rights ⁵⁴

The Economic and Social Council,

Having considered chapter V of the report of the Commission on Human Rights on its first session, ⁵⁵ concerning communications, and chapter IX of the report of the Commission on its fifteenth session, ⁵⁶

1. *Approves* the statement that the Commission on Human Rights recognizes that it has no power to take any action in regard to any complaints concerning human rights;

2. *Requests* the Secretary-General:

(a) To compile and distribute to members of the Commission on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication, however addressed, which deals with the principles involved in the promotion of universal respect for and observance of human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;

(b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communi-

⁵² See paragraph 103.

⁵³ E/CN.4/776, annex.

⁵⁴ See paragraph 256.

⁵⁵ *Official Records of the Economic and Social Council, Fourth Session, Supplement No. 3.*

⁵⁶ *Ibid.*, *Twenty-eighth Session, Supplement No. 8.*

⁵¹ See paragraph 51 and footnote 3.

cations except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged;

(c) To enable the members of the Commission, upon request, to consult the originals of communications dealing with the principles involved in the promotion of universal respect for and observance of human rights;

(d) To inform the writers of all communications concerning human rights, however addressed, that their communications will be handled in accordance with this resolution; the Secretary-General should indicate that the Commission has no power to take any action in regard to any complaint concerning human rights;⁵⁷

(e) To furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in paragraph (b) above;

(f) To ask Governments sending replies to communications brought to their attention in accordance with paragraph (e) whether they wish their replies to be presented to the Commission in summary form or in full;⁵⁸

⁵⁷ Incorporating amendments recommended by the Commission; see paragraph 256.

⁵⁸ Taken from operative paragraph of Council resolution 192 A (VIII) with slight drafting changes.

3. *Resolves* to give the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with respect to communications dealing with discrimination and minorities the same facilities as are enjoyed by members of the Commission on Human Rights under the present resolution;⁵⁹

4. *Suggests* to the Commission on Human Rights that it should at each session appoint an *ad hoc* committee to meet shortly before its next session for the purpose of reviewing the list of communications prepared by the Secretary-General under paragraph (a) above and of recommending which of these communications, in original, should, in accordance with paragraph (c) above, be made available to members of the Commission on request.

V

Report of the Commission on Human Rights (fifteenth session)

The Economic and Social Council

Takes note of the report of the Commission on Human Rights (fifteenth session).⁶⁰

⁵⁹ Taken from operative paragraph of Council resolution 116 A (VI) with slight drafting changes.

⁶⁰ *Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 8 (E/3229)*.

ANNEXES

Annex I

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

DOCUMENTS ISSUED IN THE GENERAL SERIES		
E/3224	Special report of the Commission on Human Rights on freedom of information to the twenty-seventh session of the Economic and Social Council	E/CN.4/779 and Add.1 Progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile
E/CN.4/512	Memorandum by the Secretary-General on the draft Declaration of the Rights of the Child	E/CN.4/780 and Add.1-2 Comments of Governments on the draft Declaration of the Rights of the Child
E/CN.4/757 and Add.1-7, Add.1/Corr.1 and Add.6/Corr.1	Summary prepared by the Secretary-General on periodic reports on human rights	E/CN.4/781 and Add.1-2 Comments of Governments on the right of asylum
E/CN.4/758 and Add.1-3 and Add.2/Corr.1	Reports by the specialized agencies on periodic reports on human rights	E/CN.4/782 Report of the Committee on Communications
E/CN.4/760 and Corr.1 and Add.1-7	Note by the Secretary-General on the study of discrimination in education	E/CN.4/783 Note by the Secretary-General on the review of programmes and priorities
E/CN.4/762 and Corr.1	Report of the Committee on Freedom of Information	E/CN.4/784 Note by the Secretary-General on the control and limitation of documentation
E/CN.4/770	Provisional agenda of the fifteenth session of the Commission on Human Rights	E/CN.4/785 Comments of the United Nations High Commissioner for Refugees on the draft Declaration on the Right of Asylum proposed by France
E/CN.4/771 and Add.1-5	Observations of Governments on the report of the Committee on Freedom of Information of the Commission on Human Rights (E/CN.4/762 and Corr.1)	E/CN.4/786 and Add.1-7 Note by the Secretary-General on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/772 and Add.1	Observations of specialized agencies on the report of the Committee on Freedom of Information of the Commission on Human Rights (E/CN.4/762 and Corr.1)	E/CN.4/787 An appraisal of the United Nations programme in the matter of human rights and the status of women
E/CN.4/773	Summary of observations of non-governmental organizations in consultative status with the Economic and Social Council on the report of the Committee on Freedom of Information of the Commission on Human Rights (E/CN.4/762 and Corr.1)	E/CN.4/788 and Add.1-4 Note by the Secretary-General on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/774	Action taken by the General Assembly at its thirteenth session on freedom of information	E/CN.4/789 Report of the Commission on Human Rights (fifteenth session)
E/CN.4/775 and Add.1	Report by the Secretary-General on advisory services in the field of human rights	E/CN.4/CR.28 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 1958 to 31 December 1958, prepared by the Secretary-General
E/CN.4/776 and Add.1	Memorandum by the Secretary-General on periodic reports on human rights	E/CN.4/SR.610-642 Summary records of the meetings of the Commission at its fifteenth session
E/CN.4/776/Add.2	Comments by the World Health Organization and the Food and Agriculture Organization of the United Nations on periodic reports on human rights	
E/CN.4/777 and Add.1 and Add.1/Corr.1	Note by the Secretary-General on the study of discrimination in education	
E/CN.4/778 and Corr.1	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eleventh session)	
		DOCUMENTS ISSUED IN THE LIMITED SERIES
		E/CN.4/L.511 and E/CN.4/L.511/Rev.1 Ceylon, India, Iran, Italy, Mexico, Philippines and the United States of America : draft resolution on freedom of information
		E/CN.4/L.511/Add.1 Financial implications of the draft resolution contained in document E/CN.4/L.511 : note by the Secretary-General
		E/CN.4/L.512 Ceylon, India, Iran and Iraq : draft resolution on freedom of information

E/CN.4/L.512/Rev.1	Ceylon, India, Iran, Iraq and Poland : revised draft resolution on freedom of information	E/CN.4/L.530	United States of America : amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.513	France : amendments to document E/CN.4/L.511	E/CN.4/L.531	Philippines : amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.514	Ukrainian Soviet Socialist Republic : amendments to document E/CN.4/L.511	E/CN.4/L.532	Resolution adopted by the Commission on Human Rights at its 629th meeting on 31 March 1959 on the study of discrimination in education
E/CN.4/L.514/Rev.1	Ukrainian Soviet Socialist Republic : revised amendments to document E/CN.4/L.511/Rev.1	E/CN.4/L.533	India : amendment to the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.515	United Kingdom of Great Britain and Northern Ireland : amendment to document E/CN.4/L.511/Rev.1	E/CN.4/L.534 and Add.1-6	Draft report of the Commission on Human Rights (fifteenth session) to the Economic and Social Council
E/CN.4/L.516	Draft special report of the Commission on Human Rights to the Economic and Social Council on item 3 of the agenda of the Commission's fifteenth session (Freedom of information)	E/CN.4/L.535	France and Israel : revised amendment to principle 6 (formerly principle 4) of the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.517	France : revised draft Declaration on the Right of Asylum	E/CN.4/L.536	Union of Soviet Socialist Republics : amendment to document E/CN.4/L.529
E/CN.4/L.518	Iraq : amendment to document E/CN.4/L.517	E/CN.4/L.537	India, Iran and Iraq : amendment to principle 7 (formerly principle 5) of the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.519	France : draft resolution on the right of asylum	E/CN.4/L.538	China : amendment to principle 7 (formerly principle 5) of the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.520	Resolution adopted by the Commission at its 622nd meeting, on 25 March 1959, on the right of asylum	E/CN.4/L.539 E/CN.4/L.539/Rev.1	Union of Soviet Socialist Republics : amendments to document E/CN.4/L.537
E/CN.4/L.521	France : draft resolution on periodic reports on human rights	E/CN.4/L.540	Ukrainian Soviet Socialist Republic : amendment to document E/CN.4/L.537
E/CN.4/L.522	India : draft resolution on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	E/CN.4/L.541	Ukrainian Soviet Socialist Republic : draft resolution on chapter VIII of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eleventh session) (E/CN.4/778 and Corr.1)
E/CN.4/L.522/Add.1	Financial implications of the draft resolution contained in document E/CN.4/L.522 : note by the Secretary-General	E/CN.4/L.542	India, Lebanon and Mexico : amendment to the amendment submitted by the United States of America (E/CN.4/L.530, para. 3) to principle 11 (formerly principle 8) of the draft Declaration on the Rights of the Child
E/CN.4/L.523	Iran and the Philippines : amendment to the draft Declaration on the Rights of the Child (E/CN.4/512)	E/CN.4/L.543	India, Lebanon and Mexico : amendment to principle 11 (formerly principle 8) of the draft Declaration on the Rights of the Child (E/CN.4/512)
E/CN.4/L.524	France : amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)	E/CN.4/L.544 and E/CN.4/L.544/Rev.1	Argentina, India and the Philippines : draft resolution on the draft Declaration on the Rights of the Child
E/CN.4/L.525	Israel : amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)	E/CN.4/L.545	Text of the draft Declaration on the Rights of the Child as adopted by the Commission on Human Rights during its 626th to 638th meetings
E/CN.4/L.526 and Add.1-2 and Add.1/Rev.1	Union of Soviet Socialist Republics : amendments and revised amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)	E/CN.4/L.546	India and Iraq : draft resolution on chapter V of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eleventh session) (E/CN.4/778 and Corr.1)
E/CN.4/L.527 and Add.1-2	Poland : amendments and revised amendment to the draft Declaration on the Rights of the Child (E/CN.4/512)		
E/CN.4/L.528	Italy : amendment to the draft Declaration on the Rights of the Child (E/CN.4/512)		
E/CN.4/L.529	United Kingdom of Great Britain and Northern Ireland : amendments to the draft Declaration on the Rights of the Child (E/CN.4/512)		

DOCUMENTS ISSUED
IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES

E/CN.4/NGO/83	Statement submitted by the International Federation for the Rights of Man, a non-governmental organization having consultative status in category B, on the application of the Universal Declaration of Human Rights
E/CN.4/NGO/84	Communication from the International Union for Child Welfare, a non-governmental organization having consultative

E/CN.4/NGO/85

E/CN.4/NGO/86

status in category B, on the draft Declaration of the Rights of the Child

Communication from the International Federation of Women Lawyers, a non-governmental organization having consultative status in category B, on the draft Declaration of the Rights of the Child

Communication from the International League for the Rights of Man, a non-governmental organization in consultative status in category B, on communications concerning human rights

Annex II

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

A. FREEDOM OF INFORMATION

Financial implications of the draft resolution contained in document E/CN.4/L.511 : note by the Secretary-General^a

1. Under paragraph 2 (a) of part B of the draft resolution, the Council would request the Secretary-General "To facilitate the Commission's regular review of [freedom of information] by providing an annual report on new developments affecting freedom of information . . . on the basis of material furnished by the United Nations Educational, Scientific and Cultural Organization and other interested specialized agencies, as well as any other information available". The Secretary-General assumes that the annual reports will be limited to a description of developments of a legal character and that they will be based on official documents emanating from Governments. If, however, the term "new developments" is meant to include developments other than those of a legal character, and if "any other information" is to include unverified information from private and other non-governmental sources, then, in conformity with his statement made at the 788th meeting of the Economic and Social Council in 1954, the Secretary-General is of the opinion that the task should not be given to the Secretariat.

2. Under paragraph 2 (b) of part B of the draft resolution, the Secretary-General would also be requested, in co-operation not only with the Governments of Member States and specialized agencies, but also with non-governmental organizations in consultative status and even with professional organizations, both national and international, not having consultative status with the Economic and Social Council, to prepare a substantive report on developments in the field of freedom of information since 1954. The report would have to deal with the news sources to which peoples have access, the extent to which they receive news of the United Nations and its specialized agencies, and with developments in the facilities for the free flow of information into and out of under-developed countries. Here, the language of the draft resolution leaves no doubt that the Secretary-General would be requested to prepare a report based, to a very large extent, on non-official sources and on unverified information coming from private organizations.

^a This note was circulated to the Commission as document E/CN.4/L.511/Add.1. See paragraphs 26 and 40; chapter XIV, draft resolution I; and footnote 3.

It would be difficult for the Secretary-General to avoid evaluating this material. Indeed, the mere choice of the material to be included in the report would itself constitute an element of evaluation. The Secretary-General is therefore of the opinion that this task should not be given to the Secretariat.

3. It will be recalled that in the course of the reorganization of the Secretariat in 1953-1954, the special Section on Freedom of Information which then existed in the Division of Human Rights was abolished. This was justified at that time because of the considerable decrease in United Nations activities in this field. As a consequence, however, the Secretary-General could not now absorb the tasks contemplated in paragraph 2 (a) of part B of the draft resolution and still less the task envisaged in paragraph 2 (b) within the present establishment. To be able to comply with these requests it would be necessary to strengthen the staff of the Division of Human Rights, as follows :

(a) On a permanent and continuing basis : one Professional Officer (Senior Officer, P-5) and one General Service secretary, G-3;

(b) On a temporary basis through 1961 : one Professional Officer (Second Officer, P-3).

The costs of this additional staff, including common staff cost, would be approximately \$31,500 in 1960 and 1961, and approximately \$21,000 in subsequent years.

4. The translation and typing costs for both reports would be about \$2,000 (assuming use of working languages only) and there would be an extra cost for printing the report called for under paragraph 2 (b) of part B in the Official Records series. The Secretary-General would take all of such costs into account in appropriate budget submissions.

B. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES^b

The proposed addition of two new members would involve extra costs amounting to about \$3,100 for each session of the Sub-Commission. The average additional cost for each member would be approximately \$1,550, based on an average travel cost of \$1,000, and average per diem cost of \$550 for each session of the Sub-Commission.

^b See paragraph 240.

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