



UNITED NATIONS

COMMISSION ON HUMAN RIGHTS

REPORT of the TWELFTH SESSION

5-29 MARCH 1956

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS: TWENTY-SECOND SESSION

SUPPLEMENT No. 3

NEW YORK

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

SUPPLEMENT No. 3

COMMISSION ON HUMAN RIGHTS
Report of the twelfth session (5-29 March 1956)

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twelfth session at the Headquarters of the United Nations, New York. The session commenced on 5 March 1956 and ended on 29 March 1956.

2. Mr. René Cassin (France), Chairman of the Commission at its eleventh session, opened the session.

3. Statements concerning the past achievements of the Commission and its future work were made at the opening meeting by the Chairman (E/CN.4/L.415) and by the Secretary-General (E/CN.4/L.416).

B. Representation and attendance

4. The following representatives of Member States on the Commission attended :

Mr. Trevor Ashmore Pyman (Australia), member ¹
Mr. Rudecindo Ortega (Chile), member
Mr. Cheng Paonan (China), member
Mr. René Cassin (France), member
Mr. C. Eustathiades (Greece), member ^{1 2}
Mr. Rajeshwar Dayal (India), member
Mr. Abdul Rahman Al-Bazzaz (Iraq), member ¹
Mr. Edward Rizk (Lebanon), member
Mr. Luciano Joubanc Rivas (Mexico), alternate
Mr. Erik Colban (Norway), alternate
Mr. Abdul Waheed (Pakistan), member
Mr. F. M. Serrano (Philippines), member
Mr. H. Birecki (Poland), member
Mr. V. Asiroglu (Turkey), member
Mr. V. I. Sapoznikov (Ukrainian Soviet Socialist Republic), member
Mr. P. D. Morosov (Union of Soviet Socialist Republics), member ³

¹ Nomination to be confirmed by the Economic and Social Council.

² Mr. C. X. Palamas, Permanent Representative of Greece to the United Nations, represented Greece at the 514th and 515th meetings.

³ Nomination to be confirmed by the Economic and Social Council.

Mr. S. Hoare (United Kingdom of Great Britain and Northern Ireland), member

Mrs. Oswald B. Lord (United States of America), member.

5. At the 514th meeting, the representative of the Union of Soviet Socialist Republics, speaking on a point of order, made a statement on the representation of China in the Commission. It was agreed that this statement, together with those made by the representatives of China, India, Poland and the United States of America on this matter would be reported in the summary record of the meeting (E/CN.4/SR.514).

6. The following were designated as alternates for the whole session : Mr. Luciano Joubanc Rivas (Mexico) in place of Mr. Pablo Campos Ortiz and Mr. Erik Colban (Norway) in place of Mrs. Aese Lionaes. In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Pierre Juvigny represented France during the session.

7. The following were designated as alternates for various parts of the session : Mr. Dennis N. Carayannis (Greece), Mr. P. N. Kaul (India), Mr. Ali J. Saib (Iraq), Mr. V. D. Carpio (Philippines), Mr. Antoni Czarkowski (Poland), Mr. A. A. Fomin (USSR), Mr. Mervyn Brown (United Kingdom), Mr. Philip Halpern and Mr. James F. Green (United States of America).

8. The members of the Commission were accompanied by the following advisers : Mr. Luis Urzua (Chile), Mr. Hu Chun (China), Mr. B. Epinat (France), Mr. M. N. Sivaraman (India), Mr. S. A. Karim (Pakistan), Mr. Ismael Quiambao and Mr. Expedito Leviste (Philippines), Mr. Julian Forsys (Poland), Mr. B. P. Pisarev (USSR), Mr. Philip Halpern, Mr. James F. Green and Mr. Richard F. Pedersen (United States of America).

9. The following observers of States Members of the United Nations were present at various meetings of the session : Mr. A. A. Lavalle (Argentina), Mr. Abdel-Hamid Abdel-Ghani (Egypt).

10. The following representatives of specialized agencies were present at various meetings of the session :

International Labour Organisation : Mr. R. A. Metall, Mr. René Roux, Mr. O. Seiersen.

United Nations Educational, Scientific and Cultural Organization: Mr. René Maheu, Mr. Solomon V. Arnaldo, Mr. Gerald Carnes.

World Health Organization: Dr. R. L. Coigny.

11. The *Office of the United Nations High Commissioner for Refugees* was represented at certain meetings of the Commission by Miss A. Cohn.

12. The following authorized representatives of non-governmental organizations in consultative relationship with the Economic and Social Council were present as observers :

CATEGORY A

International Chamber of Commerce: Mrs. Roberta Lusardi

International Confederation of Free Trade Unions: Miss Toni Sender

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

World Federation of Trade Unions: Miss Elinor Kahn

World Federation of United Nations Associations: Mr. Hillary Barrett-Brown,

Mrs. C. B. Fox

World Veterans Federation: Mr. George Arneman, Mrs. Rogger

CATEGORY B

Agudas Israel World Organization: Mr. Isaac Lewin

Catholic International Union for Social Service: Mrs. Carmen Giroux, Mrs. Allys D. Vergara

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

Commission of the Churches on International Affairs: Mr. A. Dominique Micheli, Mr. O. Frederick Nolde

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

Co-ordinating Board of Jewish Organizations: Mr. Saul E. Jofes

Friends World Committee for Consultation: Mr. Grant C. Fraser

Inter-American Council of Commerce and Production: Mr. Earl F. Cruickshank

International Association of Penal Law: Mr. Sabin Manuila

International Conference of Catholic Charities: Mr. Louis Longarzo

International Co-operative Women's Guild: Mrs. Margaret Bender.

International Council of Women: Mrs. Rose P. Parsons

International Federation of Business and Professional Women: Miss Dorothy Cadwell, Mrs. Esther W. Hymer

International Federation of University Women: Miss Frances McGillicuddy, Miss Janet Robb

International Federation of Women Lawyers: Miss Bessie Ray Geffner, Miss Rose Rothenberg, Miss A. Viola Smith

International League for the Rights of Man: Mr. Richard B. Baker, Mr. Roger Baldwin, Mr. Max Beer, Miss Dora D. Roitburd

International Movement for Fraternal Union among Races and Peoples: Miss Marjory Krynen

International Society for the Welfare of Cripples: Mr. Donald V. Wilson

International Union for Child Welfare: Mrs. L. Kaufmann-Frankenstein

International Union of Socialist Youth: Miss Susan Gyarmati

Nouvelles équipes internationales: Mr. K. Sieniewicz, Mr. Janus Sleszynski

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

Society of Comparative Legislation: Miss Jacqueline S. Jolly

Women's International League for Peace and Freedom: Mrs. Gladys D. Walser

World Alliance of YMCA: Mr. Owen E. Pence

World Assembly of Youth: Mr. Robert Perlzweig

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

World Union for Progressive Judaism: Mrs. Eleanor S. Polstein

World Union of Catholic Women's Organizations: Miss Catherine Schaefer

REGISTER

World Federation for Mental Health: Mrs. Helen S. Ascher

13. Mr. Dag Hammarskjöld, Secretary-General, and Mr. Philippe de Seynes, Under-Secretary for Economic and Social Affairs, attended the opening meeting of the session. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General at other meetings of the Commission. Mr. Kamleshwar Das acted as Secretary of the Commission.

C. Election of officers

14. The Commission at its 514th meeting unanimously re-elected the officers of the eleventh session. The officers were :

Mr. René Cassin (France), *Chairman*

Mr. F. M. Serrano (Philippines), *First Vice-Chairman*

Mr. Rudecindo Ortega (Chile), *Second Vice-Chairman*

Mr. Abdul Waheed (Pakistan), *Rapporteur*

D. Meetings, resolutions and documentation

15. The Commission held thirty-three plenary meetings. The views expressed at those meetings are summarized in documents E/CN.4/SR.514 to 546.

16. In accordance with rule 75 of the rules of pro-

cedure of the functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings (516th, 517th, 526th, 527th, 532nd, 536th, 540th, 541st and 544th meetings) to representatives of the following non-governmental organizations:

Category A: International Confederation of Free Trade Unions (Miss Toni Sender), International Federation of Christian Trade Unions (Mr. G. Thormann), World Federation of Trade Unions (Miss Elinor Kahn).

Category B: Agudas Israel World Organization (Mr. Isaac Lewin), International League for the Rights of Man (Mr. Roger Baldwin and Mr. Max Beer), International Society for the Welfare of Cripples (Mr. Donald

V. Wilson), World Jewish Congress (Mr. Gerhard Jacoby and Mr. Maurice L. Perlzweig), and the World Union of Catholic Women's Organizations (Miss Catherine Schaefer).

17. Resolutions I-XI and decisions of the Commission appear under the subject-matters to which these relate. Draft resolutions A-D submitted for consideration by the Economic and Social Council are set out in annex I to this report. A statement by the Secretariat of the financial implications of decisions taken by the Commission will be found in annex II.

18. Documents before the Commission at its twelfth session are listed in annex III.

II. AGENDA

19. The provisional agenda (E/CN.4/720) was considered by the Commission at its 514th meeting. The Commission agreed to incorporate items 3, 4 and 7 of the provisional agenda as sub-items (a), (b) and (c) under a new item 3 entitled "Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world", and to add a sub-item (d), "Other questions". It also agreed to consider inclusion of other items, such as the "Right of asylum" and the "Draft Declaration on the Rights of the Child", when reviewing its programme. The provisional agenda, as amended, was adopted unanimously.

20. The agenda for the twelfth session was as follows (E/CN.4/723):

1. Election of officers
2. Adoption of the agenda
3. Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world
 - (a) Annual reports on human rights (E/2731 and Corr.I,⁴ paras.141 and 161)

⁴ *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6.*

- (b) Studies of specific rights or groups of rights (E/2731 and Corr.I,⁴ paras. 141 and 168)
- (c) Advisory services in the field of human rights (General Assembly resolution 926 (X))
- (d) Other questions

4. Prevention of discrimination and protection of minorities

- (a) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/2447,⁵ para. 224)
- (b) Report of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/721 and Add.1)

5. Communications (Economic and Social Council resolution 75 (V), as amended by resolutions 192 A (VIII) and 275 B (X))

6. Review of programme and establishment of priorities (Economic and Social Council resolution 590 A I (XX))

7. Report of the twelfth session of the Commission on Human Rights to the Economic and Social Council

⁵ *Ibid.*, Sixteenth Session, Supplement No. 8.

III. DEVELOPMENT OF THE WORK OF THE UNITED NATIONS FOR WIDER OBSERVANCE OF, AND RESPECT FOR, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGHOUT THE WORLD

A. Annual reports on human rights

21. The question of establishing a system of annual reports on human rights has been under consideration by the Commission for several years. At its sixth session, in 1950, a proposal was made by France under which the Commission would draw up a scheme of annual reports and each Member State would submit annually to the Secretary-General "a report on the manner in which it had promoted respect for, and the progress of,

human rights in the course of the preceding year".⁶ Subsequently, at the ninth session in 1953, the United States submitted a proposal concerning annual reports on human rights.⁷ Pursuant to Economic and Social Council resolution 501 C (XVI), Governments and

⁶ For an account of this proposal see *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5*, para. 47, and E/CN.4/517.

⁷ See *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8*, paras. 263 to 270.

specialized agencies submitted comments on the proposal (E/CN.4/690 and Add.1 to 12 and E/CN.4/691 and Add.1). In resolution 739 (VIII) the General Assembly asked the Commission, through the Council, to consider the proposal at its tenth session. The text of the proposal was revised at the tenth session,⁸ and again at the eleventh session,⁹ during which no decision was taken by the Commission.

22. At the twelfth session the United States of America submitted a new text (E/CN.4/L.417) of the proposal. During the course of the debate the text was revised twice (E/CN.4/L.417/Rev.1 and 2), and amendments thereto were submitted by Chile, China, Pakistan and the Philippines (E/CN.4/L.419), by the Philippines (E/CN.4/L.420), by Chile (E/CN.4/L.421), by the Soviet Union (E/CN.4/L.422, E/CN.4/L.424 and E/CN.4/L.424/Rev.1 and 2), by Lebanon (E/CN.4/L.423, E/CN.4/L.427 and E/CN.4/L.427/Rev.1), and by Chile, China, Lebanon, Pakistan and the Philippines (E/CN.4/L.428). A statement of financial implications was issued by the Secretary-General (E/CN.4/L.417/Rev.2/Add.1).

23. The Commission devoted eleven meetings (E/CN.4/SR.515 to 525) to the debate on the proposal. At its 525th meeting it adopted, by 13 votes to 4, with 1 abstention, the following resolution :

Resolution I

ANNUAL REPORTS ON HUMAN RIGHTS¹⁰

The Commission on Human Rights,

Considering that by Articles 55 and 56 of the Charter the Members of the United Nations have pledged themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights sets forth the goals towards which all States Members of the United Nations should strive, both by their own efforts and through international co-operation, in the promotion of human rights,

Desiring to advance as rapidly as possible respect for, and observance of, human rights and fundamental freedoms and to stimulate Governments of Member States to press forward towards attaining the goals set forth in the Universal Declaration of Human Rights,

Convinced that certain positive steps to promote respect for, and observance of, human rights and fundamental freedoms can be taken without prejudice to the adoption and ratification of the covenants on human rights, including the measures of implementation provided therein, it being understood that this resolution shall be subject to review upon the coming into force of the covenants together with measures of implementation,

⁸ See *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7*, paras. 336 to 351.

⁹ *Ibid.*, *Twentieth Session, Supplement No. 6*, paras. 135 to 141.

¹⁰ A draft resolution on this subject for consideration by the Economic and Social Council appears in Annex I to this report as draft resolution A.

Desiring to obtain from each State Member of the United Nations and of the specialized agencies information on developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in its metropolitan area and Non-Self-Governing and Trust Territories, with a view to learning the results obtained and difficulties encountered in their work for the wider observance of, and respect for, human rights and fundamental freedoms throughout the world,

Having adopted as part of its programme of future work the consideration of general developments and progress achieved in the field of human rights and measures taken to safeguard human liberty, taking into account information furnished for publication in the *Yearbook on Human Rights* and additional reports from Member States and from specialized agencies pursuant to the terms of any further specific resolution with respect to reports adopted by the Commission,

Bearing in mind the special responsibilities of other organs of the United Nations and of the specialized agencies in the promotion of human rights and the facilities the latter may have for obtaining necessary information from their member States,

1. *Decides* to consider general developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in States Members of the United Nations and of the specialized agencies relating to the rights enumerated in the Universal Declaration of Human Rights and to the right of peoples to self-determination, taking into account information furnished for publication in the *Yearbook on Human Rights* and the additional reports from Member States and from specialized agencies referred to hereinafter; and to transmit to the Economic and Social Council such comments, conclusions and recommendations of an objective and general character, in accordance with the Charter of the United Nations, on the basis of the information and reports, as it deems appropriate;

2. *Recommends* that the Economic and Social Council request that each State Member of the United Nations and of the specialized agencies transmit annually to the Secretary-General a report describing developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in its metropolitan area and Non-Self-Governing and Trust Territories, such report to deal with the rights enumerated in the Universal Declaration of Human Rights and with the right of peoples to self-determination and to supplement the information furnished for publication in the *Yearbook on Human Rights* and to make reference to any relevant parts of reports already submitted to another organ of the United Nations or to a specialized agency;

3. *Requests* the Economic and Social Council to call the attention of each Member State to the advisability of setting up an advisory body, composed of experienced and competent persons, to assist their Government in the preparation of its report;

4. *Requests* the Secretary-General to prepare a brief summary of the reports upon a topical basis;

5. *Requests* the Economic and Social Council to invite the specialized agencies, in respect of rights coming within their purview, to transmit annually to the Secretary-General a report on a topical basis summarizing the information which they receive from their member States, and to co-operate in the full realization of the aim set forth in this resolution.

24. Before the Commission considered the substance of the proposal, the question was raised whether the Commission should take any decision at all on the question of annual reports pending the adoption and the entry into force of the International Covenants on Human Rights. It was noted that provisions on periodic reports were made in articles 17 to 24 of the draft Covenant on Economic, Social and Cultural Rights¹¹ and in article 49 of the draft Covenant on Civil and Political Rights,¹¹ and that these provisions had not yet been considered by the General Assembly. Apprehension was expressed that the effect of the United States proposal might be that the draft covenants would be superseded and their moral and juridical force undermined. Furthermore, before the substantive provisions of the draft covenants had been adopted, there would be no international legal standards or criteria on the basis of which annual reports could be prepared. It was urged, therefore, that consideration of the United States proposal should be postponed.

25. The majority of the members of the Commission were of the opinion that the draft resolution could not replace the covenants; and that it was not inconsistent with them, but complementary to them. It was noted that a considerable period of time would elapse before the covenants were adopted and ratified and the reporting procedures provided therein brought into effect. It was maintained that, in the meanwhile, it would be quite proper to initiate a system of annual reports, which could be reviewed upon the coming into force of the covenants. There were a variety of means for promoting human rights; the covenants were an important means, but other means might also be employed.

26. The first paragraph of the preamble reiterates the obligation of Member States under Articles 55 and 56 of the Charter of the United Nations. The second paragraph reaffirms the goals set forth in the Universal Declaration of Human Rights. It was thought that Articles 55 and 56 of the Charter constituted a sound juridical basis, and the Universal Declaration a proper historic setting, for the institution of a system of annual reports. The third paragraph expresses a desire to press forward towards the goals of the Declaration. These three paragraphs were adopted by 16 votes to none.

27. With a view to dispelling any doubt regarding the future of the draft covenants, Chile, China, Pakistan and the Philippines submitted a joint amendment (E/CN.4/L.419) calling for insertion of a new paragraph in the preamble, reading as follows :

“ *Convinced* that certain positive steps to promote respect for, and observance of, human rights and fundamental freedoms can be taken without prejudice

to the adoption and ratification of the covenants on human rights, including the measures of implementation provided therein. ”

To this Lebanon submitted an amendment (E/CN.4/L.423), calling for the addition of the words, “ it being understood that this resolution shall be subject to review upon the coming into force of the covenants together with measures of implementation ”; this amendment was accepted (E/CN.4/L.428) by the sponsors of the joint amendment. It was stated that the introduction of a system of annual reports at the current time might be considered as a temporary or interim measure and should not be allowed to weaken the covenants; and that when the covenants came into force the existing system of reports should be reviewed in the light of the reporting procedures provided therein. The revised amendment of the five members (E/CN.4/L.428) was adopted by 17 votes to none, with 1 abstention; it constitutes the fourth paragraph of the preamble.

28. The fifth paragraph of the preamble sets forth the general purpose of the resolution, which is to obtain from Governments information on developments in the field of human rights “ with a view to learning the results obtained and difficulties encountered in their work for the wider observance of, and respect for, human rights and fundamental freedoms throughout the world ”. This clause was an amendment by Chile (E/CN.4/L.421). The Soviet Union suggested a similar clause (E/CN.4/L.422):

“ *Recognizing* that it is desirable for the States Members of the United Nations to keep each other informed of their successes and achievements in the sphere of human rights ”.

It was emphasized that the role of the Commission was not to criticize individual Governments on the basis of reports, but to ascertain “ the results obtained and difficulties encountered ” so that nations might share their experience with one another. The annual reports, it was suggested, might also show which countries might benefit from advisory services in the field of human rights and the scope and types of such services. As originally proposed (E/CN.4/L.417), information was to be obtained relating to measures taken to safeguard human liberty in metropolitan areas and Non-Self-Governing Territories; but upon the proposals of the Philippines (E/CN.4/L.420) and of the Soviet Union (E/CN.4/L.422), this was broadened to include Trust Territories. It was pointed out, on the one hand, that the Commission's debates on annual reports should not duplicate those of the Trusteeship Council and the Committee on Information from Non-Self-Governing Territories. On the other hand, it was emphasized that the Commission could hardly ignore any information on measures taken to safeguard human liberty in Non-Self-Governing and Trust Territories. The United States accepted the amendments proposed by Chile and by the Philippines and the Soviet Union. The fifth paragraph of the preamble, thus revised (E/CN.4/L.417/Rev.2), was adopted by 16 votes to none, with 2 abstentions.

29. The sixth paragraph of the preamble makes reference to point D of the programme of future work, which was adopted at the eleventh session of the Com-

¹¹ See *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7, annex I.*

mission.¹² The seventh paragraph is intended to emphasize the respective spheres of responsibility of United Nations organs and of specialized agencies in the field of human rights in order to avoid any duplication of functions or any conflict of jurisdiction. The sixth paragraph of the preamble was adopted by 13 votes to none, with 5 abstentions. The seventh paragraph was adopted unanimously.

30. Under operative paragraphs 1 and 2 of the resolution, the Commission decided to consider annually general developments in the promotion of human rights, to transmit comments, conclusions and recommendations to the Economic and Social Council, and to recommend that the Council request Member States and specialized agencies to transmit annual reports on human rights. During the debate on these paragraphs, two main issues, namely the scope of annual reports and the competence of the Commission, were raised.

31. As to the scope of annual reports, the sponsor of the draft resolution proposed that the Commission should consider, and each State Member should report on, "developments and progress achieved in the field of human rights and measures taken to safeguard human liberty" (E/CN.4/L.417/Rev.2). It was observed that the expression "in the field of human rights" was used to cover all human rights without enumerating them.

32. The Soviet Union proposed (E/CN.4/L.424/Rev.2) that, in relation to paragraph 1 of the operative part, the Commission should decide "to implement the rights enumerated in the Universal Declaration of Human Rights and the draft International Covenants on Human Rights, including the legislative and other measures adopted by States to combat discrimination based on race, national origin, sex or language, and also the steps taken by States responsible for the administration of Non-Self-Governing and Trust Territories to implement the right of self-determination"; and that, in relation to paragraph 2, the report submitted by each State should "deal with the rights enumerated in the Universal Declaration of Human Rights and the other rights mentioned in paragraph 1 of this resolution". It was stated that the reporting procedure should be used "to implement" the Declaration as well as the draft covenants; that the Declaration, which the General Assembly had proclaimed, and the draft covenants, which the Commission itself had recommended, constituted a sound basis on which annual reports might be prepared by Governments; and that such progressive measures as those for combating discrimination and implementing the right of self-determination, should be specially emphasized in the annual reports. On the other hand, it was stated that while the Universal Declaration was proclaimed by the General Assembly, the draft covenants had not yet been adopted and therefore could not be used as a basis for annual reports; that to single out some grounds of discrimination to the exclusion of others mentioned in the covenants might create a mistaken impression of their relative importance; and that the right of self-determination was applicable not only to the peoples of Non-Self-Governing and Trust Territories

but to all nations and all peoples. It was also pointed out that the Administering Authorities had been reporting to the Trusteeship Council, under Article 88 of the Charter, on the "political... advancement" of the peoples of the Trust Territories, while the States responsible for the administration of Non-Self-Governing Territories were not obliged, under Article 73 e of the Charter, to submit information relating to "political conditions" in such territories. The Soviet amendment to operative paragraph 1 was rejected by 11 votes to 4, with 3 abstentions; as a consequence, the Soviet amendment to operative paragraph 2 was not put to a vote.

33. Lebanon proposed (E/CN.4/L.427/Rev.1) that, in respect of operative paragraph 1, the Commission should consider developments and progress "relating to the rights enumerated in the Universal Declaration of Human Rights and to the right of peoples to self-determination"; and that, in respect of operative paragraph 2, the annual reports should "deal with the rights enumerated in the Universal Declaration of Human Rights and with the right of peoples to self-determination". There was general agreement that the Declaration, which was proclaimed by the General Assembly as "a common standard of achievement for all peoples and all nations", constituted a proper basis on which annual reports might be submitted. There was a division of opinion as to the right of self-determination. On the one hand it was stated that self-determination was a political principle, not a right within the competence of the Commission on Human Rights; on the other hand, it was pointed out that the majority of the Members of the United Nations had considered that self-determination was a human right, in fact, a right without which all other rights would be devoid of any significance, and that it was therefore fully within the competence of the Commission. Others took the view that self-determination had attendant political implications which rendered the Commission an improper forum for its consideration.

34. The Lebanese amendment to paragraph 1 was divided into two parts, which were put to the vote by roll-call. The addition of the words "relating to the rights enumerated in the Universal Declaration of Human Rights" was adopted by 15 votes to none, with 3 abstentions. The voting was as follows:

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Chile, China, France, Greece, India, Iraq, Lebanon, Mexico, Norway, Pakistan, Philippines, Poland, Turkey.

Abstaining: United Kingdom of Great Britain and Northern Ireland, United States of America, Australia.

35. It was decided, by 11 votes to 6, with 1 abstention, to add the words "and to the right of peoples to self-determination". The voting was as follows:

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Chile, Greece, India, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland.

Against: United Kingdom of Great Britain and Northern Ireland, Australia, China, France, Norway, Turkey.

Abstaining: United States of America.

¹² See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, paras. 85 and 106 to 110.

36. The Lebanese amendment to operative paragraph 2 was similarly divided; the first part was adopted by 15 votes to none, with 3 abstentions, and the second part by 11 votes to 6, with 1 abstention.

37. The second main issue was whether the Commission was competent to take any action on annual reports and, if so, what kind of action. The United States draft had stated that the Commission "decides . . . to transmit to the Economic and Social Council such comments and conclusions on the information and reports as it deems appropriate" (E/CN.4/L.417). It was observed that, under its terms of reference the Commission might make "recommendations", and that whatever "comments, conclusions and recommendations" the Commission might make should be "of an objective and general character" and should not be related to any particular country or territory. The Soviet Union proposed the deletion of the words "comments" and "conclusions", and of the phrase "on the information and reports", and the addition of the words "in accordance with the Charter of the United Nations", so that the clause would read "to transmit to the Economic and Social Council such recommendations of an objective and general character, in accordance with the Charter of the United Nations, as it deems appropriate" (E/CN.4/L.424/Rev.2). It was stated that the Commission should not make "comments" or draw "conclusions", but should only make "recommendations", and that it should make recommendations of an objective and general character, not recommendations "on" the annual reports of individual Governments; and that all recommendations should be made "in accordance with the Charter of the United Nations". On the other hand, it was observed that annual reports were to be a channel through which experiences might be exchanged, but not an instrument by means of which individual Governments might be criticized; that in studying annual reports the Commission sometimes might not have any recommendations to make, but might wish to make "general comments" or draw "general conclusions" on successes and achievements of "general significance"; and that the phrase "in accordance with the Charter of the United Nations" was superfluous, since every action the Commission took must be in accordance with the Charter. As a compromise, however, the sponsor of the draft resolution agreed to modify the clause to read, "to transmit to the Economic and Social Council such comments, conclusions and recommendations of an objective and general character, in accordance with the Charter of the United Nations, on the basis of information and reports, as it deems appropriate".

38. Under the draft resolution (E/CN.4/L.417/Rev.2) as revised, the Council would request each State Member of the United Nations and of the specialized agencies to transmit an annual report to the Secretary-General. The view was expressed that the system of annual reports should be universal in character and that annual reports should be submitted by all States, whether Members or non-members of the United Nations and of the specialized agencies.

39. As originally proposed (E/CN.4/L.417), the Commission itself was to request each State to transmit annual reports to the Secretary-General. The sponsor

of the draft resolution accepted a Philippine amendment (E/CN.4/L.420) to the effect that the Commission should recommend that the Economic and Social Council request each State to transmit an annual report (E/CN.4/L.417/Rev.2).

40. Operative paragraphs 1 and 2, as amended by Lebanon (E/CN.4/L.427/Rev.1), were adopted respectively, by 11 votes to 5, with 2 abstentions, and by 11 votes to 5, with 2 abstentions.

41. In operative paragraph 3 the Commission requests the Council to "call the attention of each Member State to the advisability of setting up an advisory body, composed of experienced and competent persons, to assist their Government in the preparation of its report". There was a feeling that this paragraph was unnecessary as each Government was entirely free to prepare its report in any way it wished. It was noted that the paragraph merely called the attention of each State to the advisability of setting up an advisory body, and that any Government, if it so wished, could choose leaders of non-governmental organizations, engaged in the promotion of human rights, to assist it in the preparation of its report. The paragraph was adopted by 9 votes to 4, with 5 abstentions.

42. Operative paragraph 4 defines the functions of the Secretary-General in respect of annual reports. As originally proposed (E/CN.4/L.417), the Secretary-General was requested "to prepare a brief summary and analysis of the reports on a topical basis". The observation was made that the Secretary-General should not be asked to prepare an "analysis", which might involve an evaluation of the substance of the reports. The Soviet Union proposed that the Secretary-General should be invited to prepare "brief summaries of the reports submitted" (E/CN.4/L.422). The original proposal, with the deletion of the words "and analysis", was adopted by 16 votes to none, with 2 abstentions.

43. In relation to operative paragraph 4, a suggestion was made that a committee of experts should be established to assist the Secretariat in the work of summarization, which would require not only great technical competence, but also sound judgement and orientation, and to assist the Commission in analysing the reports and formulating objective and general recommendations. However, no formal proposal was made on this matter.

44. Under operative paragraph 5 the Council would invite "the specialized agencies, in respect of rights coming within their purview, to transmit annually to the Secretary-General a report on a topical basis summarizing the information which they receive from their member States, and to co-operate in the full realization of the aim set forth in this resolution". It was generally agreed that a Government should not be requested to transmit to the Secretary-General any information in respect of rights coming within the purview of any specialized agency if such information had been transmitted to that agency; and that the respective roles of the United Nations and of the specialized agencies should be clearly delimited and co-ordinated. The paragraph was adopted by 16 votes to none, with 2 abstentions.

45. The question was raised whether non-governmental organizations in consultative relationship with

the Economic and Social Council might be requested to submit annual reports on human rights, but no formal proposal was made. The general feeling was that the Commission should confine itself to official information which it might receive direct from Government or through specialized agencies.

46. Finally, it should be noted that there existed a doubt as to whether the system of annual reports was necessary or practicable or whether it would work. The preparation of reports covering the whole field of human rights, it was said, presented an onerous task for Governments, and the summarization of them a heavy burden for the Secretariat. Furthermore, the financial implications of the resolution were by no means insignificant; in fact, the project was so costly as to be disturbing. On the other hand, there was a feeling that, if all States Members of the United Nations and of the specialized agencies participated in the reporting scheme faithfully, it could be of invaluable service in the development of human rights. The scheme now initiated could be revised and improved after the Commission acquired new experience. Pending the entry into force of the covenants on human rights, the new system of annual reports represented a constructive measure in the promotion of international co-operation for the enlargement of human freedom.

B. Studies of specific rights or groups of rights

47. At its ninth session, in 1953, the Commission received a United States proposal,¹³ which called for the initiation of a series of studies on specific aspects of human rights. In resolution 501 C (XVI), the Economic and Social Council requested Member States and specialized agencies to submit comments on the proposal¹⁴ and in resolution 739 (VIII) the General Assembly asked the Commission, through the Council, to consider the proposal at its tenth session. The text of the proposal was revised at the tenth session of the Commission¹⁵ and again at the eleventh session,¹⁶ but no decision was taken on it.

48. At the twelfth session the United States submitted a new text of the proposal (E/CN.4/L.418). Briefly, under the proposal, the Commission was called upon to initiate a series of studies of specific rights or groups of rights; to request the Secretary-General to appoint an expert adviser for each subject selected for study, who would make the study in his own name and under his own responsibility, with such assistance from the Secretariat as he might require; and to select, subject to the approval of the Economic and Social Council, as its first subject for study, the right of everyone to be free from arbitrary arrest, detention and exile. During the discussion the text of the proposal was revised twice (E/CN.4/L.418/Rev.2 and E/CN.4/L.418/Rev.3 and Corr.1), and amendments thereto were submitted by

Chile, China, Lebanon, Pakistan and the Philippines (E/CN.4/L.430), by Chile E/CN.4/L.431), by Greece, India, Pakistan and the Philippines (E/CN.4/L.432) and by India (E/CN.4/L.433).

49. The Commission discussed the question in a total of eleven meetings (E/CN.4/SR.525 to 535). At its 535th meeting, it adopted, by 11 votes to 3, with 4 abstentions, the following resolution:

Resolution II

STUDIES OF SPECIFIC RIGHTS OR GROUPS OF RIGHTS¹⁷

The Commission on Human Rights,

Considering that by Articles 55 and 56 of the Charter the Members of the United Nations have pledged themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights sets forth goals towards which all States Members of the United Nations should strive, both by their own efforts and through international co-operation, in the promotion of human rights,

Desiring to strengthen the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms,

Convinced that certain positive steps to promote respect for, and observance of, human rights and fundamental freedoms can be taken without prejudice to the adoption and ratification of the covenants on human rights, including the measures of implementation provided therein,

Having adopted as a part of its programme of future work the undertaking of studies of specific rights or groups of rights, stressing general developments, progress achieved, and measures taken to safeguard human liberty, with such recommendations as may be necessary,

Recognizing that such studies are necessary for the purpose of ascertaining the existing conditions, the results obtained and the difficulties encountered in the work of States Members of the United Nations and of the specialized agencies for the wider observance of, and respect for, human rights and fundamental freedoms,

Bearing in mind the special responsibilities of the specialized agencies as regards certain human rights,

1. Decides:

(a) To undertake studies of specific rights or groups of rights in States Members of the United Nations and of the specialized agencies and to stress in these studies general developments, progress achieved and measures taken to safeguard human liberty, with such recommendations of an objective and general character as may be necessary;

¹³ See *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8*, paras. 273 to 284.

¹⁴ See E/CN.4/690 and Add. 1 to 12 and E/CN.4/691 and Add.1.

¹⁵ See *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7*, paras. 355 to 361.

¹⁶ *Ibid.*, *Twentieth Session, Supplement No. 6*, paras. 161 to 177.

¹⁷ A draft resolution on this subject for consideration by the Economic and Social Council appears in annex I to this report as draft resolution B.

(b) To select, subject to the approval of the Economic and Social Council, specific subjects for study, provided that no subject shall be selected which can more appropriately be studied by another organ of the United Nations or by a specialized agency;

2. *Decides* to appoint a committee of the Commission consisting of four members to be elected by the Commission, which shall:

(a) Prepare the study, bearing in mind the terms of sub-paragraph (a) of operative paragraph 1 hereof, with such assistance from the Secretariat as it may require, utilizing published material and written statements necessary for the study, such material to be drawn from the following sources: (i) Governments of States Members of the United Nations and of the specialized agencies, (ii) the Secretary-General, (iii) specialized agencies, (iv) non-governmental organizations in consultative relationship with the Economic and Social Council, and (v) writings of recognized scholars and scientists;

(b) Proceed with the work of the study with a view to submitting a preliminary report at the session of the Commission following its appointment and, if possible, a complete report at the succeeding session;

3. *Requests* the Secretary-General to assist the committee in the study;

4. *Requests* the Economic and Social Council to invite the States Members of the United Nations and of the specialized agencies, in transmitting the reports requested under the resolution on annual reports (see paragraph 23 of this report), to deal in particular with the right or group of rights currently selected for study under the terms of this resolution;

5. *Requests* the Economic and Social Council to invite the specialized agencies and the non-governmental organizations in consultative relationship with the Economic and Social Council to co-operate in carrying out this resolution;

6. *Decides* to select, subject to the approval of the Economic and Social Council, as its first subject for study, the right of everyone to be free from arbitrary arrest, detention and exile.

50. During the debate a general question was raised as to the value of the proposed programme of studies. Various views were expressed. The sponsor of the draft resolution expressed the opinion that the studies would be valuable in themselves as a means of ascertaining the existing situation regarding human rights, the progress which was being achieved and the difficulties which were being encountered, and that an exchange of experience through such studies would be of value to Member States.

51. Other members stated that the studies, if they were authoritative and objective, would enable the Commission, within the limits of its terms of reference, to evolve "standards or models" of which Governments could make use as they wished in furthering the observance of human rights. They could also serve as bases for drafting international conventions on specific rights or groups of rights, or for making "recommendations

of an objective and general character". Furthermore, systematic accounts of laws and practices relating to specific rights or groups of rights would be of great value in that they would enable nations to learn from one another the results obtained and difficulties encountered in the evolution and application of human rights.

52. On the other hand, it was stated that the Commission should not authorize a series of studies, or a vague programme of studies, which might take ten to twenty-five years to complete, without knowing precisely what was involved. The studies, especially if they were conducted by experts who were responsible only to themselves, would be unrealistic and academic in character; and such a procedure for making the studies would be particularly disquieting. Furthermore, the programme of studies, as proposed by the United States, could not but undermine the moral and juridical force of the covenants on human rights and would retard the adoption, ratification and entry into force of those instruments. The standards of human rights, it was said, had already been formulated in the draft covenants. For example, the Commission had already discussed at length "the right of everyone to be free from arbitrary arrest, detention and exile" and had clearly formulated its recommendations in articles 9, 12 and 13 of the draft Covenant on Civil and Political Rights. The Commission should not authorize a second round of studies on subjects in respect of which exhaustive studies and appropriate recommendations had already been made. As the Commission already had a heavy programme of work, it was urged that consideration of the proposal to undertake a series of studies should be postponed. It was also pointed out by some members that, while there was no practical necessity to undertake such studies as were proposed, the studies themselves might be used for interference in the domestic affairs of States and would no facilitate the improvement of relations between them.

53. The majority of the members of the Commission were of the opinion that the proposed studies would not be in conflict with the draft covenants. They felt that the studies could be undertaken on an experimental basis.

54. In the resolution, as adopted, there are seven paragraphs in the preamble and six in the operative part.

55. The first paragraph of the preamble reiterates the obligation of Member States under Articles 55 and 56 of the Charter of the United Nations. The second paragraph reaffirms the goals set forth in the Universal Declaration of Human Rights. The third paragraph expresses a desire to strengthen the work of the United Nations in the field of human rights. These paragraphs were adopted by 15 votes to none, with 3 abstentions. The first two paragraphs, it may be noted, are identical with the first two paragraphs of the preamble of the resolution on annual reports on human rights (see paragraph 23 above). It was felt that the Charter and the Declaration could be appropriately cited in the preambles of both resolutions.

56. In order to dispel any fear that the studies to be undertaken might undermine the status of the draft

covenants on human rights, Chile, China, Lebanon, Pakistan and the Philippines submitted a joint amendment (E/CN.4/L.430) calling for the insertion of a new paragraph in the preamble, reading as follows:

“*Convinced* that certain positive steps to promote respect for, and observance of, human rights and fundamental freedoms can be taken without prejudice to the adoption and ratification of the covenants on human rights, including the measures of implementation provided therein”.

57. This paragraph was adopted by 14 votes to none, with 4 abstentions. It is similar to the fourth paragraph of the preamble of the resolution on annual reports (see paragraph 23 above), but does not contain the final clause of that paragraph, which reads: “it being understood that the resolution shall be subject to review upon the coming into force of the covenants together with measures of implementation”. The view was expressed that the studies could be undertaken advantageously before as well as after the covenants came into force.

58. The fifth paragraph of the preamble makes a reference to point E of the programme of future work, which was adopted at the eleventh session of the Commission.¹⁸ This paragraph was adopted by 12 votes to 3, with 3 abstentions.

59. The sixth paragraph of the preamble indicates the general purpose of the resolution, namely, to ascertain “the existing conditions, the results obtained and the difficulties encountered in the work of States Members of the United Nations and of the specialized agencies for the wider observance of, and respect for, human rights and fundamental freedoms”. It was emphasized that the studies were not intended to provoke controversy or discord, but to contribute to better understanding between nations. The Commission, it was said, certainly was not an international organ set up to supervise the implementation of human rights in individual States, but it should study successful experiments in the protection of specific rights or groups of rights, and should be aware of any physical or social obstacles to the full realization of human rights that might exist, so that the United Nations might be better able to promote international co-operation in the field of human rights. The paragraph was adopted by 11 votes to 3, with 4 abstentions.

60. In the seventh paragraph of the preamble the Commission bears in mind “the special responsibilities of the specialized agencies as regards certain human rights”. It was observed, in this connexion, that the responsibilities of the United Nations and of the specialized agencies were seldom mutually exclusive and that there should be close co-operation and co-ordination in order to avoid any duplication of functions. The paragraph was adopted by 14 votes to none, with 4 abstentions.

61. Operative paragraph 1 is divided into two sub-paragraphs. In sub-paragraph (a) the Commission decides “to undertake studies of specific rights or groups

of rights in States Members of the United Nations and of the specialized agencies and to stress in these studies general developments, progress achieved and measures taken to safeguard human liberty, with such recommendations of an objective and general character as may be necessary”. During the debate on this sub-paragraph, three points were discussed. First, under the original proposal (E/CN.4/L.418) the Commission was “to initiate a series of studies”. The majority of the members of the Commission were of the opinion that the Commission should not commit itself to “initiating a series of studies”, and that it should not attempt to encompass the entire field of human rights. It should rather undertake one study at present, and if the study should prove to be useful, it could take up another study. In other words, the studies should be conceived on an experimental basis. The sponsor of the draft resolution agreed to change the words “initiate a series of studies” to “undertake studies” (E/CN.4/L.418/Rev.3), which was the wording of point E of the Commission’s programme of work and which was broader than a single study but did not commit the Commission to a series of studies. Secondly, an opinion was expressed that the studies should not be confined to “States Members of the United Nations and of the specialized agencies”, but should be global in character and include all States, peoples and nations. Thirdly, the original text (E/CN.4/L.418) contained the phrase “with such recommendations as may be necessary”. The sponsor of the draft resolution agreed to amend the phrase to read “with such recommendations of an objective and general character as may be necessary” (E/CN.4/L.418/Rev.3), it being understood that the recommendations of the Commission should not refer to particular countries or territories (see operative paragraph 1 of the resolution on annual reports, in paragraph 23 above). Paragraph 1(a) was adopted by 12 votes to 3, with 3 abstentions.

62. In paragraph 1(b), the Commission decides “to select, subject to the approval of the Economic and Social Council, specific subjects for study, provided that no subject shall be selected which can more appropriately be studied by another organ of the United Nations or by a specialized agency”. The majority of the members of the Commission were of the opinion that the Commission should not choose any subject which was being studied, or could be more appropriately studied, by another organ of the United Nations or by a specialized agency. Paragraph 1(b) was adopted by 13 votes to 3, with 2 abstentions.

63. Operative paragraph 2 relates to the method of study. Three questions were discussed. The most important of these concerned the person or organ to whom the study was to be entrusted. The other questions related to the sources of information and the schedule of work. It was the opinion of the majority that the method of study was a crucial problem, for the choice of a method would materially influence the future work of the Commission.

64. The sponsor of the draft resolution had proposed that the Secretary-General should be requested to appoint as an expert adviser “a person of high standing and of recognized competence”, who was to prepare the study

¹⁸ See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, paras. 85 and 111 to 113.

“in his own name and under his own responsibility” (E/CN.4/L.418). It was stated that, if the study was to be objective and authoritative, it must be entrusted to an eminent person who was independent and impartial, and not under the instruction of any Government. Against this proposal it was argued that no person, however eminent, could be completely independent or impartial or free from political influence or from philosophical preferences. The study was too important to be entrusted to a single individual who would be responsible to none but himself. Furthermore, it would be very difficult, and perhaps it would not be fair, to engage a person of high standing and of recognized competence in a study, which might take two or three years, without appropriate remuneration, but the General Assembly, in resolution 677 (VII), had established the rule that the appointment of a person as rapporteur of a United Nations body should carry no remuneration, as such appointment conferred honour upon his country and distinction upon himself. Attention was also drawn to the difference between an expert adviser appointed by the Secretary-General and a rapporteur appointed by the Commission. It was said that if a rapporteur were to be appointed, he should be appointed by the Commission itself.

65. As a result of the exchange of opinions, Greece, India, Pakistan and the Philippines submitted a joint amendment (E/CN.4/L.432) whereby the Commission itself would appoint a committee consisting of four members, to be elected by the Commission, instead of requesting the Secretary-General to appoint an expert adviser. Such a committee, it was said, would be more likely to be able to produce an objective study than would an individual expert, and the work of the committee would have a better chance of acceptance than that of an individual. It was suggested that the committee might meet immediately after or before each session of the Commission, that it might designate a chairman or rapporteur who would consult the other members by correspondence on matters as they arose, and that there would be no financial implications. This amendment, it was further noted, was in full accord with the rules of procedure of functional commissions. The question was asked whether, in the event that a member of the committee should retire before the study was completed, that member would continue to serve on the committee. A suggestion was made that as vacancies occurred, they could be filled. At the same time, other members pointed out that even if the studies were entrusted, not to an expert, but to a committee, the draft resolution would still not be acceptable to them.

66. Another suggestion was made that the Commission might request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make the studies. However, it was observed that the Sub-Commission already had a heavy programme of work and that, although such studies might be within its terms of reference, the members of the Sub-Commission were chosen as experts in the field of prevention of discrimination and protection of minorities and should not be requested to make studies which the Commission itself might wish to make. No formal proposal on this point was submitted.

67. Finally, the United States submitted a compromise proposal under which the Secretary-General would appoint an expert adviser who would prepare the study “in consultation with the Bureau of the Commission” (E/CN.4/L.418/Rev.3/Corr.1). It was argued that the study should be made by an independent expert in order to ensure its impartiality and objectivity, but that the expert should consult the officers of the Commission in order that he might benefit from their views and possibly enhance the chances of acceptability of the study by the Commission. This proposal, however, was opposed on the grounds that no eminent authority could be expected to revise his study or change his opinion on account of any advice of Government representatives, nor could the Bureau, in a consultative capacity, be expected to assume any responsibility for the study of the expert adviser.

68. As to the question of the sources of information, the original text of the draft resolution (E/CN.4/L.418) contained the phrase “utilizing published material and written statements necessary for the study”. The opinion was expressed that the sources of information should be defined as clearly as possible so that no propaganda material or unreliable information might be used. It was further suggested that the sources should be specified and should be similar to those which the Rapporteurs of the Sub-Commission were to utilize in the studies of discrimination and which had been approved by the Commission itself at its tenth session.¹⁹ The sponsor of the draft resolution proposed that the sources should be: “(i) Governments of States Members of the United Nations and of the specialized agencies, (ii) the Secretary-General, (iii) specialized agencies, (iv) non-governmental organizations in consultative relationship with the Economic and Social Council, and (v) writings of recognized scholars and scientists”. The majority of the members of the Commission were of the opinion that Governments, the Secretary-General and specialized agencies were appropriate sources, although the view was expressed that such sources should not be exclusive. There was some opposition to utilizing unofficial sources of information, which might cause serious political and psychological repercussions.

69. The question was asked whether there should be any time limit for the completion of the study. The majority of the members of the Commission were of the opinion that whoever was appointed to make the study should submit a preliminary report at the session of the Commission following the appointment and, if possible, a complete report at the succeeding session. The view was expressed that two studies would not be undertaken concurrently, and that ordinarily one study would be completed before another study was undertaken.

70. Operative paragraph 2 was voted on as follows. The joint amendment (E/CN.4/L.432) as revised,²⁰ which read “*Decides* to appoint a committee of the Commission consisting of four members, to be elected by the Commission, which shall”, was adopted by 9 votes to 2, with 7 abstentions. Sub-paragraph (a) was put to the vote in parts. The part reading “(a) Prepare the study,

¹⁹ *Ibid.*, Eighteenth Session, Supplement No. 7, para. 418.

²⁰ See E/CN.4/SR.535.

bearing in mind the terms of sub-paragraph (a) of operative paragraph 1 hereof, with such assistance from the Secretariat as it may require, utilizing published material and written statements necessary for the study, such material to be drawn from the following sources: (i) Governments of States Members of the United Nations and of the specialized agencies, (ii) the Secretary-General, (iii) specialized agencies", was adopted by 13 votes to 3, with 2 abstentions. The phrase "(iv) non-governmental organizations in consultative relationship with the Economic and Social Council" was adopted by 11 votes to 3, with 4 abstentions. The phrase "(v) writings of recognized scholars and scientists" was adopted by 11 votes to 3, with 4 abstentions. Sub-paragraph (b), which read "Proceed with the work of the study with a view to submitting a preliminary report at the session of the Commission following its appointment and, if possible, a complete report at the succeeding session", was adopted by 13 votes to 3, with 2 abstentions. Paragraph 2, as a whole, was adopted by 12 votes to 3, with 3 abstentions.

71. Operative paragraph 3, in which the Commission requests the Secretary-General to assist the committee in the study, was adopted by 16 votes to none, with 2 abstentions. In operative paragraph 4 the Commission requests the Economic and Social Council "to invite the States Members of the United Nations and of the specialized agencies, in transmitting the reports requested under the resolution on annual reports, to deal in particular with the right or group of rights currently selected for study under the terms of this resolution". In operative paragraph 5 the Commission requests the Council "to invite the specialized agencies and the non-governmental organizations in consultative relationship with the Economic and Social Council to co-operate in carrying out this resolution". Paragraphs 4 and 5 were adopted by 12 votes to 3, with 3 abstentions.

72. The final paragraph of the resolution deals with the first subject of study. Three proposals were made. The sponsor of the draft resolution proposed that the Commission should "select, subject to the approval of the Economic and Social Council, as its first subject for study, the right of everyone to be free from arbitrary arrest, detention and exile". It was stated that this right, which was set forth in Article 9 of the Universal Declaration of Human Rights, was one of the basic rights of man. It was a subject on which Governments had already been requested to submit statements for publication in the *Yearbook on Human Rights* for 1955.²¹ It was, furthermore, a subject on which no special studies had been made by any United Nations organ or by any specialized agency. Against this subject it was said that the word "arbitrary" was vague or not precise in meaning. The Australian representative presented a working paper (E/CN.4/L.429) in which it was suggested that "the word 'arbitrary' in the definition of this study should be understood to mean arrest or detention either:

(a) On grounds or in accordance with procedures other than those established by law, or

(b) Under the provisions of a law the basic purpose of which is incompatible with respect for the right to liberty and security of person".

73. Some members considered the working paper valuable but others pointed out that the definition of "arbitrary" arrest or detention given in the working paper reflected only the opinion of the author. The Commission felt that it was not prepared at the twelfth session to enter into the substance of the matter. The view was expressed that one of the results of the proposed study would be to define the term "arbitrary".

74. As the right of everyone to be free from arbitrary arrest, detention and exile was considered somewhat controversial in character, the representative of Chile proposed another subject, namely, the right of motherhood and childhood to receive special care and assistance (E/CN.4/L.431). This right was proclaimed in Article 25, paragraph 2, of the Universal Declaration of Human Rights. It was a social right, less controversial in character than a civil or political right, it was in a field in which international co-operation appeared to offer the best prospects of success, and it would also favour the more needy classes. Against this proposal it was pointed out that the right of motherhood and childhood was a subject in which other organs of the United Nations and certain specialized agencies had been interested. The Social Commission was concerned with the subject and the Commission on the Status of Women had just decided at its tenth session to take up the subject of "working women, including working mothers".²² To choose this subject, it was stated, would be contrary to paragraph 1(b), in which it was provided that "no subject shall be selected which can be more appropriately studied by another organ of the United Nations or by a specialized agency".

75. As a third subject, India suggested the right of freedom of information, which the General Assembly, in resolution 59 (I), had declared to be "a fundamental human right" and the "touchstone of all the freedoms to which the United Nations is consecrated". Since the Sub-Commission on Freedom of Information and of the Press had been abolished and there was no other technical body of the United Nations dealing with the subject, the Commission, it was suggested, could appropriately take up the study of that right. On the other hand, the opinion was expressed that freedom of information had been a most controversial problem and was a subject of which the Economic and Social Council and the General Assembly had been seized. It was pointed out by some members that, apart from the studies made by the Sub-Commission, a special rapporteur appointed by the Council had already prepared an excellent study on freedom of information. Furthermore, a draft Convention on Freedom of Information was still pending before the General Assembly.

76. After discussion, the representative of India proposed an amendment (E/CN.4/L.433) to the final paragraph of the draft resolution, by which the Commission would "forward to the Economic and Social Council the following three subjects for the selection of one of them as the first subject for the proposed study:

²¹ For the resolution on the *Yearbook* adopted at the eleventh session of the Commission, see *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, para. 28.

²² See *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 4*, para. 182.

"(1) The right of everyone to be free from arbitrary arrest, detention and exile,

"(2) The right of motherhood and childhood to receive special care and assistance,

"(3) The right of freedom of information".

77. There was a feeling that the Commission, being a functional organ of the Council, should itself select a subject and request the Council's approval, instead of leaving the choice to be made by the parent body. The Indian amendment was rejected by 5 votes to 3, with 10 abstentions. The Chilean amendment was subsequently withdrawn. The final paragraph of the original draft resolution was adopted by 9 votes to 3, with 6 abstentions.

78. The statement of financial implications (E/CN.4/L.418/Add.1), issued by the Secretary-General, was discussed. Some felt that the project was too costly and feared that the results might not justify the expenditures. The Commission should rather concentrate the limited resources at its disposal on projects likely to bring practical results in a reasonable space of time. Others thought that the project should not be shelved merely because of its financial implications. Although there should not be excessive optimism regarding the results to be expected, it was felt that the project should be undertaken, at least on an experimental basis.

79. At its 543rd meeting the Commission considered the question of the election of the members of the committee to undertake the study of the right of everyone to be free from arbitrary arrest, detention and exile. Two views were expressed. One view was that the Commission should not, at its current session, elect the members of the committee, as the subject selected for study had to be approved by the Economic and Social Council and the financial implications by the General Assembly, before the study could be undertaken. Furthermore, the Council might also change the composition of the committee. The other view was that the Commission should elect the members of the committee at its current session. Should the Council choose another subject, the committee so elected would undertake a study of that subject. By 5 votes to 3, with 9 abstentions, the Commission decided to hold an election, at its 545th meeting, of the members of the committee.

80. At its 545th meeting the question was raised whether the members of the committee were to be individuals or States. After an exchange of opinion, it was agreed that the members of the committee were States, not individuals.

81. The view was expressed that the composition of the committee should reflect the principle of equitable geographical representation and should also ensure the representation of varying forms of civilization and legal systems.

82. Although nominations were made, it was agreed that each member of the Commission might vote for any four States members of the Commission. A motion to postpone the election until the following meeting was rejected by 5 votes to 4, with 8 abstentions. The Commission then elected, by secret ballot, the following

States as members of the committee: Chile, Norway, Pakistan and the Philippines.

83. The committee held its first meeting on 28 March 1956 and elected the representative of the Philippines, Mr. F. M. Serrano, as its Chairman-Rapporteur. It had a preliminary discussion of its programme of work, made certain recommendations to the Secretariat and decided to authorize the Chairman-Rapporteur to carry out such functions as might be necessary in connexion with its preliminary work.

C. Advisory services in the field of human rights

84. At its tenth session, the General Assembly adopted resolution 926 (X), by which it established a broad programme of advisory services in the field of human rights. The programme embraces the previous separate programmes relating to the promotion and safeguarding of the rights of women (General Assembly resolution 729 (VIII)), the eradication of discrimination and protection of minorities (General Assembly resolution 730 (VIII)), and the promotion of freedom of information (General Assembly resolution 839 (IX) and Council resolution 574 A (XIX)). The Secretary-General was authorized, subject to the directions of the Council, "to make provision at the request of Governments and with the co-operation of the specialized agencies where appropriate and without duplication of their existing activities, for the following forms of assistance with respect to the field of human rights: (i) advisory services of experts; (ii) fellowships and scholarships; (iii) seminars". The General Assembly, *inter alia*, requested the Secretary-General to report regularly to the Economic and Social Council, to the Commission on Human Rights and, as appropriate, to the Commission on the Status of Women, on the measures taken by him in compliance with the terms of the resolution.

85. The Commission discussed item 3 (c) of its agenda, "Advisory services in the field of human rights", at its 535th to 537th meetings. The Commission agreed to consider, together with this item, chapter 10 and annex I of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/721). Annex I of the Sub-Commission's report contained a draft resolution on advisory services in the field of human rights submitted by the Sub-Commission for consideration and adoption by the Commission.

86. The Commission had before it a report by the Secretary-General on advisory services in the field of human rights (E/CN.4/722 and Corr.1). In the annex to the report the text of a *note verbale* from the Secretary-General to Governments was reproduced. In the note, the Secretary-General informed the Governments that, although the programme of advisory services in the field of human rights was distinct and separate from the technical assistance programmes in the fields of economic development, advisory social welfare services and public administration, the existing machinery of the Technical Assistance Administration and the services of the Resident Representatives of the Technical Assistance Board and of national committees should, as appropriate, be utilized. He further indicated the procedures by which

requests for services of experts, for fellowships and scholarships and for seminars might be made.

87. A draft resolution (E/CN.4/L.434) on advisory services in the field of human rights was submitted jointly by Mexico, Pakistan, the Philippines and the United States. This draft resolution, as orally revised, was adopted at the 537th meeting by 14 votes to none, with 4 abstentions. The resolution reads as follows:

Resolution III

ADVISORY SERVICES IN THE FIELDS OF HUMAN RIGHTS

The Commission on Human Rights,

Having noted with satisfaction that General Assembly resolution 926 (X), on advisory services in the field of human rights, authorizes the following forms of assistance: (a) advisory services of experts, (b) fellowships and scholarships, and (c) seminars,

Expressing the hope that all three forms of assistance will be availed of,

Taking note of the first report of the Secretary-General on advisory services in the field of human rights (E/CN.4/722 and Corr.1),

Considering that the report and draft resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/721, chapter X and annex I) emphasize the desirability of holding seminars on the prevention of discrimination and protection of minorities,

Considering that the Commission on the Status of Women at its tenth session adopted a resolution²³ endorsing the use of seminars to assist women who have recently acquired political rights or do not yet fully exercise them,

Requests the Secretary-General to explore during the current year, in consultation with Governments and specialized agencies and in accordance with resolution 926 (X) of the General Assembly, due regard being had to operative paragraph 7 thereof, the desirability of holding seminars in the field of human rights, especially with regard to the prevention of discrimination and protection of minorities.

88. Most of the members stressed the usefulness of advisory services in the field of human rights. It was pointed out that all three forms of assistance envisaged in the programme approved by the General Assembly were known and proven methods of exchanging experience and might be useful in assisting States in practical implementation of human rights. The programme, however, was at an experimental stage. It was felt that the Commission should proceed cautiously with its new undertaking, and for that reason it was generally agreed that the action called for under the joint draft resolution, which was exploratory in character, was most appropriate at that stage. Some members, while sceptical of the value of advisory services, particularly the services of experts, in the field of human rights, stated that they had no objection to the resolution since it was exploratory

and did not imply any final decision on the problems involved.

89. The first paragraph of the preamble, in which the Commission notes with satisfaction resolution 926 (X) of the General Assembly, on advisory services in the field of human rights, was adopted by 15 votes to none, with 3 abstentions. The second paragraph was adopted by the same number of votes, and the third was adopted unanimously. The fourth paragraph, which was revised to meet the objection that it was inappropriate to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had not yet been discussed, was adopted unanimously. The fifth paragraph, which refers to the adoption by the Commission on the Status of Women at its tenth session of a resolution endorsing the use of seminars in the promotion of political rights of women, was also adopted unanimously.

90. In the operative part of the resolution the Commission requests the Secretary-General "to explore during the current year, in consultation with Governments and specialized agencies and in accordance with resolution 926 (X) of the General Assembly, due regard being had to operative paragraph 7 thereof, the desirability of holding seminars in the field of human rights, especially with regard to the prevention of discrimination and protection of minorities". This paragraph was adopted by 14 votes to none, with 4 abstentions.

91. During the discussion it was explained that the joint draft resolution took account of the draft resolution submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expanding it, however, to cover the entire field of human rights. The phrase "including the prevention of discrimination and protection of minorities" in the original joint draft was changed to "especially with regard to the prevention of discrimination and protection of minorities", in order to meet the objection that the original text did not take due account of the initiative taken by the Sub-Commission. The sponsors of the joint draft also agreed to replace the word "possibility" by the word "desirability", which was thought to be a stronger and more positive term.

92. A suggestion was made in the course of the debate that the Commission's resolution should include reference to participation by non-governmental organizations in the seminars to be organized under the programme. The view was expressed that in order to have the desired effect on public opinion the seminars should be attended not only by representatives of Governments but also by representatives of non-governmental organizations. The representative of India, supported by the representative of Greece, proposed (537th meeting) the addition of a new operative paragraph as follows:

"Invites the non-governmental organizations in consultative relationship with the Economic and Social Council to extend their co-operation to the proposed seminars".

In reply, it was pointed out that such a clause was unnecessary since the draft resolution already contained references to resolution 926 (X) of the General Assembly, which had expressed its hope that non-governmental

²³ See *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 4*, para. 159.

organizations, universities and other institutions would co-operate in the programme of advisory services. The view was also expressed that while the aim of the amendment was praiseworthy, the Commission should not lay down a hard and fast rule, but should leave host Governments undertaking responsibilities for seminars free to decide whether or not to invite the co-operation of non-governmental organizations. However, in an attempt to meet the point raised, the sponsors of the joint draft resolution agreed to insert after the words "in accordance with resolution 926 (X) of the General Assembly" the phrase "due regard being had to operative paragraph 7 thereof". The representatives of India and Greece thought that the change did not entirely meet their point, which was to ensure the co-operation of non-governmental organizations in the seminars when they were actually held and not at the exploratory stage; however, they did not press their point, since it could be taken up at some later stage.

93. The question was raised whether it was proper for the Commission to express preference for seminars, which constituted only one of the three forms of assistance envisaged in the programme of advisory services approved by the General Assembly. It might give the impression that the Commission was not in entire agreement with resolution 926 (X) of the General Assembly. It was also pointed out that the programme approved by the General Assembly was only in its initial stages and it would be premature for the Commission to single out and stress one type of assistance. As no seminars had as yet been held under the programme, it was difficult to anticipate whether they would prove successful. The Commission should have more information before attempting to evaluate the programme. That no requests for advisory services had been received so far might be due to the fact that Governments had not yet had time to determine the type of service they required or were reluctant to request any service when the fund available was as small as \$50,000.

94. In reply, it was stated that no preference was being expressed for one form of assistance. The first two paragraphs of the preamble stressed all three forms of assistance authorized by the General Assembly. However, special attention was drawn to seminars in view of the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was emphasized that seminars, if attended by qualified persons, would make a large contribution to the development of human rights and that the value of seminars should not be assessed in quantitative terms. Moreover, this form of assistance offered interesting possibilities, particularly since it would involve participation by many Governments. It was pointed out that, as the Secretary-General had suggested in his statement (E/CN.4/L.416), a country which had some fruitful experience in dealing with problems concerning human rights might take the initiative in organizing a seminar to which representatives from other countries might be invited, or a group of Governments might organize seminars to discuss common or regional problems. Governments, in other words, would move from strength rather than from weakness.

95. Questions were raised concerning the policy to

be followed with regard to the holding of seminars. It was pointed out that resolution 926 (X) of the General Assembly appeared to lay down, in paragraph 3 (a) and (b), guidance for the Secretary-General in the matter of handling requests for experts and for fellowships and scholarships, but did not lay down specific policies with regard to the holding of seminars. Some members stressed that seminars could be organized under the General Assembly resolution only if requests for them were received by the Secretary-General from Governments; and that Governments should be in a position to follow up the results of the seminars. The view was also expressed that although the programmes established under resolution 926 (X) were distinct and separate from the other technical assistance programmes of the United Nations, the services provided for under that resolution should be patterned on those furnished under the other programmes. The existing machinery of the Technical Assistance Administration and the services of the Resident Representatives of the Technical Assistance Board and of national committees should, as appropriate, be utilized. It was also pointed out that the primary factor in deciding whether a seminar was to be held should be the number of countries showing interest in the subject rather than the fact that a particular Government felt it had something to offer.

96. The question how seminars were to be financed was also brought up. In particular it was asked what costs would be borne by a country which desired to hold a seminar, and in this connexion a clarification of the meaning of the phrase "with due regard to the greater need of the under-developed areas" in paragraph 3 (c) of resolution 926 (X) was also sought. Some members expressed the opinion that the prime responsibility for bearing the local cost of the seminars would, in accordance with normal United Nations practice in a matter of technical assistance, rest with the participating Governments. Paragraph 3 (c) of resolution 926 (X), which applied to seminars as well as to other forms of assistance envisaged in that resolution, laid down that the amount of assistance and the conditions under which it was to be rendered were to be decided by the Secretary-General with due regard to the greater needs of under-developed areas and in conformity with the principle that each requesting Government should assume responsibility, as far as possible, for all or a considerable part of the expenses connected with the assistance furnished to it. The view was held that the term "under-developed areas" referred to economically under-developed areas. It was believed that paragraph 3 (c) of the Assembly resolution would have to be worked out along the practical lines developed by the Technical Assistance Committee in relation to requests for seminars in the other fields of United Nations activity. It was pointed out that the practice was for participating Governments to pay the cost of their representatives' attendance at seminars, and for the host Government to meet the expenses of organizing the seminars. One representative pointed out that it was unnecessary for the Commission to go into the question since, in accordance with the usual practice, a special agreement would be concluded for each seminar and in such agreement the financial details would be settled.

D. Other questions

97. Under item 3 (d) of its agenda, the Commission had agreed to consider any questions arising out of its consideration of the "development of the work of the United Nations for the wider observance of, and respect for, human rights and fundamental freedoms throughout the world" (see paragraph 19 above). The Commission, at its 538th to 540th meetings, considered proposals relating to the following questions:

1. Draft Declaration on the Rights of the Child;
2. Preparation of a draft Convention on Discrimination in Education;
3. Right of asylum;
4. Celebration of the tenth anniversary of the Universal Declaration of Human Rights.

DRAFT DECLARATION ON THE RIGHTS OF THE CHILD

98. At its sixth session, the Social Commission adopted and transmitted to the Economic and Social Council a draft Declaration on the Rights of the Child.²⁴ By its resolution 309 C (XI) of 13 July 1950, the Council requested the Commission on Human Rights to consider the draft declaration and to communicate to the Council at its thirteenth session its observations on the principle and contents of it. The Secretary-General submitted a memorandum on the draft declaration (E/CN.4/512) to the Commission on Human Rights at its seventh session. The pressure of work, however, prevented the Commission from considering the substance of the draft Declaration on the Rights of the Child.

99. At the 538th meeting the Commission had before it a draft resolution submitted by the USSR (E/CN.4/L.425), which was adopted unanimously. The resolution reads as follows:

Resolution IV

DRAFT DECLARATION ON THE RIGHTS OF THE CHILD

The Commission on Human Rights,

Having in mind the fact that, under the programme it has adopted, one of its most important tasks is to promote the realization of the human rights enunciated in the Universal Declaration of Human Rights, and in the draft covenants on civil and political rights and on economic, social and cultural rights,

Having regard to the fact that in the Universal Declaration of Human Rights and the draft Covenant on Economic, Social and Cultural Rights stress is laid on the necessity for the adoption of special measures for the protection of mothers, children and young persons, and that the Social Commission of the United Nations has prepared a draft Declaration on the Rights of the Child, which declaration has been transmitted by the Economic and Social Council for the consideration of the Commission on Human Rights,

Decides to include the question of the Declaration on the Rights of the Child in the agenda of the thirteenth session of the Commission on Human Rights.

100. All members of the Commission expressed their support of the proposal, which was regarded as a purely procedural matter. Some members expressed the view that the protection of the rights of the child, as well as those of the mother, was of very great importance. It was generally felt that as the draft declaration had been on the agenda of the Commission for a long time, a date should be set for its consideration.

PREPARATION OF A DRAFT CONVENTION ON DISCRIMINATION IN EDUCATION

101. In his draft report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/L.92), the Special Rapporteur on discrimination in education had suggested the advisability of preparing a draft Convention on Discrimination in Education.

102. The USSR submitted the following draft resolution E/CN.4/L.426 and Corr.1):

The Commission on Human Rights,

Considering that in its resolution 532 B (VI) of 4 February 1952, the General Assembly emphasized that "the full application and implementation of the principle of non-discrimination recommended in the United Nations Charter and the Universal Declaration of Human Rights are matters of supreme importance" and also drew attention to the particular importance of positive work in that field by all United Nations organs and institutions,

Attaching great importance to developing and improving the efficiency of the work of the Commission on Human Rights in combating discrimination in accordance with the programme of work adopted by the Commission at its eleventh session,

Noting that a proposal for an international Convention on the Prevention of Discrimination in Education was submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/L.92, paras. 513 to 516),

Considering that the assumption by States Members of the United Nations of specific obligations in this field might prove to be an effective means of implementing the provisions of the Charter,

Resolves to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare at its ninth session a draft international convention prohibiting discrimination in education on grounds of race, colour, sex, language, religion, political or other beliefs, national or social origin, property or other status, and to submit that draft convention to the Commission on Human Rights at its thirteenth session.

103. In support of the draft resolution, some members recalled the obligations with regard to non-discrimination placed upon the States Members of the United Nations by Article 1, paragraph 3, and Articles 55 and 56 of the Charter, as well as the view expressed in General

²⁴ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 3*, annex II, draft resolution IV.

Assembly resolution 532 B (VI). In their opinion, combating discrimination in education was a most important and urgent task, and the adoption of an international convention was one of the most effective means of combating discrimination. They pointed out that Mr. Charles D. Ammoun, the Special Rapporteur, in his draft report (E/CN.4/Sub.2/L.92, paras. 513 to 516) submitted to the Commission at its eighth session, had proposed the drafting of such a convention, and that, in the course of the debate, several members of the Sub-Commission had expressed themselves in general agreement with the recommendation.

104. It was observed by some members that the adoption of conventions for eliminating discrimination in education and for ensuring respect for human rights in general was quite in conformity with the Charter of the United Nations. Those members of the Commission who supported the proposal further held that the drafting of separate instruments, in addition to the draft International Covenants on Human Rights, was contemplated in the programme of future work adopted by the Commission at its eleventh session;²⁵ under point A of the programme the Commission might take action "pursuant to measures of implementation under the covenants on human rights or other conventions on human rights and fundamental freedoms which may be concluded under United Nations auspices".

105. In the view of the author of the proposal, the contemplated instrument would not compete or conflict with the draft International Covenants on Human Rights, but would rather complement them; while under the draft Covenant on Economic Social and Cultural Rights, each State party would undertake progressively to implement the rights provided therein without discrimination, the proposed convention would stipulate that discrimination in education should be eliminated immediately. The author, however, emphasized that his proposal, being procedural in character, did not prejudge the contents of the draft convention; its object was to speed up the preparation of such an instrument.

106. The majority of the members of the Commission, including some of those who declared themselves in agreement with the purpose of the draft resolution, held that the adoption of the proposal would be premature. It was emphasized that the Sub-Commission had not yet transmitted the report on discrimination in education to the Commission, nor even taken any decision on the recommendations contained in Mr. Ammoun's draft report. The Special Rapporteur might conceivably modify his recommendations after having revised his draft report in accordance with resolution B, adopted by the Sub-Commission at its eighth session (E/CN.4/721, para.101). The opinion was further expressed that pending the adoption of the draft International Covenants on Human Rights by the General Assembly, it was not desirable to prepare separate conventions on various aspects of discrimination or on particular human rights. Some doubts were also raised as to the Sub-Commission's competence to prepare international conventions and as to the appropriateness of entrusting a body of individual experts with a task which had political implications.

107. As a result of the exchange of views, the representative of the USSR agreed (538th meeting) that he would not press for a vote on his proposal, on the understanding that it would remain on the agenda and would be discussed when the Commission considered the question of discrimination in education. The Chairman noted that the proposal would not be put to a vote at the current session.

RIGHT OF ASYLUM

108. The question of the right of asylum was placed on the agenda of the fifth session of the Commission on Human Rights by virtue of a decision taken by the Commission at its second session, held in 1947.²⁶ At its fifth, sixth and eighth sessions, the Commission considered the question in connexion with the draft covenants on human rights, but was unable to agree on an article relating to the right of asylum. These and other developments concerning the right of asylum were reported in memoranda submitted to the Commission by the Secretary-General (E/CN.4/184, E/CN.4/520 and E/CN.4/713).

109. At its 539th meeting the Commission adopted, by 15 votes to none, with 2 abstentions, a draft resolution submitted by France (E/CN.4/L.435), which reads as follows:

Resolution V

RIGHT OF ASYLUM

The Commission on Human Rights,

Considering that the programme of the Commission calls for a continuation of efforts to promote all the human rights proclaimed in the Universal Declaration of Human Rights,

Recalling that article 14 of the Universal Declaration of Human Rights states that everyone has the right to seek and to enjoy in other countries asylum from persecution,

Noting that the Commission has been unable to include this right in the draft covenants on human rights,

Recalling that in 1947 the Commission decided to consider the problem of the right of asylum at the earliest opportunity,²⁶

Decides to place the question of the right of asylum on the agenda of its thirteenth session.

110. Some members expressed doubts as to the usefulness of any substantive discussion on the right of asylum, in view of the basic differences of opinion between States as to the scope of the right. As was shown during the debate in the course of the preparation of the draft covenants, some Governments considered the right of asylum to be the right of the individual to seek and enjoy asylum, while other Governments interpreted it as the right of the State to extend protection to whatever refugees it chose and to remain immune from interference from other States, including the States of origin of the refugees. According to those members who shared the latter opinion, article 14 of the Universal

²⁵ *Ibid.*, Twentieth Session, Supplement No. 6, para. 85.

²⁶ *Ibid.*, Sixth Session, Supplement No. 1, para. 48.

Declaration of Human Rights recognized the right of everyone to "seek" and to "enjoy" asylum, but not the right to "be granted" asylum. The opinion was expressed that, in those circumstances, the Commission could do nothing but invite States to be as generous as possible in the exercise of their prerogatives. Questions were also raised concerning the concept of "persecution", whether qualified or not by the word "political", and concerning the authority which was to apply the criteria for granting asylum. It was also asked whether the author of the proposal contemplated any action with regard to the right of asylum, which would fit into the new programme laid down in the resolutions on advisory services, annual reports, and studies of specific rights or groups of rights.

111. The majority of the members of the Commission thought it useful to include the question of the right of asylum in the agenda of the thirteenth session. It was generally felt that the importance of the subject, as well as its complexity, justified a substantive debate, during which an attempt might be made to reconcile different views. To facilitate such a debate, it was suggested that the Secretary-General should prepare a historical analysis of the previous discussions, on the basis of such material as was available in the Secretariat.

112. The author of the proposal acknowledged the difficulty of defining the right of asylum, but expressed the view that article 14, paragraph 2, of the Declaration should not be overlooked. He stressed that his proposal called for a purely procedural decision without prejudice to any action that the Commission might take at its thirteenth session. In particular, he did not intend to suggest any link between his proposal and the resolutions on advisory services, annual reports, and studies of specific rights or groups of rights.

CELEBRATION OF THE TENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

113. On 19 December 1948, the General Assembly, by its resolution 217 A (III), adopted and proclaimed the Universal Declaration of Human Rights. Subsequently, in resolution 423 (V), the General Assembly invited all States to adopt 10 December of each year as Human Rights Day to celebrate the proclamation of the Declaration. In order to celebrate the tenth anniversary of the Declaration, which will fall on 10 December 1958, Mexico and the United States submitted a draft resolution (E/CN.4/L.436/Rev.1) which, as orally revised, was adopted by the Commission at its 540th meeting by 16 votes to none, with 1 abstention. The resolution reads as follows:

Resolution VI

CELEBRATION OF THE TENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ²⁷

The Commission on Human Rights,

Considering that 10 December 1958 will be the tenth anniversary of the adoption and proclamation by the

General Assembly of the Universal Declaration of Human Rights,

Bearing in mind General Assembly resolution 423 (V) on Human Rights Day,

Desiring that plans be developed for the widest possible celebration of this anniversary,

1. *Decides* to appoint a Committee, consisting of the Member States represented on the Bureau of the Commission, to prepare such plans, in consultation with the Secretary-General and the appropriate authorities of the United Nations Educational, Scientific and Cultural Organization and other specialized agencies concerned, and interested non-governmental organizations in consultative relationship with the Economic and Social Council;

2. *Requests* the Committee to report to the Commission on Human Rights at its thirteenth session;

3. *Requests* the Economic and Social Council to invite the collaboration of the United Nations Educational, Scientific and Cultural Organization and other specialized agencies and non-governmental organizations concerned, in this undertaking.

114. It was the consensus of opinion that the tenth anniversary of the Universal Declaration should be given proper recognition as an event of outstanding importance. Some members, while agreeing with the purpose of the draft resolution, regretted that certain circumstances might prevent them from sharing the enthusiasm which the celebration would arouse, and hoped that, within the next few years, the Declaration would be more fully implemented throughout the world.

115. Some observations were made on the wording of the proposal. In its original form (E/CN.4/L.436), the draft resolution expressed the desire that "plans be developed for the celebration of the tenth anniversary by the United Nations, Member States and non-governmental organizations". An opinion was expressed that this wording was too restrictive since, in accordance with General Assembly resolution 423 (V) of 4 December 1950, Human Rights Day should be celebrated "in all countries". A formula was therefore proposed to the effect that the celebration should be made "on a world-wide basis, by all peoples and nations". It was agreed that the revised text, which contained the words "the widest possible celebration", and an additional paragraph in the preamble, "*Bearing in mind* General Assembly resolution 423 (V) on Human Rights Day", met this objection.

116. It was also observed that the first draft of the proposal invited UNESCO, but not the other specialized agencies, to collaborate in the preparation of the celebration; that it expressed the desire that non-governmental organizations should celebrate the anniversary, without expressly inviting those organizations to contribute to the work of the Committee mentioned in operative paragraph 1. It was suggested that all specialized agencies and non-governmental organizations concerned should be invited to collaborate in the preparation of the celebration. The final text of the proposal embodied these suggestions.

117. With regard to the procedure contemplated in

²⁷ A draft resolution on this subject for consideration by the Economic and Social Council appears in Annex I of this report as draft resolution C.

the draft resolution, an observation was made that the General Assembly, which had proclaimed the Universal Declaration of Human Rights, was the organ primarily concerned with any plans for the celebration of the anniversary, and that it might be proper for the Commission to ask, though the Economic and Social Council, the Assembly's approval of the proposed scheme.

IV. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

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

119. At its ninth session the Commission elected twelve persons as members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, subject to the consent of their Governments, and decided that the term of office of the members of the Sub-Commission should terminate on 31 December 1956.²⁸

120. At its current session, the Commission was therefore again seized of the question of the membership of the Sub-Commission. The representative of the Soviet Union introduced a proposal for the re-election of the members of the Sub-Commission. In the course of a brief and general discussion (519th and 520th meetings), the majority of the members of the Commission expressed the opinion that, in the interests of efficiency and continuity, the term of office of the present members of the Sub-Commission should be extended. One representative, while agreeing that there was need for continuity, suggested that elections should be held in the usual way in order to give to nationals of other countries, especially the new Member States, the opportunity of serving on the Sub-Commission.

121. At the 520th meeting the representative of the Secretary-General announced that he had been informed by the Government of Denmark that Mr. Max Sørensen had indicated that he would no longer be able to participate in the work of the Sub-Commission. Several members of the Commission paid a tribute to the work of Mr. Sørensen as Chairman of the Sub-Commission.

122. At its 520th meeting, the Commission adopted the following resolution :

Resolution VII

MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

The Commission on Human Rights

1. *Takes note* with regret of the decision announced by Professor Sørensen, who has stated that he can no longer participate in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Decides* that the term of office of the other

118. It was generally felt that the proposal would permit a careful preparation of the celebration and that the Committee mentioned in operative paragraph 1 might recommend various measures, such as the printing of a commemorative publication and the holding of a special meeting of the General Assembly, at the time of the celebration.

present members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities shall be extended to 31 December 1959.

123. Paragraph 1 was adopted unanimously. Paragraph 2 was adopted by 17 votes to none, with 1 abstention. The draft resolution as a whole was adopted by 17 votes to none, with 1 abstention.

124. At its 542nd meeting, the Commission had before it the nomination by the representative of Norway (E/CN.4/125) of Mr. Vieno Voitto Saario (Finland), to fill the vacancy on the Sub-Commission. There were no other nominations, and the Chairman declared Mr. Saario elected as a member of the Sub-Commission.

125. The representative of Chile submitted a draft resolution (E/CN.4/L.438) by which the Commission would decide to increase the number of members of the Sub-Commission from twelve to fifteen in order to provide an opportunity for the appointment of experts from some of the countries recently admitted to membership of the United Nations.

126. A number of members of the Commission believed that it would be premature for the Commission to take such a decision, although some of them supported the principle underlying the Chilean proposal. They pointed out that the admission of sixteen new Member States created general problems, applicable to most if not all United Nations bodies, which would have to be the subject of general policy decisions by the principal organs of the United Nations. Only confusion would result if subsidiary organs were to take decisions before a general policy had been established. Other members opposed the Chilean proposal on the ground that, since members of the Sub-Commission were elected in their capacity as individuals, geographical factors were not of primary importance. They considered that the Sub-Commission might do better work if limited, as at present, to a small number of experts.

127. Members of the Commission who supported the adoption of the Chilean proposal stressed the importance of achieving the widest possible reflection of different cultures and systems within the Sub-Commission as soon as possible. They contended that the Commission was entitled to decide to expand the membership of the Sub-Commission on that basis alone, and some pointed out that if the general policy decisions referred to were taken only after the membership of the Economic and Social Council itself were increased—which would require amendment of the United Nations Charter—a decision to increase the membership of the Sub-Commission would be excessively and unjustifiably delayed.

²⁸ See *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 8*, paras. 224 and 225.

128. The representative of Australia proposed that the Commission should adjourn the debate on the Chilean draft resolution for the time being. The proposal was adopted by 13 votes to 3, with 1 abstention.

B. Report of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

129. The report of the eighth session of the Sub-Commission (E/CN.4/721 and Add.1) constituted item 4 (b) of the Commission's agenda. In the report the Sub-Commission had submitted only one recommendation to the Commission for consideration and adoption, relating to advisory services in the field of human rights (E/CN.4/721, annex I); the recommendation was dealt with by the Commission during the consideration of item 3 (c) of its agenda, which related to the same question (see paragraph 85 above).

130. The Commission held a general debate on the report of the Sub-Commission during its 540th to 544th meetings. It discussed and adopted two resolutions, the first on a further conference of non-governmental organizations interested in the eradication of prejudice and discrimination, the second on other matters relating to the work of the Sub-Commission.

CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS INTERESTED IN THE ERADICATION OF PREJUDICE AND DISCRIMINATION

131. The Final Act of the Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination (E/NGO/CONF.1/8) had been transmitted to the Sub-Commission by resolution IV adopted by the Commission on Human Rights at its eleventh session²⁹ pursuant to resolution 546 (XVIII) of the Economic and Social Council. As requested, the Sub-Commission had included in the report of its eighth session its observations on the proceedings of the Conference (E/CN.4/721, chap. IX).

132. A statement, submitted jointly by eighteen non-governmental organizations, was circulated to the Commission (E/CN.4/NGO/67). The organizations sponsoring the statement were the Agudas Israel World Organization, the Commission of the Churches on International Affairs, the Consultative Council of Jewish Organizations, the Co-ordinating Board of Jewish Organizations, the International Confederation of Free Trade Unions, the International Federation of Free Journalists, the International House Association, the International League for the Rights of Man, the International Society for the Welfare of Cripples, the International Union of Socialist Youth, the Women's International League for Peace and Freedom, the World Alliance of Young Men's Christian Associations, the World Assembly of Youth, the World Federation for Mental Health, the World Federation of Trade Unions, the World Federation of United Nations Associations,

the World Union for Progressive Judaism, and the World Veterans Federation. These non-governmental organizations submitted for the consideration of the Commission the general consensus of opinion that a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination might be held from Monday to Friday in the week prior to the summer session of the Economic and Social Council in 1958, and at the same site if the Council met either at Geneva or at Headquarters. The view was expressed that it would be incumbent upon the conference to take note of the implementation of the resolutions of the first conference, and it was suggested that reports to that effect should be requested from the participating organizations.

133. Statements stressing the importance of the work accomplished by the first conference, and the desirability of having reports on the implementation of resolutions adopted by that conference, were made at the 540th and 541st meetings by representatives of the International Federation of Christian Trade Unions, the World Federation of Trade Unions, the Agudas Israel World Organization, the International Society for the Welfare of Cripples, the World Jewish Congress, and the World Organization of Catholic Women's Organizations.

134. In a draft resolution submitted by the representative of France (E/CN.4/L.439) it was proposed that the Commission should draw the attention of the Economic and Social Council to paragraph 4 (c) of resolution D annexed to the Final Act of the Conference (E/NGO/CONF.1/8), in which the non-governmental organizations requested the Economic and Social Council to consider, after consultation with those organizations, the convening of another conference if possible within two years; and that it should request the Council to invite non-governmental organizations to state their views on the date, duration, programme, objectives and methods of that further conference.

135. In presenting his draft resolution the representative of France paid a tribute to the excellent work done by the first conference and expressed the hope that the Commission would encourage non-governmental organizations in the work which they had begun at that time. Several members of the Commission associated themselves with that view. Others, while agreeing that the first conference had been successful, raised the question whether the holding of a second conference was an urgent matter, particularly inasmuch as not all of the non-governmental organizations seemed to be agreed upon an appropriate date or agenda.

136. In the light of the discussion the representative of France orally revised his proposal, to the effect that the Commission should request the Secretary-General (a) to invite the non-governmental organizations to state their views on the date, duration, programme, objectives, and methods of a further conference, and (b) to transmit those views to the Sub-Commission and to the Commission in order that they might be considered at their respective sessions in 1957.

137. The revised proposal was adopted at the 543rd meeting by 15 votes to none, with 1 abstention. It reads as follows:

²⁹ See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, para. 72.

Resolution VIII

CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS INTERESTED IN THE ERADICATION OF PREJUDICE AND DISCRIMINATION

The Commission on Human Rights,

Recalling the resolution, adopted at its eleventh session³⁰ wherein it expressed its satisfaction at the holding of the Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination,

Taking note (a) of resolution E, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its eighth session (E/CN.4/721, para. 158), and (b) of paragraph 4 (c) of resolution D, annexed to the Final Act of the said Conference (E/NGO/CONF.178), wherein the non-governmental organizations requested the Economic and Social Council to consider, after consultation with those organizations, the convening of another conference,

Requests the Secretary-General to invite the non-governmental organizations to state their views on the date, duration, programme, objectives and methods of this further conference, and to transmit these views to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Commission on Human Rights for the consideration of those organs at their next sessions.

WORK PROGRAMME OF THE SUB-COMMISSION

138. In its report to the Commission (E/CN.4/721), the Sub-Commission had summarized its work and decisions on a number of matters, including the following:

(a) Study of discrimination in the field of employment and occupation : report by the International Labour Office (chapter V),

(b) Study of discrimination in the field of education: draft report drawn up by the Special Rapporteur (Chapter VI);

(c) Further studies in the field of discrimination (chapter VII);

(d) Measures to be taken for the cessation of any advocacy of national, racial or religious hostility (chapter VIII); and

(e) Measures to be taken for the implementation of General Assembly resolution 644 (VII) and Economic and Social Council resolution 502 B I (XVI) (chapter XI).

139. These matters were touched upon by various members of the Commission, by the representatives of the ILO and UNESCO and by representatives of certain non-governmental organizations, in the course of the general discussion of the Sub-Commission's report. The representatives of China, the Philippines and the United States submitted a joint draft resolution (E/CN.4/L.440) on the report of the Sub-Commission on its eighth session.

Study of discrimination in the field of employment and occupation

140. In resolution A, on the study of discrimination in the field of employment and occupation (E/CN.4/721, para. 34), the Sub-Commission had expressed concern over the delay which had retarded consideration by the Sub-Commission of this important study, but had noted with satisfaction the decision to place this item on the agenda of the 40th session of the International Labour Conference. The Sub-Commission had noted further that the report to be submitted to the International Labour Conference would be communicated to the United Nations in time to afford the Sub-Commission the opportunity to submit its comments for consideration by the Conference, and had decided to give priority to the consideration of the subject of discrimination in employment and occupation at its ninth session, with a view to making recommendations within the framework of the United Nations.

141. At the Commission's 540th meeting the representative of the ILO explained the reasons for the delay in the preparation of the report and stated that it would, as indicated, be communicated to the United Nations in time to afford the Sub-Commission the opportunity to submit its comments on it for consideration by the International Labour Conference.

142. In the joint draft resolution submitted by China, the Philippines and the United States of America (E/CN.4/L.440), it was proposed that the Commission, bearing in mind the resolution of the Sub-Commission on the study of discrimination in the field of employment and occupation, should note the decision of the Sub-Commission to give priority at its next session to the subject of discrimination in the field of employment and occupation.

Study of discrimination in the field of education

143. In resolution B, on the study of discrimination in education (E/CN.4/721, para. 101), the Sub-Commission had expressed its deep appreciation of the work already accomplished by Mr. Charles D. Ammoun, its Special Rapporteur on this subject, which in its view constituted a visible testimony of several months of voluntary and devoted labour; and had expressed its appreciation also to the Government of Lebanon for its co-operation in making it possible for Mr. Ammoun to do the work entrusted to him by the Sub-Commission. The Sub-Commission joined with the Special Rapporteur in expressing its high esteem of the assistance given by the Secretary-General of the United Nations, as well as the assistance provided by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Sub-Commission decided that Mr. Ammoun should continue as its Special Rapporteur on discrimination in the field of education and that he should undertake, for presentation at its next session, a revision of his draft report on the subject (E/CN.4/Sub.2/L.92 and addenda) in the light of any further information from the sources enumerated in his terms of reference as well as the observations and suggestions of the members of the Sub-Commission. The Sub-Commission decided further that a copy of Mr. Ammoun's draft report

³⁰ *Ibid.*

should be sent to the Commission on the Status of Women, for consideration and comment on the section relating to discrimination based on sex; and that another copy should be sent to the Director-General of UNESCO, inviting that organization to comment on the draft report and to lend such assistance to the Sub-Commission and its Special Rapporteur as might be considered appropriate.

144. At the Commission's 541st meeting the representative of UNESCO indicated that Mr. Ammoun's draft report would be given serious consideration by UNESCO, which had extended every aid to Mr. Ammoun in the preparation of the report. The matter had been placed on the agenda of the Executive Board's next session, to be held in April 1956. It was expected that the Board would instruct the secretariat of UNESCO to prepare observations on the draft report, which would then be considered by the Board at its July session. The final observations would be communicated to Mr. Ammoun and to the Sub-Commission.

145. In the joint draft resolution submitted by the representatives of China, the Philippines and the United States of America (E/CN.4/L.440), it was proposed that the Commission, bearing in mind that the Special Rapporteur had submitted a draft report for consideration by the Sub-Commission and that he had been requested to revise his draft in the light of the discussions on it, should commend the Sub-Commission and the Special Rapporteur for the successful initiation of the study of discrimination in education.

146. The representative of Chile suggested (544th meeting) that the Commission should express the hope that the Sub-Commission would present its report on discrimination in education to the Commission at its next session. The suggestion was accepted by the sponsors of the joint draft resolution.

Further studies in the field of discrimination

147. In resolution C, on further studies in the field of discrimination (E/CN.4/721, para. 118), the Sub-Commission had decided, within the framework of resolution III adopted by the Commission at its eleventh session³¹ and resolution 586 C (XX) of the Economic and Social Council, to proceed with the study of discrimination both in the matter of political rights and in the matter of religious rights and practices, and to appoint two special rapporteurs, to whom those studies would be entrusted. It had decided moreover that the special rapporteurs, in carrying out the studies, should be guided, as appropriate, by the general instructions concerning the study of discrimination in the matter of education. The Sub-Commission had invited the Secretary-General to lend his assistance and co-operation in the course of 1956 to the study of discrimination in religious rights and practices, and in 1957 to the study of discrimination in political rights, such assistance and co-operation to be continued until both studies had been completed. The Sub-Commission had subsequently appointed Mr. Arcot Krishnaswami (India) as its Special Rapporteur in connexion with the study of discrimination in the matter

of religious rights and practices, and Mr. Hernán Santa Cruz (Chile) as its Special Rapporteur in connexion with the study of discrimination in the matter of political rights.

148. In the joint draft resolution submitted by China, the Philippines and the United States of America (E/CN.4/L.440) it was proposed that the Commission, considering that the Sub-Commission had decided to proceed with studies of discrimination both in the matter of religious rights and practices and in the matter of political rights, should note this decision.

Scope of studies and character of recommendations

149. At its sixth session the Sub-Commission had decided to undertake a study on discrimination in education, which should be "on a global basis" and which would serve "as the basis for the Sub-Commission's recommendations" (E/CN.4/703, para. 96). In the report of its eighth session, the Sub-Commission referred to a problem which had been encountered by its Special Rapporteur, Mr. Ammoun, with reference to the global nature of the study of discrimination in education (E/CN.4/721, paras. 52 to 61). Although Mr. Ammoun had requested the Secretary-General to send a letter to the People's Republic of China, requesting any material likely to be of assistance in preparing his study, the Secretary-General had not considered it possible to send such a communication in view of the decisions affecting the matter which had been taken by the main organs of the United Nations. The Secretary-General had indicated that he would raise no objection to inquiries being made of the Government of the People's Republic of China by the Special Rapporteur himself and, if the Rapporteur desired, to the Secretariat's assisting him by forwarding his inquiries to that Government. The Sub-Commission had taken note of the Secretary-General's position and had left it to the Special Rapporteur to decide upon the action which he would take.

150. In the joint draft resolution submitted by China, the Philippines, and the United States of America (E/CN.4/L.440) it was proposed that the Commission, bearing in mind its own resolutions on annual reports and on studies of specific rights or groups of rights (see paragraphs 23 and 49 above), should decide, in accordance with the principles adopted in those resolutions, that the materials and studies in the field of discrimination should relate to States Members of the United Nations and of the specialized agencies, and that such recommendations as might be made should be of an objective and general character, in accordance with the Charter of the United Nations.

151. The proposal was opposed by several members of the Commission, who felt that a decision on the question by the Commission was unnecessary, as the Sub-Commission's decision to make global studies had long since been approved. In their view the proposal, instead of assisting the Sub-Commission in making global surveys, would have the effect of limiting the territorial coverage of its studies. Furthermore, the text of the proposal did not appear to indicate that Non-Self-Governing and Trust Territories should be included in the studies. A number of members noted that it was not

³¹ See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, para. 57.

possible mechanically to apply the approaches and methods of the Commission itself to the work of the Sub-Commission, and that the Sub-Commission was not in need, at that time, of any general directives; they characterized the draft resolution as an unwarranted attempt to interfere in the affairs of the Sub-Commission and, in particular, in the preparatory work on the report on discrimination in education.

152. The sponsors of the joint draft resolution explained, however, that their proposal sought to overcome a practical problem which the Sub-Commission had encountered and which been reflected in its report: the extreme difficulty of communicating with certain areas of the world. It was further stated that the problem was a political one, on which the Commission itself, not the Sub-Commission or the Special Rapporteur, should take a decision. Adoption of the proposal, it was contended, would solve a problem which had hindered the Sub-Commission in its work by making it clear that the material and studies should relate to Governments of States Members of the United Nations and of the specialized agencies.

Measures to be taken for the cessation of any advocacy of national, racial or religious hostility

153. In resolution D (E/CN.4/721, para. 141), the Sub-Commission had expressed its appreciation of the work carried out by the Secretary-General in preparing a report on measures for the cessation of national, racial or religious hostility (E/CN.4/Sub.2/172), and in gathering certain supporting material. The Sub-Commission had drawn the attention of the Commission to the above-mentioned documents and had suggested that the following item should be retained on the agenda for its ninth session: "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".

154. No formal proposal with regard to this subject was put forward in the Commission, although several members commented favourably on the work which the Sub-Commission had done in the field and expressed the view that it might be continued having due regard at all times to the general principle of freedom of information. On the other hand it was suggested that the Sub-Commission should not give further consideration to the subject.

Duration of the ninth session of the Sub-Commission

155. The Sub-Commission had gone on record (E/CN.4/721, para. 182) as considering that its ninth session should be of four weeks' duration, in view of the heavy workload of that session, which would include examination of the revised report on discrimination in education, examination of the report on discrimination in employment and occupation, and examination of reports which might be submitted by the Special Rapporteurs appointed to carry out studies of discrimination in respect of religious rights and practices and political rights respectively.

156. At the suggestion of the representative of Poland, the Commission decided unanimously at its 540th meeting

to endorse the Sub-Commission's request and to transmit it to the Economic and Social Council.

Consideration of the draft resolution on the report of the Sub-Commission

157. The draft resolution submitted jointly by China, the Philippines and the United States of America, as orally revised at the 544th meeting, was put to the vote at the same meeting. The preamble and operative paragraphs 1 to 4 were adopted by 17 votes to none, with 1 abstention. Operative paragraph 5 was adopted by 10 votes to 5, with 3 abstentions. The draft resolution as a whole was adopted by 11 votes to 3, with 4 abstentions. It reads as follows:

Resolution IX

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (EIGHTH SESSION)

The Commission on Human Rights,

Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eighth session) (E/CN.4/721),

Bearing in mind that the Special Rapporteur on Discrimination in Education has submitted a draft report for consideration by the Sub-Commission and that he has been requested by the Sub-Commission to revise his draft in the light of the discussions on it,

Bearing in mind the resolution of the Sub-Commission on the study of discrimination in the field of employment and occupation (E/CN.4/721, para. 34),

Considering that the Sub-Commission has decided to proceed with studies of discrimination both in the matter of religious rights and practices and in the matter of political rights,

Bearing in mind that the resolutions of the Commission on Human Rights on annual reports on human rights³² and on studies of specific rights or groups of rights³³ relate to the consideration of general developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in States Members of the United Nations and of the specialized agencies,

1. *Takes note* with appreciation of the report of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Commends* the Sub-Commission and the Special Rapporteur for the successful initiation of the study of discrimination in education, and hopes that the Sub-Commission will present its report on this study to the Commission at its next session;

3. *Notes* the decision of the Sub-Commission to give priority, at its next session, to the subject of discrimination in the field of employment and occupation;

³² *Ibid.*, Twenty-second Session, Supplement No. 3, para. 23.

³³ *Ibid.*, para. 49.

4. *Notes* the decision of the Sub-Commission to proceed with studies of discrimination in the matter of religious rights and practices and in the matter of political rights;

5. *Decides*, in accordance with the principles adopted by the Commission with respect to annual

reports on human rights and studies on specific rights or groups of rights, that the materials and studies in the field of discrimination should relate to States Members of the United Nations and of the specialized agencies and that such recommendations as may be made should be of an objective and general character, in accordance with the Charter of the United Nations.

V. COMMUNICATIONS

158. The 545th meeting was held in private to receive, under item 5 of the Commission's agenda, a confidential list of communications (HR/Communications List No. 6 and Add.1) and observations from Governments (HR/Communication Nos.73-84), submitted by the Secretary-General in accordance with Economic and Social Council resolutions 75 (V), 192 A (VIII), 275 B (X) and 454 (XIV). A non-confidential list of communications (E/CN.4/CR.25), dealing with the principles involved in the promotion of universal respect for, and observance of, human rights, had already been circulated. The non-confidential list contained summaries of twenty communications received during the period from 19 January 1955 to 24 January 1956.

159. The confidential list contained summaries of, or references to, 3,243 communications received during the period from 16 January to 31 December 1955, including

sixteen communications from non-governmental organizations in consultative relationship with the Economic and Social Council. Approximately 2,000 of the communications related to political persecution; about 230 to discrimination and minorities; 170 to self-determination; 170 to cruel and unusual punishment; 120 to fair trial; 95 to freedom of religion; and about 30 each to freedom of movement, family rights, and trade-union rights. Other communications related to such matters as arbitrary arrest and detention, asylum, civil liberties in general terms, educational rights, forced labour, genocide, slavery and the right of property.

160. The Commission decided, by 13 votes to none, with 4 abstentions, to take note of the distribution of the lists of communications. It also agreed, without objection, to make public the summary record of the meeting.

VI. REVIEW OF PROGRAMME AND ESTABLISHMENT OF PRIORITIES

161. At its 544th meeting, the Commission discussed item 6 of its agenda, "Review of programme and establishment of priorities", in accordance with Economic and Social Council resolution 590 A I (XX). The discussion was confined to the consideration of the inclusion of items relating to freedom of information and communications on the agenda of the thirteenth session of the Commission. The Commission adopted a proposal on the former, but rejected a proposal on communications.

162. The Commission had already, at its eleventh session, approved a programme of future work.³⁴ It had, moreover, decided at its twelfth session to place on the agenda of its thirteenth session items relating to the draft Declaration on the Rights of the Child and to the right of asylum (see paras. 99 and 109 above), and there would be items on the agenda of the next session arising out of the various other decisions taken by the Commission. The Sub-Commission on Prevention of Discrimination and Protection of Minorities was also expected to submit a report which would deal with such important subjects as the studies on discrimination in education and in occupation and employment, in connexion with which the USSR proposal on a draft Convention on Discrimination in Education would be discussed (see paragraph 107 above).

A. Freedom of information

163. The Commission adopted, by 13 votes to none, with 4 abstentions, the following draft resolution submitted by India (E/CN.4/L.441):

Resolution X

FREEDOM OF INFORMATION

The Commission on Human Rights,

Recalling General Assembly resolution 59 (I), which states, *inter alia*, that "Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated",

Recalling article 19 of the Universal Declaration of Human Rights,

Considering that since the expiration of the mandates of the Sub-Commission on Freedom of Information and of the Press and of the Rapporteur on matters relating to freedom of information, there does not exist any special technical organ of the United Nations concerned with this important aspect of human rights,

Conscious that to submit proposals, recommendations and reports to the Economic and Social Council regarding the promotion of freedom of information

³⁴ See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, para. 82.

is among the terms of reference of the Commission on Human Rights as established by resolution 1/5 of the first session and resolution 2/9 of the second session of the Council,

Decides to place on the agenda of its thirteenth session the following item:

“Review of the progress made in the field of freedom of information and consideration of measures for the effective promotion of that right, with such recommendations as may be necessary.”

164. During the discussion most members agreed that freedom of information was one of the most important fundamental rights, but there was some disagreement on the advisability of placing the subject on the agenda of the next session of the Commission.

165. Some members were of the opinion that since the General Assembly was seized of the question of the draft Convention on Freedom of Information and the Economic and Social Council of certain matters relating to freedom of information, such as the development of information media in under-developed countries, the Commission should do nothing to hamper or prejudice their work, or at least it should not commence the consideration of the subject until those organs had resolved the problems before them. Much work has already been done in the field, and every effort should be made to avoid overlapping and duplication. It was also likely that the subject could be discussed by the Commission in conjunction with the annual reports to be submitted by Governments, which were bound to include material on freedom of information. For the time being, at least, the Commission should avoid taking a precipitate step.

166. Other members pointed out that the paragraphs of the preamble to the resolution explained the reasons why the subject was proposed for inclusion on the agenda of the thirteenth session. The Commission would naturally avoid discussion on such matters as were before other organs. The fact was, however, that there was no special organ at that time which was concerned with that basic human right. The Commission was not only empowered under the terms of reference to concern itself

with freedom of information, but it was its duty to maintain a close watch on the subject independently of other organs, as part of its general responsibility in the human rights field.

167. The view was expressed that the operative part of the resolution appeared to be far too broad and comprehensive. It might entail unnecessary debate on matters which had proved difficult in the past. A suggestion that the item should be entitled “Question of freedom of information” was not favoured. It was emphasized that the formulation of the operative paragraph did not prejudice any action by the Commission. Its aim was to allow the Commission to survey what had been done in the field and to consider whether anything further needed to be done. There was no intention of encroaching upon the work of other organs or of superseding their decisions.

B. Communications

168. The Commission rejected, by 4 votes to 2, with 11 abstentions, the proposal of the Philippines (544th meeting) that an item on the “Study of the procedure for the handling of communications” should be placed on the agenda of its thirteenth session.

169. In support of the proposal the view was expressed that the Commission might usefully review the procedure for the handling of communications, which had been the subject of discussion from time to time but had not yet received serious and adequate consideration. A suggestion was made that the Commission might wish to study the question of appointing an *ad hoc* committee of its members. The Committee would go through the communications and, without passing any judgement on the substance of communications or on the Governments concerned, might present certain objective conclusions which might help the Commission in its work for the promotion of human rights. Such a procedure would not alter the guiding principle, which the Commission had recognized, that it had no power to take action on any complaints.

VII. NEXT SESSION OF THE COMMISSION

170. At the 545th meeting, the representative of France proposed that the next session of the Commission should be held at Geneva. The Commission adopted by 14 votes to 2, with 1 abstention, the following resolution:

Resolution XI

PLACE OF MEETING OF THE NEXT SESSION OF THE COMMISSION

The Commission on Human Rights

Recommends to the Economic and Social Council to decide that the Commission on Human Rights shall meet at Geneva in 1957.

VIII. ADOPTION OF THE REPORT OF THE TWELFTH SESSION OF THE COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL

171. The Commission considered the draft report of its twelfth session (E/CN.4/L.437 and Add.1 to 7) at its 546th meeting and adopted it unanimously.

ANNEXES

ANNEX I

Draft resolutions for action by the Economic and Social Council ³⁵

A

ANNUAL REPORTS ON HUMAN RIGHTS ³⁶

The Economic and Social Council,

Having noted the resolution of the Commission on Human Rights relating to annual reports on human rights,³⁷

1. *Requests* each State Member of the United Nations and of the specialized agencies to transmit annually to the Secretary-General a report describing developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in its metropolitan area and Non-Self-Governing and Trust Territories, such report to deal with the rights enumerated in the Universal Declaration of Human Rights and with the right of peoples to self-determination and to supplement the information furnished for publication in the *Yearbook on Human Rights* and to make reference to any relevant parts of reports already submitted to another organ of the United Nations or to a specialized agency;

2. *Calls the attention* of each Member State to the advisability of setting up an advisory body, composed of experienced and competent persons, to assist their Government in the preparation of its report;

3. *Invites* the specialized agencies, in respect of rights coming within their purview, to transmit annually to the Secretary-General a report on a topical basis summarizing the information which they have received from their member States, and to co-operate in the full realization of the aim set forth in this resolution and in the resolution of the Commission on Human Rights.

B

STUDIES OF SPECIFIC RIGHTS OR GROUPS OF RIGHTS ³⁸

The Economic and Social Council,

Having noted the resolution of the Commission on Human Rights on studies of specific rights or groups of rights,³⁹

³⁵ The financial implications of these draft resolutions will be issued as document E/2844/Add.1

³⁶ See resolution I of the Commission (paragraph 23), paragraphs 21 to 46, and annex II of this report.

³⁷ *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, para. 23.

1. *Approves* as the first subject for study the right of everyone to be free from arbitrary arrest, detention and exile;

2. *Invites* the States Members of the United Nations and of the specialized agencies, in transmitting the reports requested under the resolution on annual reports,⁴⁰ to deal in particular with the right or groups of rights currently selected for study under the terms of this resolution;

3. *Invites* the specialized agencies and the non-governmental organizations in consultative relationship with the Economic and Social Council to co-operate in carrying out this resolution and the resolution of the Commission on Human Rights.

C

CELEBRATION OF THE TENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ⁴¹

The Economic and Social Council,

Noting the resolution of the Commission on Human Rights on plans for the celebration of the tenth anniversary of the Universal Declaration of Human Rights,⁴²

Invites the collaboration of the United Nations Educational, Scientific, and Cultural Organization and other specialized agencies and non-governmental organizations concerned, in this undertaking.

D

REPORT OF THE COMMISSION ON HUMAN RIGHTS ON ITS TWELFTH SESSION

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its twelfth session (E/2844).⁴³

³⁸ See resolution II of the Commission (paragraph 49), paragraphs 47 to 83, and annex II of this report.

³⁹ *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, para. 49.

⁴⁰ Draft resolution A above.

⁴¹ See resolution VI of the Commission (paragraph 113) and paragraphs 114 to 118 of this report.

⁴² *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, para. 113.

⁴³ *Ibid.*, Supplement No. 3.

ANNEX II

Financial implications of the resolutions of the Commission

(Prepared by the Secretariat)

ANNUAL REPORTS ON HUMAN RIGHTS AND STUDIES OF SPECIFIC RIGHTS OR GROUPS OF RIGHTS

The financial implications of the resolutions adopted by the Commission ⁴⁴ on annual reports on human rights and on studies of specific rights or groups of rights will be distributed to the Council in document E/2844/Add.1.

⁴⁴ See paragraphs 23 and 49, and annex I, draft resolutions A and B.

ANNEX III

List of documents before the Commission at its twelfth session

DOCUMENTS ISSUED IN THE GENERAL SERIES

E/CN.4/517	Memorandum by the Secretary-General on annual reports on human rights
E/CN.4/690 and Add.1-12	Comments of Member States received by the Secretary-General under Economic and Social Council resolution 501 C (XVI)
E/CN.4/691 and Add.1	Observations of the specialized agencies received by the Secretary-General pursuant to Economic and Social Council resolution 501 C (XVI)
E/CN.4/720	Provisional agenda of the twelfth session of the Commission
E/CN.4/721 and Add.1	Report of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
E/CN.4/722 and Corr.1	Report by the Secretary-General on advisory services in the field of human rights
E/CN.4/723	Agenda of the twelfth session of the Commission
E/CN.4/724	Text of resolution adopted by the Commission on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
E/CN.4/725	Nomination for membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/726	Text of resolution adopted by the Commission on annual reports on human rights
E/CN.4/727	Text of resolution adopted by the Commission on studies of specific rights or groups of rights
E/CN.4/728	Text of resolution adopted by the Commission on advisory services in the field of human rights
E/CN.4/729	Texts of resolutions adopted by the Commission on the draft Declaration on the Rights of the Child, on the right of asylum and on the celebration of the tenth anniversary of the Universal Declaration of Human Rights, respectively
E/CN.4/730	Text of resolution adopted by the Commission on the Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination
E/CN.4/731	Report of the twelfth session of the Commission to the Economic and Social Council
E/CN.4/CR.25	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

E/CN.4/INF.10

E/CN.4/SR.514-546

DOCUMENTS ISSUED IN THE LIMITED SERIES

E/CN.4/L.415

E/CN.4/L.416

E/CN.4/L.417,
E/CN.4/L.417/Rev.1 and
E/CN.4/L.417/Rev.2

E/CN.4/L.417/Rev.2/
Add.1

E/CN.4/L.418,
E/CN.4/L.418/Rev.2,
E/CN.4/L.418/Rev.3 and
Corr.1

E/CN.4/L.418/Add.1

E/CN.4/L.419

E/CN.4/L.420

E/CN.4/L.421

E/CN.4/L.422

E/CN.4/L.423

E/CN.4/L.424,
E/CN.4/L.424/Rev.1
and E/CN.4/L.424/
Rev.2

Nations from 19 January 1955 to 24 January 1956

Note by the Secretary-General on arrangements for the twelfth session of the Commission

Summary records of the plenary meetings of the twelfth session of the Commission

Statement of the Chairman of the Commission at the opening meeting of the twelfth session

Statement by the Secretary-General at the opening meeting of the twelfth session

United States of America: draft resolution on annual reports on human rights

Financial implications of the draft resolution on annual reports on human rights

United States of America: draft resolution on studies of specific rights or groups of rights

Financial implications of the draft resolution on studies of specific rights or groups of rights

Chile, China, Pakistan and Philippines: amendment to the draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417)

Philippines: amendments to the draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.17)

Chile: amendment to the draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417)

Union of Soviet Socialist Republics: amendments to the draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417)

Lebanon: amendment to the joint amendment of Chile, China, Pakistan and the Philippines E/CN.4/L.419 to the draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417)

Union of Soviet Socialist Republics: amendments to the revised draft resolution submitted on annual reports on human rights submitted by the United States of America (E/CN.4/L.417/Rev.1 and 2)

E/CN.4/L.425	Union of Soviet Socialist Republics: draft resolution on the Declaration on the Rights of the Child	E/CN.4/L.438/Add.1	Financial implications of the draft resolution on membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/L.426 and Corr.1	Union of Soviet Socialist Republics: draft resolution relating to a convention on the prevention of discrimination in education	E/CN.4/L.439	France: draft resolution on the Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination
E/CN.4/L.427 and E/CN.4/L.427/Rev.1	Lebanon: amendments to the revised draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417/Rev.2)	E/CN.4/L.440	China, Philippines and United States of America: draft resolution on report of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/L.428	Chile, China, Lebanon, Pakistan and Philippines: amendment to the revised draft resolution on annual reports on human rights submitted by the United States of America (E/CN.4/L.417/Rev.2)	E/CN.4/L.441	India: draft resolution concerning freedom of information
E/CN.4/L.429	Australia: working paper relating to operative paragraph 5 of the draft resolution on studies of specific rights or groups of rights submitted by the United States of America (E/CN.4/L.418/Rev.3)	DOCUMENTS ISSUED IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES	
E/CN.4/L.430	Chile, China, Lebanon, Pakistan and Philippines: amendment to the revised draft resolution on studies of specific rights or groups of rights submitted by the United States of America (E/CN.4/L.418/Rev.3)	E/CN.4/NGO/63	International Federation of Senior Police Officers (Register): draft Covenant on Civil and Political Rights
E/CN.4/L.431	Chile: amendment to the revised draft resolution on studies of specific rights or groups of rights submitted by the United States of America (E/CN.4/L.418/Rev.3)	E/CN.4/NGO/64	International League for the Rights of Man (category B): freedom of information
E/CN.4/L.432	Greece, India, Pakistan and Philippines: amendment to the revised draft resolution on studies of specific rights or groups of rights submitted by the United States of America (E/CN.4/L.418/Rev.3)	E/CN.4/NGO/65	World Jewish Congress (category B): comments on the agenda of the <i>twelfth session of the Commission</i>
E/CN.4/L.433	India: amendment to the revised draft resolution on studies of specific rights or groups of rights submitted by the United States of America (E/CN.4/L.418/Rev.3)	E/CN.4/NGO/66	World Union for Progressive Judaism (category B): study of discrimination in the field of religious rights and practices
E/CN.4/L.434	Mexico, Pakistan, Philippines and United States of America: draft resolution on advisory services in the field of human rights	E/CN.4/NGO/67	International Confederation of Free Trade Unions, World Federation of Trade Unions, World Federation of United Nations Associations, World Veterans Federation (category A), Agudas Israel World Organization, Commission of the Churches on International Affairs, Consultative Council of Jewish Organizations, Co-ordinating Board of Jewish Organizations, International League for the Rights of Man, International Society for the Welfare of Cripples, International Union of Socialist Youth, Women's International League for Peace and Freedom, World Alliance of Young Men's Christian Associations, World Assembly of Youth, World Union for Progressive Judaism (category B); International Federation of Free Journalists, International House Association, World Federation for Mental Health (register): Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination
E/CN.4/L.435	France: draft resolution concerning the rights of asylum		
E/CN.4/L.436 and E/CN.4/L.436/Rev.1	Mexico and United States of America: draft resolution on celebration of the tenth anniversary of the Universal Declaration of Human Rights		
E/CN.4/L.437 and Add.1-7	Draft report of the twelfth session of the Commission to the Economic and Social Council		
E/CN.4/L.438	Chile: draft resolution on membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	E/CN.4/NGO/68	International League for the Rights of Man (category B): communications concerning human rights

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