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COMMISSION ON HUMAN RIGHTS

REPORT OF THE NINETEENTH SESSION

11 March-5 April 1963

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

SUPPLEMENT No. 8

UNITED NATIONS



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UNITED NATIONS
New York, 1963

NOTE

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

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CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. ORGANIZATION OF THE SESSION	1 - 15	1 - 8
Opening and duration of the session	1 - 2	1
Attendance	3 - 4	1 - 5
Representation of China	5	5
Election of officers	6 - 7	5 - 6
Agenda	8 - 10	6 - 7
Meetings, resolutions and documentation	11 - 15	7 - 8
II. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS.	16 - 23	9 - 11
Resolution 1 (XIX) of 3 April 1963	23	11
III. STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE	24 - 28	12 - 13
Resolution 2 (XIX) of 3 April 1963	28	13
IV. STUDY OF THE RIGHT OF ARRESTED PERSONS TO COMMUNICATE WITH THOSE WHOM IT IS NECESSARY FOR THEM TO CONSULT IN ORDER TO ENSURE THEIR DEFENCE OR TO PROTECT THEIR ESSENTIAL INTERESTS	29 - 30	14
V. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	31 - 55	15 - 19
A. Draft principles on freedom and non- discrimination in the matter of religious rights and practices	32	15
B. Draft principles on freedom and non- discrimination in the matter of political rights.	33 - 35	15 - 16
Resolution 3 (XIX) of 3 April 1963	35	16
C. Report of the fifteenth session of the Sub- Commission on Prevention of Discrimination and Protection of Minorities	36 - 54	16 - 19
Resolution 4 (XIX) of 3 April 1963	52	18
Resolution 5 (XIX) of 3 April 1963	53	19
Resolution 6 (XIX) of 3 April 1963	54	19
D. Election of a member of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to fill a vacancy	55	19

CONTENTS (continued)

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
VI.	COMMUNICATIONS CONCERNING HUMAN RIGHTS	56 - 59	20 - 21
VII.	FIFTEENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.	60 - 74	22 - 32
	A. Report of the Special Committee	60 - 64	22 - 28
	B. Consideration of the report of the Special Committee	65 - 72	28 - 31
	C. Recommendations of the Commission	73	31 - 32
	Resolution 7 (XIX) of 18 March 1963	74	31
VIII.	FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	75 - 88	33 - 50
	Resolution 8 (XIX) of 3 April 1963	88	48
IX.	DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION.	89 - 145	51 - 73
	Resolution 9 (XIX) of 2 April 1963	145	73
X.	DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE.	146 - 156	74 - 78
	Resolution 10 (XIX) of 3 April 1963	156	78
XI.	DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS: PROPOSALS RELATING TO AN ARTICLE ON THE RIGHTS OF THE CHILD	157 - 179	79 - 84
	Resolution 11 (XIX) of 20 March 1963	179	84
XII.	ADOPTION OF THE REPORT	180	85
XIII.	DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL		85 - 96
	I. Advisory services in the field of human rights		85
	II. Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country		85 - 86
	III. Study of equality in the administration of justice		86
	IV. Fifteenth anniversary of the Universal Declaration of Human Rights		86 - 91
	V. Further promotion and encouragement of respect for human rights and fundamental freedoms		91 - 92

CONTENTS (continued)

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
XIII.	DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL (<u>continued</u>)		
VI.	Draft declaration on the elimination of all forms of racial discrimination		92 - 95
VII.	Draft declaration on the elimination of all forms of religious intolerance		95
VIII.	Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child		96

ANNEXES

I.	List of documents before the Commission at its nineteenth session		97 - 104
II.	Financial implications of the decisions taken by the Commission at its nineteenth session		105 - 108
A.	Advisory services in the field of human rights .		105 - 106
B.	Fifteenth anniversary of the Universal Declaration of Human Rights		106 - 108

I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Commission on Human Rights held its nineteenth session at the European Office of the United Nations, Geneva, from 11 March to 5 April 1963 inclusive.
2. The session was opened by Mr. Georges Hakim (Lebanon), Chairman of the Commission at its eighteenth session (738th meeting).

Attendance

3. Attendance at the session was as follows:

MEMBERS

Afghanistan: Mr. Abdul Rahman Pazhwak;

Canada: Miss Margaret Aitken, Mr. Jean Boucher*, Mr. William E. Bauer**,
Mr. Charles V. Cole**;

Chile: Mr. Humberto Díaz Casanueva, Mr. Adolfo Ossa*;

China: Mr. Cheng Paonan, Mr. Tao Yung*, Mr. Kiang Hsiao-ching**;

Denmark: Mr. Niels Madsen;

Ecuador: Mr. Enrique Ponce y Carbo;

El Salvador: Mr. Antonio Alvarez Vidaurre^{1/};

France: Mr. René Cassin, Mr. Marcel Bouquin*, Mr. B. Aujay de la Dure**;

India: Mr. B.N. Chakravarty, Mr. S.W. Zaman**;

Italy: Mr. Giuseppe Sperduti, Mr. Benedetto Fenzi*, Mr. Franco de Courten**;

Lebanon: Mr. Georges Hakim;

Liberia: Mr. Christie W. Doe, Mr. A. Fahnwulu Caine*;

* Alternate.

** Adviser.

^{1/} Did not attend the session.

Netherlands: Reverend L.J.C. Beaufort, Miss A.F.W. Lunsingh Meijer*,
Mr. Th. C. Van Boven**;

Panama: Mr. Enrique A. Jiménez, Mr. Humberto Calamari*;

Philippines: Mr. Jacinto Castel Borja, Mr. Hortencio J. Brillantes*,
Mr. Ismael D. Quiambao**;

Poland: Mr. Zbigniew Resich^{2/}, Mr. W. Wieczorek*;

Turkey: Mr. İlhan Lütem;

Ukrainian Soviet Socialist Republic: Mr. P.E. Nedbailo, Mr. N. Reshetnyak*;

Union of Soviet Socialist Republics: Mr. E. Nassinovsky, Mr. S.V. Filippov**;

United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare,
Mr. P.J. Weston**;

United States of America: Mrs. Marietta P. Tree, Mr. John E. Means**,
Mr. Marten H.A. van Heuven**.

OBSERVERS

Argentina: Mr. D. Osvaldo G. García Piñeiro;

Austria: Mr. Heinrich Gleissner;

Bulgaria: Mr. G. Gavrilov;

Cuba: Mr. Enrique Camejo Argudin, Mr. Pedro Gonzalez Piñeiro
Mr. Alberto Betancourt Roa;

Iraq: Mr. Ismat T. Kittani, Mrs. Bedia Afnan, Miss Suha Turaihi;

Israel: Mr. Moshe Bartur, Mr. Meir Rosenne, Mr. Eliahu Tavor;

Spain: Mr. Luis Arroyo Aznar;

Yugoslavia: Mr. Stevan Soć.

COMMISSION ON THE STATUS OF WOMEN

Mrs. Marie-Hélène Lefauchaux (France).

* Alternate.

** Adviser.

^{2/} In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Wieczorek represented Poland during the period in which Mr. Resich took the chair (see paragraph 7).

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Paul Weis.

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. C. Wilfred Jenks, Mr. R.A. Métall;

Food and Agriculture Organization of the United Nations (FAO): Mr. Charles Weitz.

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mr. Hana Saba.

Universal Postal Union (UPU): Mr. Barrientos.

World Health Organization (WHO): Mr. C. Fedele

NON-GOVERNMENTAL ORGANIZATIONS

CATEGORY A

International Confederation of Free Trade Unions: Mr. Paul Barton,
Mr. Albert Heyer.

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

World Federation of Trade Unions: Mr. Giuseppe Boglietti.

World Federation of United Nations Associations: Mr. Ronald Levin.

World Veterans Federation: Mr. Antonio Ronconi.

CATEGORY B

Agudas Israel World Organization: Chief Rabbi Alexandre Safran;

All Pakistan Women's Association (Pakistan): Mrs. Rani Mirza-Khan;

Catholic International Union for Social Service: Mr. W. Oswald,
Miss Marie-Madeleine Brazzola;

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

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz,
Mr. François Brunschwig, Mr. Armand Himy;

Coordinating Board of Jewish Organizations: Mr. Charles David Rappaport,
Mr. Gustav Warburg

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

International Association for Social Progress: Mr. Moïse Berenstein;

International Association of Penal Law: Mr. Max Habicht, Mrs. Hélène Romnicianso;

International Catholic Child Bureau: Miss Odile Rouillet

International Catholic Migration Commission: Mr. Tadeusz Stark;

International Commission of Jurists: Mr. E.S. Kozera, Mr. V.M. Kabes,
Mr. H.H. Godoy, Mr. L.G. Weeramantry, Mr. Janos Toth;

International Committee of the Red Cross: Mr. Henri Coursier;

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

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

International Council on Jewish Social and Welfare Services: Mr. Daniel Lack;

International Federation of Business and Professional Women:
Miss Andree Travelletti;

International Federation of University Women: Miss Renee J. Dubois;

International Federation of Women Lawyers: Lady Gladys M. Chatterjee, O.B.E.;

International Law Association: Mr. Jules Voncken;

International League for the Rights of Man: Mr. Hans E. Riesser,
Mr. Werrhard Moschel;

International Union for Child Welfare: Miss Colette Jacot, Miss Audrey E. Moser;

International Union of Family Organisations: Mrs. Jeanne-Marie Small;

International Union of Local Authorities: Mr. Charles S. Ascher;

Nouvelles Equipes Internationales - International Union of Christian Democrats:
Mr. Konrad Sieniewicz;

Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs
and International Movement of Catholic Students: Mr. Ramon Sugranyes de Franch,
Mr. George Strasser, Mr. Tadeusz Szmitkowski;

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

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

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

World Jewish Congress: Mr. Gerhart M. Riegner, Mr. André Jabes;

World Union for Progressive Judaism: Mrs. Lee Ambrose;

World Union of Catholic Women's Organizations: Miss Christine Swagemakers,
Mrs. Yvonne Darbre, Mrs. Marie-Thérèse Graber-Duvernay;

World Young Women's Christian Association: Miss Alice Arnold,
Mrs. Miyako Ishibashi, Mrs. Helen M. de Mestral;

World Women's Christian Temperance Union: Mrs. N. Chaix-Constantin,
Mrs. Lucienne Erni, Mrs. Thérèse Forel;

Young Christian Workers: Mr. Jean-Louis Peverelli.

REGISTER

Catholic International Education Office: Mgr. Jean Kerleveo;

International Federation of Senior Police Officers: Mr. André Leyvraz,
Mr. Philippe Callet;

Open Door International (for the Economic Emancipation of the Woman Worker):
Mrs. Gertrude Baer;

St. Joan's International Alliance: Miss M. Isabelle Archinard;

Soroptimist International Association: Mrs. Antoinette Perret,
Mrs. Anne-Marie Poncet;

World Association of Girl Guides and Girl Scouts: Mrs. Pearle Bugnion-Secretan.

4. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. Maxime Tardu acted as Secretary of the Commission.

Representation of China

5. At the 738th meeting, held on 11 March 1963, the representative of the Union of Soviet Socialist Republics, China, the United States of America and the Ukrainian Soviet Socialist Republic made statements on the representation of China in the Commission.

Election of officers

6. At its 738th meeting, the Commission elected the following officers:

Chairman: Mr. Abdul Rahman Pazhwak (Afghanistan);

First Vice-Chairman: Mr. Zbigniew Resich (Poland);

Second Vice-Chairman: Mr. Jacinto C. Borja (Philippines);

Rapporteur: Mr. Giuseppe Sperduti (Italy).

7. The Chairman, Mr. Pazhwak (Afghanistan), was compelled to absent himself, having been called for consultations by his Government. On 2 April 1963 he

informed the Commission that to his regret he was unable to attend the forthcoming meetings. The First Vice-Chairman, Mr. Resich (Poland), therefore took over the chairmanship for the remainder of the session.

Agenda

8. At its 738th meeting, the Commission adopted without objection the items listed in the provisional agenda (E/CN.4/833 and Add.1) as its agenda for the nineteenth session. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Advisory services in the field of human rights.
4. Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention.
5. Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests.
6. Prevention of discrimination and protection of minorities:
 - (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices;
 - (b) Draft principles on freedom and non-discrimination in the matter of political rights;
 - (c) Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
 - (d) Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to fill a vacancy.
7. Freedom of information:
 - (a) Report on developments in the field of freedom of information since 1954;
 - (b) Annual reports on freedom of information for 1960-1961 and 1961-1962.
8. Procedure to be followed in respect of future periodic reports on human rights.
9. Communications concerning human rights.
10. Fifteenth anniversary of the Universal Declaration of Human Rights.

11. Further promotion and encouragement of respect for human rights and fundamental freedoms.
 12. Draft declaration and draft convention on the elimination of all forms of racial discrimination.
 13. Draft declaration and draft convention on the elimination of all forms of religious intolerance.
 14. Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child.
 15. Review of the human rights programme.
 16. Report of the nineteenth session of the Commission on Human Rights to the Economic and Social Council.
9. At its 739th meeting on 12 March 1963, the Commission decided, by 17 votes to none, with 1 abstention, to consider the items on its agenda in the following order: 12, 13 (general debate), 10, 14, 13, 11, 6 (b), (c) and (d), 3, 7, 8, 9, 6 (a), 4, 5, 15 and 16.
10. At its 770th meeting, on 3 April 1963, on the oral proposal of Lebanon, the Commission decided to postpone to its twentieth session, due to lack of time, the consideration of items 7, 8, 6 (a), 5 3/ and 15.

Meetings, resolutions and documentation

11. The Commission held thirty-five plenary meetings. The views expressed at those meetings are summarized in the records of the 738th to 772nd meetings (E/CN.4/SR.738-772).
12. At its 770th meeting, the Commission heard a statement by Mme Lefauchaux, representative of the Commission on the Status of Women.
13. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings (741st, 744th, 747th, 750th, 754th, 757th and 759th meetings) to representatives of the following non-governmental organizations:
- Category A - International Confederation of Free Trade Unions
(Mr. Paul Barton); World Federation of Trade Unions (Mr. Giuseppe Boglietti);
- Category B - Consultative Council of Jewish Organizations
(Mr. Moses Moskowitz); Coordinating Board of Jewish Organizations
(Mr. Gustav Warburg); International Association of Penal Law
(Mrs. Hélène Romniciano); International Conference of Catholic Charities
(Rev. Paul Bouvier); International Union for Child Welfare (Miss Colette Jacot).

3/ Except as regards the election of two members of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.

14. The resolutions [I to 11 (XIX)] and decisions of the Commission appear below under the appropriate headings. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XIII of the present report.

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

II. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

16. During its consideration of this agenda item at its 770th meeting, the Commission had before it a report by the Secretary-General (E/CN.4/834 and Add.1) dealing with the relevant decisions of the thirty-fourth session of the Economic and Social Council and of the seventeenth session of the General Assembly, the programme of human rights seminars for 1963, seminars planned for 1964, human rights fellowships and possible means of increasing the effectiveness of the programme of advisory services.

17. Canada, Chile, Ecuador, India, Lebanon, Liberia, the Netherlands and the Philippines proposed a draft resolution (E/CN.4/L.657 and Add.2) which, after oral revision, read as follows:

"The Commission on Human Rights,

"Having considered the report submitted by the Secretary-General (E/CN.4/834 and Add.1) on advisory services in the field of human rights, in response to the Commission's request, contained in resolution 1 (XVIII), for a full report on possible means of increasing the effectiveness of the programme,

- "1. Commends the Secretary-General for his report;
- "2. Notes with satisfaction that its expectations have been amply met in respect of the interest elicited by seminars and fellowships;
- "3. Approves the programme of seminars proposed for 1964;
- "4. Recommends that the Economic and Social Council adopt the following draft resolution:

'The Economic and Social Council,

'Having considered the report of the Commission on Human Rights on advisory services,

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

'Mindful of General Assembly resolution 1776 (XVII) by which the Assembly asked the Council to instruct the Commission on Human Rights to study and encourage the adoption of measures designed to accelerate the promotion of respect for human rights and fundamental freedoms,

'Believing that the existing programme of advisory services would be strengthened and the effectiveness of the United Nations activity in this field enhanced and its practical results increased, if regional courses in human rights could be developed, which would combine the advantages of the group experience of seminars with those of the educational objectives of fellowships,

'Requests the Secretary-General, preferably within the level of appropriations for technical programmes financed from the regular budget of the United Nations, to organize, on an experimental basis, one regional course on human rights in 1964, and a second one in 1965'."

18. A statement of the financial implications of this draft resolution was submitted by the Secretary-General (E/CN.4/L.657/Add.1).

19. During the debate on the above-mentioned report by the Secretary-General and on the draft resolution, certain general remarks were made on the United Nations programme of advisory services in the field of human rights, which received the general approval of the Commission, in particular as regards the seminars on human rights. The need for care on the part of Governments in the selection of fellows was stressed and it was suggested that greater use be made by Governments of advisory services in the form of the provision of documentary materials. There was some disagreement as to the usefulness of having observers attend the European Court of Human Rights and of granting fellowships to persons wishing to study the procedure and composition of the Court (see E/CN.4/834, para.21); on the one hand, it was pointed out that the adoption of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome in 1950, and the establishment of a European Court and Commission on Human Rights represented a great step forward, while on the other hand the purely regional character of this instrument and these institutions was stressed.

20. The representative of Canada, introducing the draft resolution, observed that the regional courses in human rights which were envisaged therein would combine the advantages of the group experience of seminars with those of the educational objectives of fellowships. Their duration would be longer than that of seminars but shorter than that of fellowships, and they would be more closely supervised than fellowships.

21. Some speakers drew attention to the cost which would be incurred in the holding of regional courses, and the view was also expressed that it was doubtful whether such courses would be an effective means of promoting human rights. The representative of Canada said that it was her view that the cost of the courses should and probably could be met from the appropriations for technical programmes in the regular budget of the United Nations.

22. The preamble to the draft resolution was adopted unanimously. Operative paragraphs 1, 2 and 3 were voted upon separately and adopted unanimously. Operative paragraph 4, down to the end of the first preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council, was adopted by 15 votes to none, with 1 abstention. The second, third and fourth preambular paragraphs of the same draft resolution were adopted by, respectively, 14 votes to none, with 3 abstentions; 15 votes to none, with 1 abstention; and 14 votes to none, with 4 abstentions. The operative paragraph of the same draft resolution was then approved by 14 votes to none, with 4 abstentions, and the draft resolution as a whole was adopted by 14 votes to none with 4 abstentions.

23. The text of the resolution, as adopted by the Commission at the 770th meeting, on 3 April 1963, is as follows:

1 (XIX). Advisory services in the field of human rights

The Commission on Human Rights,

Having considered the report submitted by the Secretary-General (E/CN.4/834 and Add.1) on advisory services in the field of human rights, in response to the Commission's request, contained in resolution 1 (XVIII), for a full report on possible means of increasing the effectiveness of the programme,

1. Commends the Secretary-General for his report;
2. Notes with satisfaction that its expectations have been amply met in respect of the interest elicited by seminars and fellowships;
3. Approves the programme of seminars proposed for 1964;
4. Recommends that the Economic and Social Council adopt the following draft resolution;

/For the text of the draft resolution, see chapter XIII, draft resolution I./

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

24. At its eighteenth session the Commission on Human Rights had had before it the revised report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/826 and Corr.1-2), including draft principles concerning freedom from arbitrary arrest and detention. The Commission, in resolution 2 (XVIII), had expressed its appreciation to the Committee for its work and decided to transmit the draft principles to States Members of the United Nations and members of the specialized agencies for their comments. The Commission had also decided to consider the draft principles at its nineteenth session in the light of the comments of Governments.

25. At its nineteenth session the Commission had before it the report of the Committee and the draft principles, together with the comments of thirty-one Governments (E/CN.4/835 and Add.1-6 and Add.6/Corr.1) on the draft principles.

26. At the 770th meeting, the Commission considered a draft resolution (E/CN.4/L.670/Rev.1) submitted by Chile, Denmark, India, Lebanon, Liberia and Turkey, by which the Commission would invite those Governments which had not yet sent in their comments on the draft principles on freedom from arbitrary arrest and detention to forward them as soon as possible and would decide to consider the report of the Committee and the draft principles at its twentieth session. The representative of Turkey, in introducing the draft resolution, mentioned that it was gratifying that so many Governments had shown interest in the draft principles, and that it seemed advisable to allow time for more Governments to send in their comments. It was obvious from the comments which had already been received that the laws and practices of the countries relating to matters of arrest and detention differed greatly and that it might be advisable at a later stage to consider the setting up of an expert committee which might prepare, in the light of the comments of Governments, a shorter and more general draft of the principles relating to freedom from arbitrary arrest and detention, with recommendations as to the form in which these principles should be adopted. The representative of Turkey also intimated that the sponsors of the draft resolution had revised their draft resolution to omit a reference to the printing of the report of the Committee, but that this matter should be taken up at the next session of the Commission.

27. The draft resolution was adopted unanimously.

28. The text of the resolution, as adopted at the 770th meeting, on 3 April 1963, is as follows:

2 (XIX). Study of the right of everyone to be free from arbitrary arrest, detention and exile

The Commission on Human Rights,

Noting the report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/826 and Corr.1-2), including draft principles concerning freedom from arbitrary arrest and detention, and the comments of Governments (E/CN.4/835 and Add.1-6 and Add.6/Corr.1) on the draft principles received in response to resolution 2 (XVIII) of the Commission;

1. Invites Governments which have not yet sent in their comments under its resolution 2 (XVIII) to forward their comments to the Secretary-General as soon as possible for consideration by the Commission at its twentieth session;

2. Decides to include this item in the agenda of its twentieth session for further consideration.

IV. STUDY OF THE RIGHT OF ARRESTED PERSONS TO COMMUNICATE WITH THOSE WHOM
IT IS NECESSARY FOR THEM TO CONSULT IN ORDER TO ENSURE THEIR DEFENCE
OR TO PROTECT THEIR ESSENTIAL INTERESTS

29. At its seventeenth session, by resolution 2 (XVII), the Commission requested the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile to undertake a study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and to submit a preliminary report on the study to the nineteenth session of the Commission. The Committee submitted to the Commission at its nineteenth session a preliminary report (E/CN.4/836) which informed the Commission that the Committee would use the same procedure for preparing the study as it had done in connexion with the study of the right of everyone to be free from arbitrary arrest, detention and exile. The report also contained a tentative outline which the Committee had adopted to serve as a basis for the preparation of the country monographs and of the study. The Committee further indicated in its report that by 27 December 1962, fifty-six Governments had transmitted to the Secretary-General information and material for the study, and that information and material had also been received from eight non-governmental organizations. The Commission also had before it a communication sent by the International Commission of Jurists (E/CN.4/NGO/110).

30. As indicated elsewhere (see para.10 above), owing to lack of time the Commission decided to postpone consideration of this item of its agenda to its twentieth session. However, the Commission, at its 770th meeting, elected Liberia and Ecuador as members of the Committee to replace Argentina and Pakistan. Argentina and Pakistan had ceased to be members of the Committee as from 31 December 1962 when their membership of the Commission on Human Rights expired.

V. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

31. The Commission considered this agenda item at its 770th meeting. The item was divided into four parts: (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices; (b) Draft principles on freedom and non-discrimination in the matter of political rights; (c) Report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and (d) Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to fill a vacancy.

A. DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

32. On the oral proposal of the representative of Lebanon, the Commission agreed, owing to the lack of time, to postpone consideration of this item to its twentieth session (see para. 10 above).

B. DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

33. By its resolution 4 (XVIII), the Commission at its eighteenth session had decided to include in the provisional agenda of its nineteenth session the question of the draft general principles on freedom and non-discrimination in the matter of political rights drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fourteenth session and annexed to resolution 1 (XIV) of the Sub-Commission (E/CN.4/830, para.159). In the same resolution the Commission had requested the Secretary-General to transmit to Governments of all States Members of the United Nations and members of the specialized agencies and to non-governmental organizations in consultative status the report of the Special Rapporteur on discrimination in the matter of political rights (E/CN.4/Sub.2/213/Rev.1) 4/ and the text of the draft general principles on freedom and non-discrimination in the matter of political rights as well as certain suggestions made by the Commission on the Status of Women (E/CN.6/L.336), so that they might communicate, not later than 31 October 1962, their comments on the substance of the draft general principles and the form in which such principles should be embodied.

34. At its nineteenth session the Commission had before it the comments of Governments (E/CN.4/837 and Add. 1-7) and comments from non-governmental organizations (E/CN.4/845 and Add.1), received in accordance with the above-mentioned resolution 4 (XVIII).

35. Owing to lack of time, the Commission restricted its action on this matter to the unanimous adoption of a draft resolution orally proposed by the Union of the Soviet Socialist Republics. The text of the resolution, as adopted at the 770th meeting, on 3 April 1963, is as follows:

4/ United Nations publication, Sales No.: 63.XIV.2.

3 (XIX). Draft principles on freedom and non-discrimination in the matter of political rights

The Commission on Human Rights,

Recognizing the importance of this question and taking into account resolution 4 (XV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Notes with regret that it has not had sufficient time to give proper attention to this matter at its nineteenth session;
2. Decides to postpone consideration of this item to its twentieth session, giving to it a priority appropriate to its importance.

C. REPORT OF THE FIFTEENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

36. The Commission had before it the report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/846 and Corr.1), together with a draft resolution on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, proposed by Denmark, Liberia and Philippines (E/CN.4/L.672) which, after oral revision involving the addition of the words "of Member States" after "Governments" in paragraph 2 and of "the Special Rapporteur's report and" before "the draft principles" in paragraph 3, read as follows:

"The Commission on Human Rights,

"Noting resolution 2 (XV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, concerning the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country,

"1. Expresses its appreciation to the Sub-Commission and to the Special Rapporteur, Mr. José D. Ingles, for their valuable work;

"2. Requests the Secretary-General to transmit the report of the Special Rapporteur (E/CN.4/Sub.2/220) and the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, adopted by the Sub-Commission at its fifteenth session (E/CN.4/846, resolution 2 (XV), annex) to Governments of Member States and to non-governmental organizations in consultative status so that they may communicate, not later than 1 December 1963, their comments on the substance of the draft principles and the form in which such principles should be embodied;

"3. Suggests to the Secretary-General that he make available to the Conference on International Travel and Tourism, to be held at Rome in August 1963, the Special Rapporteur's report and the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;

"4. Decides to consider at its next session the report of the Special Rapporteur and the draft principles prepared by the Sub-Commission;

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

'The Economic and Social Council,

'Taking into account the important contribution made by the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session by its Special Rapporteur,

'1. Expresses its appreciation to the Special Rapporteur, Mr. José D. Ingles, for his valuable study;

'2. Requests the Secretary-General to print and circulate as widely as possible the study prepared by the Special Rapporteur;

'3. Requests the Secretary-General to make arrangements for the Special Rapporteur to attend the twentieth session of the Commission on Human Rights in 1964'."

37. The supporters of this text claimed that the various elements contained in the draft resolution proposed therein for adoption by the Economic and Social Council all had precedents in the practice of the Commission. On the other hand, some representatives objected to the printing and circulation of the study in question before its approval by the Commission. The question was also asked whether the Commission was in a position to know, a year in advance, which of the Special Rapporteurs with whose work it was concerned it would be desirable to invite to attend its next session.

38. Some doubt was expressed about the desirability of making available the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country to the Conference on International Travel and Tourism, since these draft principles had not yet been examined by the Commission. It was said that, if the Secretary-General were requested by the Commission so to transmit the draft principles, it should be made clear that they had been adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities but not by the Commission on Human Rights. It was also maintained that the Conference was likely to be of a technical character, whereas the draft principles had a political aspect.

39. The sponsors of the draft resolution explained, with respect to the transmittal to be made by the Secretary-General, that they in fact had in mind that it should be made abundantly clear that, while the draft principles had already been adopted by the Sub-Commission, the Commission on Human Rights had not yet approved them. They were thus to be transmitted to the Conference on International Travel and Tourism at least as informative material. It was also indicated that, though other Special Rapporteurs had appeared before the Commission to explain their respective studies, Mr. Ingles had not yet had the opportunity to do so.

40. The representative of the Union of the Soviet Socialist Republics proposed the deletion of paragraphs 1, 3 and 5 of the draft resolution.
41. The proposal to delete paragraph 1 of the draft resolution was rejected by 15 votes to 3.
42. The proposal to delete paragraph 3 of the draft resolution was rejected by 9 votes to 5, with 4 abstentions.
43. The proposal to delete paragraph 5 of the draft resolution was rejected by 15 votes to 3.
44. The draft resolution was then voted upon in parts.
45. The preamble was adopted unanimously.
46. Paragraph 1 was adopted by 15 votes to 3.
47. Paragraph 2 was adopted unanimously.
48. Paragraph 3 was adopted by 10 votes to 3, with 5 abstentions.
49. Paragraph 4 was adopted unanimously
50. Paragraph 5 down to the end of paragraph 1 of the draft resolution proposed for adoption by the Economic and Social Council was adopted by 15 votes to 2, with 1 abstention.
51. The remaining two paragraphs of the draft resolution proposed for adoption by the Council were put to the vote separately and each adopted by 15 votes to 3.
52. The draft resolution as a whole was adopted by 15 votes to 3. The text of the resolution, as adopted at the 770th meeting, on 3 April 1963, is as follows:

4 (XIX). Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country

The Commission on Human Rights,

Noting resolution 2 (XV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, concerning the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country,

1. Expresses its appreciation to the Sub-Commission and to the Special Rapporteur, Mr. José D. Ingles, for their valuable work;

2. Requests the Secretary-General to transmit the report of the Special Rapporteur (E/CN.4/Sub.2/220) and the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, adopted by the Sub-Commission at its fifteenth session (E/CN.4/846, resolution 2 (XV), annex)

to Governments of Member States and to non-governmental organizations in consultative status so that they may communicate, not later than 1 December 1963, their comments on the substance of the draft principles and the form in which such principles should be embodied;

3. Suggests to the Secretary-General that he should make available to the Conference on International Travel and Tourism, to be held at Rome in August 1963, the Special Rapporteur's report and the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;

4. Decides to consider at its next session the report of the Special Rapporteur and the draft principles prepared by the Sub-Commission;

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

/For the text of the draft resolution, see chapter XIII, draft resolution II./

53. The Commission then adopted, by 15 votes to none, with 3 abstentions, a draft resolution submitted by the United Kingdom and the United States. The text of the resolution, as adopted at the 770th meeting, on 3 April 1963 is as follows:

5 (XIX). Study of equality in the administration of justice

The Commission on Human Rights

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

/For the text of the draft resolution, see chapter XIII, draft resolution III./

54. At the same meeting the Commission adopted unanimously a draft resolution submitted by China. The text of the resolution is as follows:

6 (XIX). Report of the Sub-Commission on prevention of discrimination and protection of minorities (fifteenth session)

The Commission on Human Rights,

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fifteenth session) (E/CN.4/846 and Corr.1).

D. ELECTION OF A MEMBER OF THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES TO FILL A VACANCY

55. From the nominations received by the Commission (E/CN.4/849 and Add.1 and Add.1/Corr.1 and Add.2-3) the Commission elected Dr. Mohammed Awad Mohammed (United Arab Republic) to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the remainder of the term of office of the late Mr. Ammoun (Lebanon) - that is to say, to the end of 1965.

VI. COMMUNICATIONS CONCERNING HUMAN RIGHTS

56. On 3 April 1963, the Commission held a private meeting to consider the item on its agenda relating to communications concerning human rights. The Commission had before it a non-confidential list of communications (E/CN.4/CR.32), a confidential list of communications (H.R. Communications List No.13), replies of Governments (H.R. Communications Nos. 260-300), and a confidential document of a statistical nature (H.R. Communications/STAT/4). It also had before it chapter IV of the report of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/846 and Corr.1); that chapter dealt with communications relating to the prevention of discrimination and the protection of minorities.

57. The Commission also had before it a note by the Secretary-General (E/CN.4/819) on communications concerning human rights which had been considered by the Commission at its eighteenth session but on which the Commission had reached no decision. ^{5/} The note indicated certain difficulties which arose in the application of Economic and Social Council resolution 728 F (XXVIII). It was pointed out, inter alia, that many of those who wrote to the United Nations alleging violations of human rights did so without having any knowledge that their communications might be forwarded to the authorities against whom they were lodging complaints. The Secretary-General had therefore suggested that the Secretariat be authorized to write to the authors and explain the procedure for dealing with communications on human rights, and asking the authors not only whether they had objection to their names being divulged, but also whether they wished the procedure to be applied, and informing the authors that if they did not reply, their communications would merely be filed by the Secretariat and thus neither be forwarded to the Governments concerned nor summarized in the confidential list of communications prepared for the Commission.

58. The following draft resolution (E/CN.4/L.673) was submitted by Lebanon and the Philippines:

"The Commission on Human Rights,

"Having considered the Secretary-General's note (E/CN.4/819) on communications concerning human rights,

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

^{5/} See Official Records of the Economic and Social Council, Thirty-fourth Session, Supplement No. 8, paras. 286-291.

'The Economic and Social Council,

'Having considered the Secretary-General's note concerning the implementation of Council resolution 728 F (XXVIII) on communications concerning human rights,^{6/}

'Considering that authors of communications who allege that their rights, or the rights of persons close to them, have been violated are not, as a rule, aware of the procedure laid down in the Council's resolution on communications concerning human rights,

'Requests the Secretary-General to inform such authors of the procedures laid down in Council resolution 728 F (XXVIII) and, notwithstanding the terms of Council resolution 728 F (XXVIII), to ask them whether they wish the procedure to be applied to their communications and, in the absence of affirmative replies, not to apply the procedure to such communications'."

59. After a brief exchange of views, during which some members of the Commission mentioned that they were not in a position at the current session to take a decision on the draft resolution, it was withdrawn by the representative of Lebanon on the understanding that the nineteenth session would be the last session at which the Commission would postpone the consideration of this matter, and that at its twentieth session, the following year, a decision would be taken on the question.

^{6/} Ibid., Thirty-second Session, Annexes, agenda item 15, document E/3494.

VII. FIFTEENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS

A. REPORT OF THE SPECIAL COMMITTEE

60. The General Assembly, at its 1187th plenary meeting, on 7 December 1962, adopted resolution 1775 (XVII), which reads as follows:

"The General Assembly,

"Noting that 10 December 1963 will be the fifteenth anniversary of the adoption and proclamation by the General Assembly of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

"Taking into account the fact that, since the adoption of the Declaration, definite progress has been achieved in the affirmation and development of human rights and fundamental freedoms, and in the attainment of independence by a number of countries whose people had been under colonial rule,

"Hoping that all States will implement General Assembly resolution 1514 (XV) of 14 December 1960, so that the fifteenth anniversary of the Universal Declaration of Human Rights will witness a decisive step forward in the liberation of all peoples,

"Recognizing that, notwithstanding some progress, the situation regarding compliance with the recommendations made in the Declaration remains unsatisfactory in many parts of the world,

"Recalling its resolution 217 D (III) of 10 December 1948, recommending Governments of Member States to show their adherence to Article 56 of the Charter of the United Nations by using every means within their power solemnly to publicize the text of the Declaration,

"Bearing in mind its resolution 423 (V) of 4 December 1950, inviting all States and interested organizations to adopt 10 December of each year as Human Rights Day,

"Bearing in mind that the application of suitable measures to mark the fifteenth anniversary of the adoption of the Declaration might further promote universal respect for and observance of human rights and fundamental freedoms for all, as enunciated in the Declaration,

"1. Requests the Secretary-General to appoint a Special Committee to prepare plans for the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights, including suggestions as to forms which the celebration might take and as to information materials which would be useful at the national and local levels, and to consult with

the appropriate authorities of the United Nations Educational, Scientific and Cultural Organization and other specialized agencies concerned in the preparation of such plans, as well as with interested non-governmental organizations in consultative status;

"2. Requests the Secretary-General to present these plans to the Commission on Human Rights at its nineteenth session."

61. Pursuant to this resolution, the Secretary-General appointed a Special Committee composed of representatives of Argentina, Canada, Ceylon, Colombia, Costa Rica, Ecuador, France, Greece, Guinea, Iran, Italy, Japan, Jordan, Mali, Mauritania, Saudi Arabia, Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

62. The Committee met at United Nations Headquarters in January and February 1963. It adopted unanimously its report (ST/SG/AC.4/6) which, in accordance with the General Assembly's resolution, was submitted to the Commission under cover of a note by the Secretary-General (E/CN.4/848), accompanied by a statement of financial implications relating to the report (ST/SG/AC.4/6/Add.1).

63. The Committee's report included the following general observations (ST/SG/AC.4/6, paras. 8 and 9):

"The Committee was in general agreement that the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights should be as extensive as possible and that the United Nations, Governments, specialized agencies and non-governmental organizations should utilize their resources to mobilize public opinion on behalf of the observance of the anniversary. It was expressed in the Committee that the celebration of the fifteenth anniversary of the Declaration was not an end in itself but a means of stimulating interest in the Declaration and promoting the observance of human rights. It was agreed that the celebration of the anniversary would:

'(a) Demonstrate to the world the great step forward which the adoption of the Declaration represented;

'(b) Serve as a vivid illustration of the work accomplished by the United Nations in the field of human rights;

'(c) Afford an opportunity for making better known the rights and freedoms set forth in the Universal Declaration;

'(d) Promote fuller implementation of the Universal Declaration.'

"... With regard to paragraph 8 (d) above, an extensive discussion took place in the Committee. Some delegates felt that one of the celebration's main objects should be to emphasize the work remaining to be done in the field of human rights and that in this respect particular stress should be laid on the issues of colonialism and racial discrimination, as these were the main obstacles to the full implementation of the Universal Declaration.

Other delegates, while agreeing that these two issues were of great importance and must continue to be actively pursued in the United Nations, indicated that there are other issues, such as universal education, freedom from want, radio-active fall-out, etc., which have a bearing on specific articles of the Universal Declaration and which affect even larger masses of people. To single out any particular issue would conceivably stimulate other Member States to emphasize those unrealized principles of the Universal Declaration which are of special concern to them. Thus the record of achievement in the field of human rights would be thrown out of focus and the whole celebration would be marred by acrimonious controversy. One delegate pointed out that although national independence is a prerequisite to the full enjoyment of human rights, nevertheless in some non-self-governing areas a standard of human rights has been achieved which compares favourably with that of some independent countries. Another delegate suggested that any literature relating to the celebration of the fifteenth anniversary of the Declaration which will be prepared by the United Nations should indicate the concern of the international community about nuclear tests and their danger to human life."

64. The Committee approved the following suggestions and recommendations, which were annexed to its report; they were addressed to (a) international organizations, (b) national Governments and (c) non-governmental organizations. It was understood that, "when suggestions and recommendations were addressed to Governments, they would be implemented within the framework of national legislation and policy and according to available means" (ST/SG/AC.4/6, para. 12):

"SUGGESTIONS AND RECOMMENDATIONS CONCERNING THE CELEBRATION
OF THE FIFTEENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS

"I. International organizations

"1. It is suggested that the President of the General Assembly, the Secretary-General of the United Nations and the executive heads of the specialized agencies issue special messages on the fifteenth anniversary of the Universal Declaration of Human Rights, such messages to be widely disseminated by all communications media, including the satellites.

"2. It is further suggested that the Secretary-General:

"(a) Organize a concert to celebrate the fifteenth anniversary of the Declaration, the concert to be broadcast and televised to various parts of the world;

"(b) Provide a plaque on which the Declaration is inscribed and which will be dedicated at Headquarters on 10 December 1963;

"(c) Issue human rights stamps, first-day covers and special cancellations to mark the anniversary;

"(d) Promote the widest and most intensive dissemination of the Declaration in as many languages as possible;

"(e) Prepare and publish a history of the Universal Declaration and other international instruments on human rights, with special reference to progress already achieved, current endeavours and work remaining to be done, in the field of human rights and with a brief and objective account of the role of the United Nations in the process of decolonization; a new edition of the pamphlet, 'The Universal Declaration of Human Rights: A Standard of Achievement'; an up-to-date pamphlet on the work of the United Nations in the field of human rights; an up-to-date handbook on 'Teaching Human Rights'; wall sheets and leaflets on the Declaration;

"(f) Prepare a radio documentary script on the Declaration; encourage and assist broadcasting and television organizations, as appropriate, in the production of documentary or dramatic programmes relating to human rights;

"(g) Design and make available to Member States a poster symbolizing the concept of human rights for national reproduction and distribution;

"(h) Urge United Nations officers at Headquarters, in Information Centres and regional offices to give lectures and write articles on the Declaration, and to co-operate with information media and educational authorities in various countries in organizing the celebration of the anniversary;

"(i) Request the distributors of United Nations publications to prepare a special display of relevant United Nations documents during the months of November and December 1963.

3. It is also suggested:

"(a) That the specialized agencies organize commemorative ceremonies at their headquarters on the fifteenth anniversary of the Declaration;

"(b) That the specialized agencies devote special issues of their magazines or other special information programmes to the Declaration, particularly to those rights and freedoms within their purview, and, if possible, to hold round-table discussions;

"(c) That UNESCO consider the possibility of promoting the performance or the exhibition, in connexion with the fifteenth anniversary, of notable musical, dramatic or artistic works which are illustrative of the themes of human rights and fundamental freedoms;

"(d) That UPU consider the possibility of requesting its member States to issue human rights stamps, first-day covers and special cancellations on the fifteenth anniversary of the Declaration, as UNESCO has already suggested in a circular letter to the postmasters-general of Member States.

"II. National Governments

"4. It is recommended:

"(a) That Governments proclaim 10 December as Human Rights Day, and celebrate that day, in accordance with General Assembly resolution 423 (V);

"(b) That Heads of State or of Government issue special messages on 10 December 1963, reaffirming faith in the dignity and worth of the human person and dedication to the implementation of the Universal Declaration;

"(c) That Governments consider entrusting the organization of the celebration of the fifteenth anniversary to an existing institution or an ad hoc committee designated or set up for this purpose;

"(d) That Governments consider the proclamation on Human Rights Day of an amnesty covering political or other prisoners;

"(e) That Governments consider the issuance of human rights stamps, first-day covers and special cancellations on Human Rights Day (see paragraph 3 (d) above).

"5. Governments might also wish:

"(a) To disseminate, or to co-operate with the United Nations in disseminating, the text of the Declaration in national or local languages (see paragraph 2 (d) above);

"(b) To encourage, as appropriate, schools and universities to hold special meetings on Human Rights Day and to organize special courses or seminars on human rights;

"(c) To encourage, as appropriate, national organizations (such as human rights committees, United Nations associations, UNESCO's national commissions, trade unions, religious organizations, academic or professional associations, youth organizations, etc.) to hold national or regional conferences with a view to discussing problems of human rights;

"(d) To consider, or to encourage, the production of documentary or dramatic programmes (see paragraph 2 (f) above) relating to human rights, and the reading of the text of the Declaration, on radio or television;

"(e) To promote the performance or the exhibition, in connexion with the fifteenth anniversary, of notable musical, dramatic or artistic works which are illustrative of the themes of human rights and fundamental freedoms (see paragraph 3 (c) above);

"(f) To consider the possibility of granting special honours or awards in 1963 to persons who have made outstanding contributions to the promotion of human rights;

"(g) To display on 10 December 1963 the United Nations flag on public buildings, which might be illuminated;

"(h) To reproduce and distribute United Nations posters on the themes of human rights, including the posters selected by UNESCO at its international contest in 1962 (see paragraph 2 (g) above);

"(i) To reproduce and distribute the United Nations poster on the Declaration (see paragraph 2 (g) above).

"III. Non-governmental organizations

"6. It is suggested that non-governmental organizations, international or national:

"(a) Adopt the Universal Declaration, or articles thereof, as appropriate, as the themes of their annual or special conferences in 1963;

"(b) Organize commemorative ceremonies on the fifteenth anniversary of the Declaration;

"(c) Print and distribute the text of the Declaration, and prepare and publish pamphlets, leaflets and posters on the Declaration;

"(d) Establish awards, if possible, to honour persons who have distinguished themselves in the field of human rights;

"(e) Organize community projects, such as panel discussions on local problems of human rights, children's parades, display of the United Nations flag in school and business buildings, etc.;

"(f) Encourage local communities to establish a list of questions with a view to investigating and sounding out public opinion as to the communities' effectiveness in promoting the principles of the Universal Declaration of Human Rights.

"7. It is further suggested:

"(a) That special religious services be held on the fifteenth anniversary of the Declaration;

"(b) That radio and television networks carry special programmes, and newspapers publish editorials, on the fifteenth anniversary of the Declaration, the text of the Declaration to be read or reprinted in whole or in part, if possible (see paragraph 5 (d) above); that information media organize public debates on great issues of freedom;

"(c) That schools and universities hold special assemblies on 10 December 1963 and organize courses or seminars on human rights (see paragraph 5 (b) above);

"(d) That research institutions and universities consider the publication of historic declarations of human rights, famous bills of human rights and great orations and speeches on human rights, with appropriate commentaries or annotations."

B. CONSIDERATION OF THE REPORT OF THE SPECIAL COMMITTEE

65. The Commission considered the report of the Special Committee during its 745th to 748th meetings.

66. Besides the Special Committee's report, the Commission had before it written statements submitted by FAO (E/CN.4/855), and by the International Federation of University Women (E/CN.4/NGO/100), the International Federation of Women Lawyers (E/CN.4/NGO/102), and the World Veterans Federation (E/CN.4/NGO/104). The Commission also heard representatives of the ILO, FAO, UNESCO, UPU and WHO, who offered their organizations' full co-operation in observing the fifteenth anniversary and indicated their particular fields of activity and their relevance for the celebration of the anniversary. The representative of UPU, however, pointed out that UPU could not request its member States to issue human rights stamps for the fifteenth anniversary as recommended by the Special Committee (paragraph 3 (d)), because it had already recommended to Governments the issue of two special stamps in 1963, one for the FAO Freedom from Hunger Campaign and the other for the UNESCO International Campaign to Save the Monuments of Nubia. A statement was also made by a representative of the International Confederation of Free Trade Unions.

67. During the discussion, members of the Commission commended both the general observations made by the Special Committee and the Committee's suggestions and recommendations concerning the celebration of the fifteenth anniversary annexed to its report (see paras. 63 and 64 above). Generally, members of the Commission emphasized that the anniversary would provide an excellent occasion for taking stock of what had been and what had not been achieved in the field of human rights, as well as afford an opportunity for positive and constructive efforts to enhance and realize in practice the implementation of all the provisions of the Universal Declaration. Since the Commission decided to forward to the Council the summary records of its discussions (see para. 74 below), only a brief indication is given in the following paragraphs of the proceedings of the Commission relating to the proposals made by the members of the Commission and to their remarks on the financial estimates submitted by the Secretary-General concerning some of the Special Committee's suggestions and recommendations.

68. Proposals on the suggestions and recommendations of the Special Committee were submitted by the representatives of Turkey (E/CN.4/L.640, E/CN.4/L.640/Rev.1), the Philippines (E/CN.4/L.641, E/CN.4/L.641/Rev.1), Italy (E/CN.4/L.643), France (E/CN.4/L.644), the Netherlands, the USSR and the United Kingdom (E/CN.4/L.647), and Denmark and Liberia (E/CN.4/L.648). The representative of the Ukrainian SSR submitted a working paper (E/CN.4/L.642). These proposals for the most part contained additional suggestions and recommendations to those made by the Special Committee.

69. The working paper submitted by the Ukrainian SSR (E/CN.4/L.642) read as follows:

"To the Special Committee's suggestions and recommendations concerning the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights should be added an indication to the effect that on the occasion of this celebration particular attention should be given to international and national efforts to eradicate the ideology of racism and fascism, which are serious obstacles to the development and safeguarding of human rights and freedoms. In doing so, it should also be taken into account that general and complete disarmament and the transfer to peaceful purposes of the means and resources released as a result of disarmament, and the immediate implementation of the Declaration on the granting of independence to colonial countries and peoples, are also of great importance for giving effect to human rights and fundamental freedoms."

It was suggested in the working paper that its contents might be placed before the list of specific measures contained in the annex to the report of the Special Committee. The views expressed in the working paper were shared by certain members of the Commission. Some members, however, referred to the discussion in the Special Committee of the points raised in the working paper, and reiterated the arguments advanced at that time (see para. 63 above) against drawing attention away from the importance of the celebration being concentrated on the Universal Declaration itself. The representative of the Ukrainian SSR did not press for a vote on the proposal, but reserved the right to revert to the question at a later stage.

70. At its 748th meeting, the Commission adopted without objection the following amendments to the suggestions and recommendations of the Special Committee (see para. 64 above):

(a) The proposal of the Philippines (E/CN.4/L.641/Rev.1) to add to paragraph 1 a reference to "the executive secretaries of the regional economic commissions" amongst those who should be asked to issue special messages on the occasion of the fifteenth anniversary.

(b) The French proposal (E/CN.4/L.644), as orally revised, to add a new paragraph 2 after paragraph 1, reading as follows:

"It is further suggested that the United Nations organize at Headquarters a special meeting of the General Assembly in commemoration of the fifteenth anniversary of the Universal Declaration."

The representative of France withdrew the following words which had appeared at the end of the passage just quoted: "at which a tribute would be paid to those of its authors who have since died". It was felt that the inclusion of these words might unduly restrict the purpose of the proposed commemorative meeting.

(c) The French proposal (E/CN.4/L.644) providing for an addition to paragraph 2 (d) emphasizing that the "intensive dissemination of the Declaration in as many languages as possible" should be done "by means of suitably printed and appropriately set out posters, leaflets and pamphlets".

(d) The proposal by the Netherlands, the USSR and the United Kingdom (E/CN.4/L.647) that the suggestion in paragraph 2 (c) that the Secretary-General prepare and publish "a history of the Universal Declaration and other international instruments on human rights, with special reference to progress already achieved, current endeavours and work remaining to be done, in the field of human rights and with a brief and objective account of the role of the United Nations in the process of decolonization", should be omitted and that a new sub-paragraph (f) asking the Secretary-General to consider the preparation and publication of the history "in connexion with arrangements for the twentieth anniversary of the adoption of the Universal Declaration in 1968" should be inserted. It was recalled that the Secretary-General, in his statement of the financial implications of the preparation and publication of the history (ST/SG/AC.4/6/Add.1, para. 4), had envisaged an expenditure of some \$45,800 and had indicated that the history would not be published before 1964. It was thought preferable not to incur this considerable expenditure at present since the publication would be too late to play an effective part in the celebration of the fifteenth anniversary in 1963.

(e) The Turkish proposal (E/CN.4/L.640/Rev.1) to insert a new sub-paragraph after paragraph 3 (d), reading as follows:

"That the ILO consider the possibility of inviting the workers' and employers' organizations with which it has a relationship to take action during 1963 aimed at publicizing at least those parts of the Universal Declaration which fall within the scope of those organizations."

(f) The Italian proposal (E/CN.4/L.643) to insert a new sub-paragraph after paragraph 4 (a), reading as follows:

"That Governments seize the opportunity of the fifteenth anniversary of the Universal Declaration of Human Rights to redouble their efforts to bring about the signature, the ratification or the acceptance in any other form of existing international conventions designed to protect human rights and the fundamental freedoms in particular spheres."

(g) The proposal of the Philippines (E/CN.4/L.641/Rev.1) to add a new sub-paragraph after paragraph 4 (f), recommending:

"That, wherever appropriate, the Governments concerned consider the invitation contained in Economic and Social Council resolution 772 B (XXX) regarding national advisory committees on human rights."

71. At its 748th meeting the Commission also discussed a proposal by Denmark and Liberia (E/CN.4/L.648) to replace paragraph 4 (d) by the following text:

"That Governments consider the granting on Human Rights Day of executive clemency to political or other prisoners."

This proposal was put forward on the ground that it widened the scope of the recommendation to Governments by calling on them to consider granting all forms of clemency, which would include amnesty. It took into account difficulties arising from the fact that the legal meanings ascribed to "amnesty" were not necessarily uniform in different countries. Some members felt that, rather than widening the scope of the recommendation, the proposal left the door open for

Governments to adopt measures of much more limited scope; the words "executive clemency", for instance, were too limited since they could exclude amnesty, which was usually proclaimed by the legislature. There was general agreement, however, that Governments should be left free to adopt the most appropriate form, such as amnesty, pardon, or commutation of sentence, and it was emphasized that, as the Special Committee had stressed, Governments would implement the recommendations made to them within the framework of national legislation and policy and according to available means (see para. 64 above). Ultimately the Commission decided, by 15 votes to none, with 3 abstentions, to recommend to Governments to "consider the proclamation on Human Rights Day of an amnesty and other measures of clemency to political or other prisoners". In the view of certain members, this text meant that the granting of amnesty could be considered in certain cases and other measures of clemency in others.

72. Some members of the Commission referred to the financial implications of some of the suggestions and recommendations of the Special Committee (ST/SG/AC.4/6/Add.1). Their remarks, and the decision of the Commission, concerning the financial implications of the preparation and publication of a history of the Declaration have already been mentioned above (see para. 70 (d) above). On the financial implications of other publications, certain members hoped that their costs would be kept to a minimum, that some of the publications would be combined rather than issued separately, and that efforts would be made to sell some of the publications, leaflets and posters rather than to distribute them freely. As regards the Special Committee's suggestion that a plaque be placed at United Nations Headquarters on which the Declaration should be inscribed, some scepticism was voiced concerning its usefulness if the plaque was to be 60 x 80 inches, as envisaged by the Secretary-General. It was considered that such a plaque would be hardly large enough for the words even of the preamble to the Declaration to be clearly legible. Moreover, doubt was expressed whether the preamble only should be inscribed on the plaque. It was also suggested that the inscription on the plaque should be in the official languages of the United Nations.

C. RECOMMENDATIONS OF THE COMMISSION

73. After adopting the various amendments proposed by its members to the suggestions and recommendations of the Special Committee, the Commission adopted unanimously a draft resolution (E/CN.4/L.646) submitted by Afghanistan, Chile, France, India, Lebanon, Liberia, the Philippines and Turkey.

74. The text of the resolution, as adopted at the 748th meeting, on 18 March 1963, is as follows:

7 (XIX). Fifteenth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Having considered the report of the Special Committee for the preparation of plans for the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights (ST/SG/AC.4/6), appointed pursuant to General Assembly resolution 1775 (XVII),

I

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

For the text of the draft resolution, see chapter XIII, draft resolution IV.

II

Transmits to the Economic and Social Council the report of the Special Committee (ST/SG/AC.4/6) and the records of the proceedings in the Commission during the discussion of this item (E/CN.4/SR.745 to 749).

VIII. FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS

75. The Economic and Social Council had forwarded to the Commission General Assembly resolution 1776 (XVII), adopted on 7 December 1962, which reads as follows:

"The General Assembly,

"Recognizing that one of the basic purposes of the United Nations, reflected in the Charter of the United Nations and in the Universal Declaration of Human Rights, is to promote universal respect for human rights and fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"Recalling that the Universal Declaration proclaimed human rights and fundamental freedoms and called upon all peoples and all nations for their universal and effective recognition and observance,

"Considering that Member States have pledged themselves to co-operate with the United Nations in promoting universal respect for such human rights and fundamental freedoms,

"Taking into account the provisions of the Declaration on the granting of independence to colonial countries and peoples,

"Observing that, notwithstanding many United Nations decisions and recommendations designed to promote the development of universal respect for human rights and fundamental freedoms, and despite the progress made, the situation with regard to the granting and observance of these rights remains unsatisfactory in many parts of the world,

"Recognizing the need for increased efforts to eradicate as quickly as possible manifestations leading to every kind of violation of human rights and fundamental freedoms,

"Bearing in mind the need to hasten the application of the most important recommendations of the United Nations on the safeguarding of human rights and fundamental freedoms, and to enhance the effectiveness and increase the practical results of United Nations activity in this field,

"Proposes that the Economic and Social Council should instruct the Commission on Human Rights:

"(a) To study and to encourage the adoption of measures designed to accelerate the promotion of respect for human rights and fundamental freedoms and to devote special attention to this matter during the United Nations Development Decade;

"(b) To submit to the General Assembly at its eighteenth session a report and recommendations on this question."

76. The Commission discussed the resolution of the General Assembly at its 753rd to 756th and 769th to 770th meetings.

77. A draft resolution was submitted by the Ukrainian SSR (E/CN.4/L.645); another draft resolution was submitted by the Netherlands and the United Kingdom (E/CN.4/L.652), to which an amendment was submitted by Lebanon (E/CN.4/L.653); a sub-amendment was submitted by France (E/CN.4/L.656) to the Lebanese amendment.

78. The representative of the Ukrainian SSR considered that to comply with the General Assembly's instructions the Commission should adopt a concrete programme of work concentrating on certain studies and work of a vital nature which would enhance the enjoyment of human rights during the United Nations Development Decade and help to eradicate as quickly as possible manifestations leading to every kind of violation of human rights and fundamental freedoms as mentioned in the Assembly's resolution. He stated that the Ukrainian draft resolution was in no way intended to supplant the Commission's present activities and that his delegation was open to other suggestions and changes. He pointed out that the draft resolution dealt not only with the programme of work but also with measures for increasing the efficiency of United Nations activities in this field and giving effect to its recommendations more rapidly. He also pointed out that the draft resolution provided for priority to be given to the consideration of vitally important human rights, such as the right to work, and the liquidation of the relics and survivals of colonialism in the field of human rights. The draft resolution of the Ukrainian SSR (E/CN.4/L.645) read as follows:

"The Commission on Human Rights,

"Having considered General Assembly resolution 1776 (XVII) on the further promotion and encouragement of respect for human rights and fundamental freedoms, forwarded to the Commission by the Economic and Social Council,

"Requests the Economic and Social Council to recommend the following draft resolution to the General Assembly for consideration at its eighteenth session:

"The General Assembly,

"Bearing in mind its resolution 1776 (XVII) of 7 December 1962 on the further promotion and encouragement of respect for human rights and fundamental freedoms,

'Considering that one of the basic purposes of the United Nations is to promote and develop respect for human rights and fundamental freedoms for all, without distinction of race, sex, language, religion, political or other opinion, national or social origin, or of property, birth or other status,

'Noting that, notwithstanding many important United Nations decisions and recommendations in this regard and despite some progress made, the situation regarding civil and political rights, on the one hand, and social, economic and cultural rights, on the other, remains extremely unsatisfactory in many countries and territories,

'Taking into account also the numerous occasions on which human rights and freedoms have been flagrantly violated, as a result, in particular, of racist and fascist ideology,

'Recognizing in this connexion the need for effective measures to be taken at both the international and the national levels, to put a speedy end to such violations and promote the further protection, encouragement and development of respect for human rights and fundamental freedoms, particularly during the United Nations Development Decade,

'A

'I. Recommends the Commission on Human Rights to give priority to the following further studies in the sphere of human rights:

'1. Studies connected with discrimination:

'(a) On account of nationality in multi-national States;

'(b) In the field of access to cultural and communal institutions and means of transport;

'2. Studies connected with particular rights or groups of rights concerning:

'(a) The liquidation of the relics and survivals of colonialism in the field of human rights;

'(b) The right of everyone to work, to fair and satisfactory working conditions and to protection against unemployment;

'(c) The right of everyone to education;

'(d) The right of everyone to rest and leisure, including the right to a reasonable limitation of the length of the working day and to annual holidays with pay;

'(e) The right of everyone to citizenship and equal civic status;

'II. Instructs the Commission on Human Rights:

'(a) To prepare recommendations concerning condemnation of the propagation of fascist ideology, and the prohibition and dissolution of fascist organizations;

'(b) To study and prepare recommendations concerning measures to provide instruction and education, and concerning action designed to give public opinion and public institutions an increasingly important part to play in promoting and encouraging respect for human rights and fundamental freedoms;

'(c) To study systematically new forms and possibilities for the further promotion and encouragement of respect for human rights and fundamental freedoms.

'B

'Recommends the Economic and Social Council to take the following action in the sphere of international co-operation with a view to promoting respect for human rights and fundamental freedoms:

'(a) To study the question of transferring the resources released as a result of disarmament to the development of national resources for the safeguarding of human rights and fundamental freedoms in the less developed countries, particularly the right to work, the right to education and the right to security in old age or disablement;

'(b) To improve advisory services in the field of human rights; and in particular to increase the effectiveness of seminars conducted under the advisory services programme by widening the range of subject-matter and arranging for priority to be given to the study of social, economic and cultural rights; and to draw particular attention to the exchange of experience between States in the sphere of social, economic and cultural rights, enlisting for this purpose the help of the competent specialized agencies;

'(c) To instruct the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study current legislation, treaties and other documents containing discriminatory provisions affecting human rights and freedoms, and to submit its conclusions and proposals for consideration by the Commission on Human Rights'."

79. The representatives of the Netherlands and the United Kingdom thought that the Commission would not have sufficient time at its nineteenth session to answer the General Assembly's request fully. It seemed preferable in the circumstances to remind the Assembly of the present work of the Commission, the to note what the Commission still had to do, and to provide for a review of the whole work on human rights in two years' time when the outstanding tasks might be expected to be completed. Consequently they submitted the following draft resolution (E/CN.4/L.652):

"The Commission on Human Rights,

"Having considered General Assembly resolution 1776 (XVII) on the further promotion and encouragement of respect for human rights and fundamental freedoms, forwarded to the Commission by the Economic and Social Council,

"Submits to the Council for transmission to the General Assembly the following report and recommendations on this question, together with the records of the discussion of this subject at the Commission's nineteenth session:

"Report and recommendations

"1. Pending the completion by the General Assembly of its work upon the Covenants on Human Rights and the entry of the Covenants into force, the Commission's work with a view to advancing respect for and observance of Human Rights and Fundamental Freedoms has been directed to three main objectives:

"(a) The preparation, following upon studies carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, or by an ad hoc committee appointed by the Commission itself, of instruments in the form of declarations, recommendations or conventions, dealing with particular and limited aspects of human rights. The method of dealing in detail with a limited area in the field of human rights has already proved its value, and the work of the Commission and the Sub-Commission has resulted in such instruments as the Discrimination (Employment and Occupation) Convention and Recommendation of the ILO, and the UNESCO Convention and Recommendation on the prevention of discrimination in education. Other instruments of this kind are still under consideration.

"(b) The development and improvement of the advisory services in the field of human rights.

"(c) The development and improvement of the system of periodic reports by States upon the general situation in regard to human rights, with special attention to successes achieved or difficulties encountered.

"2. The Commission believes that the usefulness of the activities mentioned above has not by any means yet been exhausted, and that there is room for further development in all these fields.

"3. The present programme of work of the Commission includes work upon the following draft instruments, coming within category (a) above; this work is still at an early stage, and in some instances has not yet been commenced:

"(i) A draft Convention on discrimination on racial grounds which the General Assembly has directed the Commission to prepare;

- "(ii) A draft Convention on the elimination of all forms of religious intolerance, which the General Assembly has directed the Commission to prepare;
- "(iii) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of religious rights and practices;
- "(iv) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of political rights.
- "(v) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

"4. The completion of the Commission's work on these subjects is expected to occupy the Commission, taking account of the time required to deal also with annual business, including the matters referred to in paragraph 1 (b) and (c) above, for its next two sessions at least.

"5. The Commission recognizes that there may be other means and other methods which should be explored with a view to increasing the effectiveness of the effort of the United Nations to promote advance in the field of human rights. The Commission accordingly proposes not only to give special attention to the possible future development of existing methods, but to consider anew, at its session in 1965, when work on the above assignments should be nearing completion, the whole question of the future direction of the work of the Commission and the Sub-Commission in the field of human rights."

80. The representative of Lebanon felt that, even if the Commission were to postpone for the time being any comprehensive review of its work and discussion of plans for future activities, it should make certain recommendations to the General Assembly which would take into account the need to emphasize to Governments and to United Nations organs and specialized agencies that during the United Nations Development Decade a satisfactory balance should be maintained between economic progress and the protection of human rights and fundamental freedoms, particularly in respect of civil and political rights. He therefore proposed an amendment (E/CN.4/L.653) to the draft resolution submitted by the Netherlands and the United Kingdom, which would add, at the end of the text, the following new operative paragraph:

"Requests the Economic and Social Council to recommend to the General Assembly that it adopt, at its eighteenth session, the following draft resolution:

'The General Assembly

'1. Urges all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms, and invites

particularly the Governments of developing countries to include in their plans for economic and social development, to the extent of their available resources, measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights;

'2. Calls upon the technical assistance authorities of the United Nations and the specialized agencies to give all possible assistance, within the framework of their programmes during the Development Decade, with a view to the achievement of progress in the field of human rights'."

81. The representative of France believed that insufficient attention had been given outside the United Nations and the specialized agencies to promote and encourage respect for human rights and, therefore, universities, institutes and learned societies should be invited to contribute to a wider knowledge and advance of human rights. He also believed that the Secretary-General should be asked to collect and analyse documentation relating to national and international efforts to promote and protect human rights by various means. He accordingly put forward a sub-amendment (E/CN.4/L.656) to the Lebanese amendment, which would insert the following three paragraphs in the draft resolution:

"Invites universities, institutes and learned societies which are concerned with human rights to make available the contribution of intellectual circles to a wider knowledge and the advance of human rights, through education, research and discussion and also through publications, newspapers and periodicals, particularly with regard to measures giving effect to human rights which can be included in the articles of the draft covenants;

"Invites the Secretary-General to provide further documentation on all new developments, new ideas and recent experiments carried out in the various States and groups of States Members of the United Nations concerning the protection of human rights and the practical means of redress afforded in each country to persons whose rights and fundamental freedoms have been violated or ignored;

"Invites the Secretary-General to submit to the Commission on Human Rights, at its twentieth session, an analysis of the documentation thus assembled and of the activities of the United Nations bodies and specialized agencies in the field of human rights and to lay before the Commission a plan designed to improve the co-ordination of such activities, in order to make them as effective as possible and to avoid gaps and duplication;"

82. Other suggestions were also made concerning present and future activities in the field of human rights. Some members, for instance, suggested that the Commission should consider how to link up its activities with the United Nations Development Decade, giving special emphasis to the promotion of human rights in

the economic and social spheres, particularly as that was of special importance to developing countries, and at the same time stressing the need to avoid the danger that some States might not concern themselves with fundamental freedoms of their citizens until material development was completed. Certain members wished to see greater emphasis being placed on encouragement of the development of educational programmes and information services at the national level. Some members thought that the time for adoption of declarations was past, and they suggested that the Commission should now concern itself with the implementation of the rights and freedoms proclaimed in the Universal Declaration. The most effective way of implementing those rights and freedoms would be to adopt conventions which would impose definite obligations on signatories; the possible preparation of conventions on the rights of the child and on the right of everyone to change his nationality were mentioned as examples. It was also suggested that States which had not yet ratified conventions of the United Nations and the specialized agencies on human rights should be urged to ratify them; if they could not ratify them for constitutional or other serious reasons, they should be requested to implement the provisions of those instruments to the maximum extent possible. Furthermore, consideration should be given to the possibility of setting up a committee on the application of conventions on human rights similar to that set up for ILO conventions. A number of members suggested further consideration of the question of establishing an International Court of Human Rights, of other machinery for protecting human rights and, perhaps, of instituting some procedure for the consideration of the numerous complaints about violations of human rights addressed to the Commission. In the view of some members, it was difficult to make further progress in the promotion and implementation of human rights unless and until the draft International Covenants on Human Rights were adopted and came into force. As regards the draft Covenants, there was general agreement that the General Assembly should be urged to complete their consideration and adoption as soon as possible. Some members stressed that in complying with the General Assembly's directives, the Commission's suggestions and recommendations should cover what could be done in the field of human rights not only by the Commission but by all organs of the United Nations, the specialized agencies, non-governmental organizations and, according to certain members, even by private institutions and persons.

83. During the course of the discussion, the Commission heard the representatives of the ILO and UNESCO who indicated the efforts their organizations were making and the methods open to them to further the purposes of the General Assembly resolution; they also mentioned their organizations' intention to ensure that their activities during the United Nations Development Decade went hand in hand with respect for and observance of human rights and fundamental freedoms. The Commission heard also a statement by the representative of the World Federation of Trade Unions, and it had before it a written statement submitted by the International Federation of Women Lawyers (E/CN.4/NGO/105).

84. Although there was some discussion on the proposals, amendments and suggestions as well as on the exact meaning to be attached to the request of the General Assembly in its resolution, for the most part the members of the Commission were concerned with how best to comply with the Assembly's request for the time being, and with deciding when it would be most appropriate for the Commission to give full consideration to the Assembly's resolution. Certain

representatives wished to stress that it was essential to state in the resolution to be adopted that the Commission should at its next session continue the consideration of this question in accordance with the directives of the General Assembly. The sponsors of the proposals and amendments were asked to meet together with a view to arriving at an agreed proposal. An informal working party, composed of the representatives of France, Italy, Lebanon, the Netherlands, the Ukrainian SSR and the United Kingdom, submitted the following draft resolution (E/CN.4/L.667) 7/:

"The Commission on Human Rights,

"Having considered General Assembly resolution 1776 (XVII) on the further promotion and encouragement of respect for human rights and fundamental freedoms, forwarded to the Commission by the Economic and Social Council,

"Expressing its entire agreement with the observations of the General Assembly as to the unsatisfactory situation in many parts of the world with regard to the granting and observance of human rights and fundamental freedoms, and the necessity of enhancing the effectiveness and increasing the practical result of United Nations activity in the field of human rights,

"Recognizing the need, during the United Nations Development Decade, to devote special attention, both on the national and international level, [for increased efforts to eradicate as quickly as possible manifestations leading to every kind of violation of human rights and fundamental freedoms,] to progress in the field of human rights and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms,

"Submits to the Council for transmission to the General Assembly the following report and recommendations on this question, together with the records of the discussion on this subject at the Commission's nineteenth session.

"I. Report

"1. Pending the completion by the General Assembly of its work on the draft International Covenants on Human Rights and the entry of the Covenants into force, the Commission's work with a view to advancing respect for and observance of human rights and fundamental freedoms has been directed to the following main objectives:

7/ The draft resolution contained passages in square brackets on which no agreement had been reached by the members of the Working Party as a whole.

"(a) The preparation, following upon studies carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by a committee appointed by the Commission itself, of instruments in the form of Declarations, Recommendations or Conventions, dealing with specific aspects of human rights, such as, for instance, the Recommendations and Conventions ultimately adopted by the ILO on discrimination in employment and by UNESCO on the prevention of discrimination in education;

"(b) The development and improvement of the advisory services in the field of human rights;

"(c) The improvement of the system of periodic reports by States upon the general situation in regard to human rights.

The usefulness of the activities mentioned above has not by any means yet been exhausted.

"2. Besides annual business, including action under paragraph 1 (b) and (c) above, the present programme of work of the Commission includes work upon the following draft instruments coming within paragraph 1 (a) above; /this work is still at an early stage, and in most instances has not yet been commenced, and/ its completion is expected to occupy the Commission for more than one session:

- "(i) A draft convention on the elimination of all forms of racial discrimination, which the General Assembly has directed the Commission to prepare;
- "(ii) A draft convention on the elimination of all forms of religious intolerance, which the General Assembly has directed the Commission to prepare;
- "(iii) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of religious rights and practices;
- "(iv) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of political rights;
- "(v) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;
- "(vi) Draft principles, prepared by a committee of the Commission, on freedom from arbitrary arrest and detention. /One member proposed that the above listing should be limited to numbers (i), (ii) and (iv), followed by the words "and others"./

"3. In accordance with General Assembly resolution 1776 (XVII), the Commission will continue, at its twentieth session, the study of measures directed towards the acceleration of the development of respect for and

observance of human rights and fundamental freedoms, and will review the whole question of the future direction of the work of the Commission and of the Sub-Commission, taking as a basis the rights enunciated in the Universal Declaration of Human Rights.

"4. Whatever the importance of the contribution which the Commission may be able to make during the United Nations Development Decade, in compliance with the General Assembly resolution, the Commission nevertheless considers that the organs of the United Nations, the other organizations concerned and the Member States should redouble their efforts to accelerate the movement in favour of respect for and observance of human rights and fundamental freedoms and, to that end, it recommends the Council and the General Assembly to adopt the following resolutions.

"II. Recommendations

"The Commission on Human Rights

"A

"Requests the Economic and Social Council to recommend to the General Assembly that it adopt, at its eighteenth session, the following draft resolution:

'The General Assembly,

'Recognizing the need, during the United Nations Development Decade, to devote special attention, both on the national and international level, to progress in the field of human rights and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms,

'1. Urges all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms, and invites particularly the Governments of developing countries to include in their plans for economic and social development, to the extent of their available resources, measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights;

'2. Calls upon the technical assistance authorities of the United Nations and the specialized agencies to give all possible assistance, within the framework of their programmes during the Development Decade, with a view to the achievement of progress in the field of human rights.'

"B

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

'The Economic and Social Council,

'Convinced that the completion of the draft International Covenants on Human Rights and their opening for signature and ratification by States would constitute a most important advance during the Development Decade towards the achievement of respect for and observance of human rights and fundamental freedoms,

'1. Expresses the hope that the Third Committee of the General Assembly will devote, at the eighteenth and subsequent sessions of the Assembly, the maximum possible time to the completion of its work on the draft Covenants;

The Working Party reached no agreement on the substance or drafting of the three following paragraphs which are accordingly submitted for decision by the Commission:

'2. Invites universities, institutes and learned societies which are concerned with human rights to make available the contribution of intellectual circles to a wider knowledge and the advance of human rights, through education, research and discussion and also through publications, newspapers and periodicals, particularly with regard to measures giving effect to human rights which can be included in the articles of the draft Covenants;

'3. Invites the Secretary-General to request Member States to give the widest possible dissemination to the invitation contained in paragraph 2 above;

'4. Requests the Secretary-General to collect documentation on new ideas and recent experiments carried out in the various States and groups of States Members of the United Nations concerning the protection of human rights and the practical means of redress offered to persons whose rights and fundamental freedoms have been violated and ignored.¹⁷"

85. When the Commission considered the draft resolution at its 769th and 770th meetings, certain representatives suggested that if the representative of France was willing to withdraw his proposal to add three new paragraphs to the draft resolution (paras. 2-4 of part II B), they would be prepared to vote for the Working Party's draft as a whole. The representative of the Ukrainian SSR said that if the representative of France did not withdraw his amendment, he would reintroduce, in order to balance the contents of the resolution, a number of proposals from the draft resolution which he had submitted at the beginning of the discussion (E/CN.4/L.645), as additional paragraphs to part II A of the draft resolution, since the text suggested by the representative of France went beyond the general purpose of the draft resolution of the Working Party and dealt with specific measures which should only be considered at the twentieth session. In his view, the essence of the Working Party's draft resolution was that the Commission would be considering General Assembly resolution 1776 (XVII) again later. No references to measures of a practical nature should therefore be included. The representative of the USSR stated that if the Commission were to include in a draft resolution for submission to the General Assembly matters such as those mentioned in the paragraphs proposed by the representative of France, which had not been given any serious consideration at the current session of the Commission, he would move a draft resolution which would have the effect of postponing consideration of the whole question until the twentieth session of the Commission. Subsequently, the representative of the USSR submitted the following draft resolution (E/CN.4/L.677):

"The Commission on Human Rights,

"Having discussed briefly, at its nineteenth session, General Assembly resolution 1776 (XVII),

"1. Decides to give priority to the consideration of this question at its twentieth session with a view to the preparation of a final report and recommendations regarding measures designed to expedite the promotion and observance of human rights and fundamental freedoms and to encourage their implementation, particularly during the United Nations Development Decade;

"2. Requests the Secretary-General to request the Governments of Member States to present their ideas and proposals on the need for promoting respect for human rights and fundamental freedoms;

"3. Recommends the Economic and Social Council to draw the attention of the General Assembly to this resolution of the Commission."

86. The representative of France stated that if the representative of the USSR was willing to withdraw his draft resolution, he would be willing to withdraw the paragraphs he had proposed from the draft resolution of the Working Party (paras. 2-4 of part II B) and to submit them as a separate proposal. The representative of the USSR, however, maintained his proposal and suggested that, following the order of submission, it should be voted on after the draft resolution submitted by the Working Party. The Commission then adopted a proposal by the Lebanese representative that it should vote first on the USSR draft resolution. The USSR draft resolution was rejected by 14 votes to 3, with 1 abstention.

87. The Commission then proceeded to vote on the draft resolution prepared by the Working Party, as follows:

The first two paragraphs of the preamble were adopted unanimously in separate votes.

The words "for increased efforts to eradicate as quickly as possible manifestations leading to every kind of violation of human rights and fundamental freedoms" appearing in square brackets in paragraph 3 of the preamble were rejected by 11 votes to 7, with 1 abstention, and the paragraph without those words was adopted unanimously.

The representative of the USSR proposed the addition of the word "preliminary" after the word "following" in the fourth paragraph of the preamble of the draft resolution, but subsequently accepted the Lebanese amendment to insert the word "first" after the word "following"; with this change, the paragraph was adopted unanimously.

Paragraph 1 of part I of the draft resolution was adopted unanimously.

The words "this work is still at an early stage, and in most instances has not yet been commenced, and" appearing in square brackets in paragraph 2 of part I of the draft resolution were adopted by 11 votes to 4, with 4 abstentions.

The proposal that the listing in paragraph 2 of part I should be limited to numbers (i), (ii) and (iv) followed by the words "and others" was rejected by 15 votes to 3.

Paragraph 2, with the addition of the words "declaration and a draft" after the word "draft" in sub-paragraph (ii), was adopted by 17 votes to none, with 2 abstentions.

An amendment by Poland, revised according to a suggestion made by the representative of Lebanon, to replace, in paragraph 3 of part I, the words "... the Commission will continue, at its twentieth session, the study of measures directed towards ..." by the words "... the Commission, at its twentieth session, will continue and give an appropriate degree of priority to the study of measures directed towards ..." was not adopted, the vote being 8 in favour, 8 against, and 1 abstention.

The Working Party's text of paragraph 3 of part I was adopted unanimously.

Paragraph 4 of part I was adopted unanimously.

The Working Party's text of part II A of the draft resolution was adopted unanimously.

The representative of the Ukrainian SSR submitted an amendment (E/CN.4/L.675) which would add the following three paragraphs to part II A of the draft resolution:

"3. Recommends the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities to give priority to the following further studies relating to specific human rights or groups of such rights:

"(a) The liquidation of the relics and survivals of colonialism in the field of human rights;

"(b) The right of everyone to work, to fair and satisfactory working conditions and to protection against unemployment.

"4. Instructs the Commission on Human Rights to prepare recommendations concerning condemnation of the propagation of fascist ideology, and the prohibition and dissolution of fascist organizations.

"5. Recommends the Economic and Social Council:

"(a) To study the question of transferring the resources released as a result of disarmament to the development of national resources for the safeguarding of human rights and fundamental freedoms in the less developed countries, particularly the right to work, the right to education and the right to security in old age or disablement;

"(b) To instruct the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study current legislation, treaties and other documents containing discriminatory provisions affecting human rights and freedom, and to submit its conclusions and proposals for consideration by the Commission on Human Rights."

The voting on these amendments was as follows:

- (i) Paragraph 3 (a) was rejected by a roll-call vote of 12 to 3, with 3 abstentions. The voting was as follows:

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

Against: Canada, China, Denmark, Ecuador, France, Italy, Liberia, Netherlands, Philippines, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, India, Lebanon.

- (ii) Paragraph 3 (b) was rejected by 11 votes to 4, with 3 abstentions.
- (iii) Paragraph 4 was rejected by 12 votes to 3, with 3 abstentions.
- (iv) Paragraph 5 (a) was rejected by 12 votes to 3, with 3 abstentions.
- (v) Paragraph 5 (b) was rejected by 11 votes to 3, with 3 abstentions.

The text of part II B, up to and including operative paragraph 1, was adopted unanimously.

The representative of France accepted the suggestion of the representative of Chile to insert the words "trade unions and other organizations" after the words "learned societies" in paragraph 2 of part II B of the draft resolution. The revised text of paragraph 2 was adopted by 15 votes to 3.

The proposal that paragraphs 3 and 4 should be included in part II B of the draft resolution was adopted. The vote was 15 in favour and 3 against in the case of each paragraph.

The representative of the Philippines proposed (E/CN.4/L.674) that the following paragraph should be added to part II of the draft resolution, under the letter "C": "Recommends to the Economic and Social Council to provide for the twentieth session of the Commission on Human Rights to last at least five weeks". This amendment was voted on as follows:

- (i) An amendment by the representative of China which would delete the words "at least" and change the word "five" to "eight" was rejected by 6 votes to 2, with 10 abstentions.
- (ii) The Philippine amendment was adopted by 6 votes to 3, with 9 abstentions.

The draft resolution as a whole, as amended, was adopted by 15 votes to none, with 3 abstentions.

88. The text of the resolution, as adopted at the 770th meeting, on 3 April 1963, is as follows:

8 (XIX). Further promotion and encouragement of respect for human rights and fundamental freedoms

The Commission on Human Rights,

Having considered General Assembly resolution 1776 (XVII) on the further promotion and encouragement of respect for human rights and fundamental freedoms, forwarded to the Commission by the Economic and Social Council,

Expressing its entire agreement with the observations of the General Assembly as to the unsatisfactory situation in many parts of the world with regard to the granting and observance of human rights and fundamental freedoms, and the necessity of enhancing the effectiveness and increasing the practical result of United Nations activity in the field of human rights,

Recognizing the need, during the United Nations Development Decade, to devote special attention, both on the national and international level, to progress in the field of human rights and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms,

Submits to the Council for transmission to the General Assembly the following first report and recommendations on this question, together with the records of the discussion on this subject at the Commission's nineteenth session:

I. Report

1. Pending the completion by the General Assembly of its work on the draft International Covenants on Human Rights and the entry of the Covenants into force, the Commission's work with a view to advancing respect for and observance of human rights and fundamental freedoms has been directed to the following main objectives:

(a) The preparation, following upon studies carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by a committee appointed by the Commission itself, of instruments in the form of Declarations, Recommendations or Conventions, dealing with specific aspects of human rights, such as, for instance, the Recommendations and Conventions ultimately adopted by the ILO on discrimination in employment and by UNESCO on the prevention of discrimination in education;

(b) The development and improvement of the advisory services in the field of human rights;

(c) The improvement of the system of periodic reports by States upon the general situation in regard to human rights.

The usefulness of the activities mentioned above has not by any means yet been exhausted.

2. Besides annual business, including action under paragraph 1 (b) and (c) above, the present programme of work of the Commission includes work upon the following draft instruments coming within paragraph 1 (a) above; this work is still at an early stage, and in most instances has not yet been commenced, and its completion is expected to occupy the Commission for more than one session:

- (i) A draft convention on the elimination of all forms of racial discrimination, which the General Assembly has directed the Commission to prepare;
- (ii) A draft declaration and a draft convention on the elimination of all forms of religious intolerance, which the General Assembly has directed the Commission to prepare;
- (iii) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of religious rights and practices;
- (iv) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in the matter of political rights;
- (v) Draft principles, prepared by the Sub-Commission, on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;
- (vi) Draft principles, prepared by a committee of the Commission, on freedom from arbitrary arrest and detention.

3. In accordance with General Assembly resolution 1776 (XVII), the Commission will continue, at its twentieth session, the study of measures directed towards the acceleration of the development of respect for and observance of human rights and fundamental freedoms, and will review the whole question of the future direction of the work of the Commission and of the Sub-Commission, taking as a basis the rights enunciated in the Universal Declaration of Human Rights.

4. Whatever the importance of the contribution which the Commission may be able to make during the United Nations Development Decade, in compliance with the General Assembly resolution, the Commission nevertheless considers that the organs of the United Nations, the other organizations concerned and the Member States should redouble their efforts to accelerate the movement in favour of respect for and observance of human rights and fundamental freedoms and, to that end, it recommends the Council and the General Assembly to adopt the following draft resolutions.

II. Recommendations

The Commission on Human Rights

A

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

/For the text of the draft resolution, see chapter XIII, draft resolution V A./

B

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

/For the text of the draft resolution, see chapter XIII, draft resolution V B./

C

Recommends to the Economic and Social Council to provide for the twentieth session of the Commission on Human Rights to last at least five weeks.

IX. DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION

89. In resolution 1780 (XVII) of 7 December 1962, the General Assembly requested the Economic and Social Council to ask the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the General Assembly, any proposals on this matter that might be submitted by Governments and any international instruments already adopted in this field by the specialized agencies, to prepare: (a) a draft declaration on the elimination of all forms of racial discrimination, to be submitted to the Assembly for consideration at its eighteenth session, and (b) a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the Assembly if possible at its nineteenth session and, in any case, not later than at its twentieth session. By the same resolution, the General Assembly invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

90. At its resumed thirty-fourth session the Economic and Social Council, on 19 December 1962 (1238th meeting), decided to transmit the General Assembly resolution to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

91. At its fifteenth session (14 January - 1 February 1963) the Sub-Commission agreed that no attempt should be made at that session to prepare a draft of a convention, since the draft convention was to be submitted to the General Assembly only at the Assembly's nineteenth or twentieth session. The Sub-Commission did, however, adopt resolution 7 (XV) (E/CN.4/846, para. 210), submitting to the Commission the draft declaration on the elimination of all forms of racial discrimination which was annexed to that resolution.

92. The Commission considered this agenda item at its 740th to 744th and 757th to 767th meetings. It had before it, in addition to the Sub-Commission's draft, a draft declaration submitted by Denmark and the United States (E/CN.4/L.635 and Corr.1-2) and a draft declaration submitted by Poland and the USSR (E/CN.4/L.636). It also had before it a proposal by Italy (E/CN.4/L.637) relating to the wording to be used to introduce the substantive provisions of the draft declaration and a proposal by Lebanon (E/CN.4/L.639) concerning the operative provisions of the draft declaration. At its 757th meeting, the Commission received the text of a draft declaration (E/CN.4/L.655 and Corr.1-2) adopted by a Working Group. All these drafts and proposals are reproduced in the following paragraphs. The Commission also had before it notes by the Secretary-General (E/CN.4/841 and Add.1), the comments of UNESCO (E/CN.4/853) and the ILO (E/CN.4/854) and a statement submitted by the Consultative Council of Jewish Organizations (E/CN.4/NGO/103). During its debate on the item, the Commission heard statements by representatives of the Consultative Council of Jewish Organizations, the International Conference of Catholic Charities, the International Confederation of Free Trade Unions and the International Association of Penal Law.

93. The draft submitted by the Sub-Commission (E/CN.4/846, para. 210, resolution 7 (XV), annex) read as follows:

"The General Assembly,

"Considering that the Charter of the United Nations is based on the principle of the equality of all human beings and seeks, among other basic objectives, to achieve international co-operation by encouraging respect for human rights and fundamental freedoms for all without distinction of any kind,

"Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all those rights and freedoms, without distinction of any kind, such as race, colour or ethnic origin,

"Considering that as these rights involve also the elimination of all forms of racial discrimination, they can only be effectively guaranteed in a world in which the principles enshrined in the Declaration on the granting of independence to colonial countries and peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, shall have full application,

"Considering that the Universal Declaration further recognizes that all human beings are entitled to equal protection against any discrimination of that kind and against any incitement to such discrimination,

"Considering that, although international action and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin none the less continues to give cause for serious concern in certain areas of the world,

"Considering that the policy of certain Governments is overtly designed, by means of legislative, administrative or other measures, to establish, maintain or perpetuate racial discrimination, inter alia in the form of apartheid, segregation and separation,

"Disturbed, moreover, by the fact that doctrines of racial superiority are tolerated, and even encouraged in certain areas, and that the seeds of discrimination may thus be spread still further,

"Considering that acts prompted by feelings of racial superiority or hatred have led in the past and may still lead to expansionism and the subjugation of peoples and, as a result, to breaches of the peace or to acts of aggression prejudicial to the maintenance of international peace and security,

"Considering that the studies carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities have shown that racial discrimination in the fields of political rights, education, religion, employment and occupation is practised in many countries and that its elimination would contribute decisively towards speeding the disappearance of other forms of discrimination,

"Considering that it is the duty of the United Nations, of States, and of all organs of society to take immediate steps to put an end to racial discrimination in all its forms and all its manifestations and to prevent its reappearance, thus creating the conditions necessary for the full realization of the principles and purposes of the United Nations Charter,

"Proclaims this Declaration:

"I

"1. Any theory of differentiation between races or racial superiority is scientifically false, morally reprehensible, socially unjust and dangerous. Nothing can justify racial discrimination, in theory or in practice.

"2. Racial discrimination, in whatever form and irrespective of the individuals or groups against whom it is directed, is an offence against human dignity, a flagrant violation of the Charter of the United Nations and a denial of the fundamental human rights proclaimed by the Universal Declaration. Racial discrimination is injurious not only to those who are the objects of discrimination but also to those who practise discrimination.

"3. Racial discrimination is a negation of the social nature of man, who can develop his personality to the full only through interaction with his fellows. The denial at any point of this social bond between man and men is detrimental to the harmonious development of every national community and brings with it disintegration.

"4. Racial discrimination tends to jeopardize international peace and security, friendly relations among peoples and co-operation between nations.

"5. All propaganda based on the idea of the superiority of one race or group of persons of one colour or ethnic origin, and all incitement to hatred against any race or group of persons of another colour or ethnic origin, is condemned.

"6. All political, economic, social or cultural measures which discriminate or encourage discrimination against individuals or groups of a different race, colour or ethnic origin, and the existence and activities of organizations which provoke or encourage such discrimination, are likewise condemned.

"II

"7. No distinction, segregation or discrimination in the matter of human rights, based on considerations of race, colour or ethnic origin, shall be enforced, permitted, encouraged or perpetuated.

"8. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, in the fields of political rights, education, religion, employment, occupation, housing and access to places and facilities intended for use by the general public.

"9. Measures shall be speedily taken to abolish, where they exist, laws and regulations based on considerations of race, colour or ethnic origin, and to revise governmental policies and change social practices which violate the right of all to enjoy human rights and fundamental freedoms in full equality and which have the effect, in particular, of permitting the perpetuation or development of racial discrimination.

"10. Immediate steps shall be taken, in particular, in the fields of education and information, with a view to promoting understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes and principles of the United Nations and of the Universal Declaration.

"11. Special measures for the protection of individuals belonging to certain racial groups may be taken with the object of ensuring the full and effective enjoyment by such individuals of human rights and fundamental freedoms; nevertheless, such measures shall not be maintained after the achievement of that objective, and shall in no circumstances have as a consequence the separation of different racial groups.

"12. Everyone has the right to an effective remedy, through independent and impartial tribunals, against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms.

"13. All States shall immediately take all legislative, administrative and any other appropriate measures to give effect to this Declaration.

"14. The United Nations has a duty to discover and disclose the forms taken by racial discrimination, the manifestations in which it finds expression and the factors which constitute its origin, with a view to recommending appropriate and effective measures to combat and eliminate it.

"15. The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote an energetic campaign which, combining legal measures and steps of a practical nature, will make possible the abolition of all forms of discrimination, and in particular of all discrimination based on race, colour and ethnic origin."

94. The text of the draft declaration proposed by Denmark and the United States (E/CN.4/L.635 and Corr.1-2) read as follows:

"The General Assembly,

"Desiring to give effect to the principle of the equality of all human beings without distinction as to race, colour or religion, as stated in the Charter of the United Nations,

"Disturbed by the manifestations of racial discrimination still in evidence throughout the world, some of which are imposed by Governments in the form of apartheid, segregation and separation, and likewise by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

"Noting that national origin (nationality) and ethnic origin give rise to similar discrimination, which should be denounced as an offence to human dignity,

"Recognizing the Universal Declaration of Human Rights as the great affirmation of the equal dignity and rights of all persons without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status,

"Considering that the Universal Declaration states further that 'All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination',

"Convinced that racial discrimination tends to jeopardize international peace and security, friendly relations among peoples and co-operation between nations,

"Recalling also the Declaration on the granting of independence to colonial countries and peoples, adopted by the General Assembly at its fifteenth session, which states that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

"Recalling the many resolutions adopted by the General Assembly urging the elimination of all forms of racial discrimination, and particularly resolution 1779 (XVII) which calls on the Governments of all States to take all necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating racial prejudice wherever they still exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative and other appropriate measures to combat such prejudice,

"Declares the following principles as a guide for legislation and practice in each State:

"1. No State shall make any distinction in the treatment of persons on the grounds of race, colour or ethnic origin, nor shall it make any distinction in the right to citizenship on such grounds; special measures taken for the protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms shall not be maintained after the achievement of that objective, and shall in no circumstances have as a consequence the separation of different racial groups.

"2. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, in the fields of political rights, education, religion, employment, occupation, housing and access to places and facilities intended for use by the general public.

"3. All States should take the necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating racial prejudice wherever they still exist, and should pass legislation, if necessary, for prohibiting such discrimination and to take such legislative and other appropriate measures to combat such prejudice.

"4. Every person, without distinction as to race, colour or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage; and no discrimination on the grounds of race, colour or ethnic origin shall be made in appointments to public office.

"5. Every person has the right to an effective remedy by the competent national tribunals for any discrimination he may suffer on the ground of race, colour or ethnic origin through acts violating the fundamental rights granted him by the constitution or by law.

"6. All possible steps should be taken by means of education, information and instruction to remove those prejudices which give rise to discrimination on the ground of race, colour or ethnic origin and to promote understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes of the United Nations and of the Universal Declaration.

"7. All States, the United Nations, the specialized agencies and the non-governmental organizations, each within the sphere appropriate to its activities, should do all in their power to assist towards the eradication of all forms of discrimination, and in particular, of all discrimination based on race, colour or ethnic origin.

"8. No violence or other illegal action based on race, colour or ethnic origin should be supported or promoted by any person, group or organization and no such action should be permitted by the State."

95. The text of the draft declaration proposed by Poland and the USSR (E/CN.4/L.636) read as follows:

"Preamble

"Whereas the United Nations Charter is based on the principle of the equality of all human beings and has as one of its great aims the achievement of international co-operation by encouraging respect for human rights and for fundamental freedoms without distinction as to race, sex, language or religion,

"Whereas the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour or ethnic origin,

"Whereas the Universal Declaration further recognizes that all human being are entitled to equal protection against any discrimination of this kind and against any incitement to such discrimination,

"Whereas the Declaration on the granting of independence to colonial countries and peoples affirms that an unconditional end must be put to colonialism and all practices of segregation and discrimination,

"Whereas a number of colonial countries and territories are characterized by a policy of racial discrimination and segregation,

"Whereas racial discrimination is deeply rooted in the political, economic, social and cultural life of certain countries, and racial laws and practices further encourage racial segregation and discrimination in those countries,

"Whereas in certain areas racist and neo-fascist organizations are free to pursue their activities and to propagate racist opinions as well as hatred and violence against other peoples or nations, and whereas in certain countries racist and nazi leaders are even endeavouring to seize various positions of power and authority,

"Whereas acts inspired by emotions of racial superiority or racial hatred have led, and can lead, to expansionism and to the subjugation of peoples, which has in the past brought about, and can bring about, breaches of the peace and acts of aggression prejudicial to the maintenance of international peace and security,

"Whereas the creation of a world free from racism and racial hatred and discrimination is one of the major goals of mankind,

"Whereas it is the duty of all States to take steps to put an end to racial discrimination in all its forms and manifestations, thus creating the conditions in which the noble principles and purposes of the United Nations Charter may be realized,

"The General Assembly proclaims this Declaration:

"Article 1

"Racial discrimination in all its forms and in all its manifestations constitutes a denial of the fundamental human rights, a flagrant violation of the United Nations Charter and an obstacle to the promotion of international peace and co-operation.

"Article 2

"Government policies of apartheid and racial discrimination shall immediately be brought to an end.

"Article 3

"Everyone, without distinction as to race, colour or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage. Appointment to the public service shall be open to all citizens on the basis of merit.

"Article 4

"Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin, and no such distinction shall be enforced, encouraged or perpetuated by any agency of any State.

"Article 5

"National programmes designed to promote racial equality in the political, economic, social and cultural spheres and having as their purpose the complete elimination of all forms of racial discrimination shall be immediately adopted and effectively carried out.

"All racial laws and other regulations aimed at provoking or encouraging racial discrimination should be immediately and totally rescinded.

"Article 6

"The policy of all States in the field of education shall be directed towards the complete elimination of all forms of racial discrimination.

"Article 7

"All the information media of all countries shall dedicate themselves to the prevention of all forms of racial discrimination and shall contribute fully to the complete elimination of racial discrimination.

"Article 8

"All propaganda based on the idea of the superiority of one race or group of persons of one colour over another race or group of persons of another colour, or inciting one race or group of persons of one colour to hatred against another race or group of persons of another colour, should be condemned and prohibited.

"All political, economic, social or cultural measures likely to encourage discrimination against individuals or groups of a different race, colour or ethnic origin shall likewise be condemned and prohibited.

"Article 9

"Racist and neo-fascist organizations and all other organizations propagating racist opinions or engaging in other activities which provoke or encourage racial discrimination shall be prohibited by law and made liable to sanctions.

"Racists occupying various positions of power and authority shall be immediately brought to trial for such of their activities as have provoked or encouraged racial discrimination, and if found guilty they shall be immediately dismissed from office.

"Article 10

"Racist propaganda in all its forms shall be prohibited as contrary to human dignity and the fundamental rights and freedoms of man, and as prejudicial to the maintenance of international peace and security.

"The propagation of racist and fascist opinions and activities should be met with criminal proceedings.

"Article 11

"All States shall immediately take all legislative and administrative measures and any other appropriate measures to give effect to this Declaration and to ensure the proper application of all the obligations arising from it.

"All States shall co-operate among themselves in a joint effort to eliminate all forms of racial discrimination.

"Article 12

"The United Nations shall combat all forms of racial discrimination and take all steps to give effect to this Declaration.

"Article 13

"All States which fail to put this Declaration into practice and whose policy continues to provoke or encourage racial discrimination shall be severely condemned by the whole of mankind.

"Article 14

"All States shall faithfully and strictly observe the provisions of this Declaration."

96. The proposal by Italy relating to the wording to be used to introduce the substantive provisions of the draft declaration (E/CN.4/L.637) read as follows:

"The General Assembly proclaims this Declaration to the end that every individual and every organ of society shall strive by teaching and education and by national and international measures to secure the universal and effective recognition and observance of the principles therein set forth."

97. The Lebanese proposal (E/CN.4/L.639) was that the operative provisions of the draft declaration should be as follows:

"Solemnly proclaims the necessity of the speedy elimination of racial discrimination in all its forms and manifestations,

"And to that end,

"Declares that:

"1. Discrimination between men on the grounds of race, colour or ethnic origin is an offence against human dignity and is hereby condemned as a flagrant violation of the Charter of the United Nations and a denial of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

"2. Paragraph 1 of the draft submitted by Denmark and the United States (E/CN.4/L.635).

"3. Article 2 of the draft submitted by Poland and the USSR (E/CN.4/L.636).

"4. Paragraph 8 of the draft prepared by the Sub-Commission (E/CN.4/L.846, para. 210, annex). (Same as paragraph 2 of the draft submitted by Denmark and the United States.)

"5. Paragraph 9 of the draft prepared by the Sub-Commission.

"6. Paragraph 4 of the draft submitted by Denmark and the United States.

"7. Paragraph 5 of the draft submitted by Denmark and the United States.

"8. Paragraph 10 of the draft prepared by the Sub-Commission.

"9. Article 5 of the draft submitted by Poland and the USSR.

"10. Paragraph 7 of the draft submitted by Denmark and the United States.

"11. Paragraph 8 of the draft submitted by Denmark and the United States.

"12. All States shall observe faithfully and strictly the provisions of the present Declaration as well as the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights."

98. During the general debate on this agenda item, held at the Commission's 740th to 744th meetings, many representatives referred to the importance of drafting a declaration on the elimination of all forms of racial discrimination. They stated that the main source of racial discrimination was colonialism, that racial discrimination had in the past led to war and that even now there were

some forces - such as fascist and neo-fascist organizations - which were disseminating racist views. Propaganda of this kind should be condemned, and fascist organizations should be banned. In the view of a number of delegations, this declaration would have great historical importance and would be ranked side by side with such important documents as the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples. Other representatives pointed out that racism could not be identified with colonialism and that discrimination on the ground of race, colour or ethnic origin existed before colonialism and could continue after the disappearance of colonialism.

99. It was pointed out that the drafting of a declaration was to be followed later by that of a convention, and it was felt by some speakers that this fact should affect the choice of contents of the declaration, including the wording of the passage introducing the substantive provisions. The declaration should contain principles which would guide and influence governmental policies, and would possess great moral force, whereas the convention would be the correct place for laying down legal obligations. It was also observed that a declaration could be addressed not only to Governments but also to non-governmental organizations and to individuals and would have an important impact on public opinion. On the other hand, it was said that a solemn declaration by the General Assembly was recognized as involving some degree of obligation on the part of Governments and that it was in order to include imperatives in the draft declaration.

100. Some speakers favoured the preparation of a relatively concise document which would limit itself to provisions which could command a wide measure of approval on the part of Governments. There was some difference of opinion as to the extent to which the declaration, as a text expected to have enduring importance, should mention policies which might be temporary phenomena or of limited application geographically.

101. The need for simplicity, clarity and solemnity in such a historic document as the declaration under discussion was mentioned during the debate.

102. In the course of the general debate there was a detailed comparison of the three draft declarations proposed to the Commission and a discussion of the question of which draft should be made the basis of the preparation of a draft declaration by the Commission.

103. At its 742nd meeting, the Commission adopted a procedural proposal by India and Lebanon (E/CN.4/L.638) by which the Chairman was requested to set up a working group to prepare a single text of a draft declaration, after due consideration of all proposals submitted by the Sub-Commission and by Governments of Member States, and bearing in mind the views expressed by members of the Commission. At the 744th meeting, the representatives of Chile, France, Lebanon, Liberia, the USSR and the United States were appointed as members of the Working Group. The interested specialized agencies were to participate in its discussions upon invitation, and one specialized agency, UNESCO, availed itself of this opportunity.

104. The Working Group held eight meetings, under the chairmanship of the representative of Chile, and adopted a draft declaration (E/CN.4/L.655 and Corr.1-2), the text of which read as follows:

"The General Assembly,

"Considering that the Charter of the United Nations is based on the principle of the equality of all human beings and seeks, among other basic objectives, to achieve international co-operation by promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all those rights and freedoms, without distinction of any kind, in particular race, colour or national origin,

"Considering that the Universal Declaration proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

"Noting also that the Declaration on the granting of independence to colonial countries and peoples affirms that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

"Recalling the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, especially the ILO and UNESCO, in the field of discrimination,

"Considering that, although international action and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,

One member of the Working Group preferred the following text instead of the preceding two paragraphs:

"Considering that, although international action, decisions of the General Assembly and instruments adopted by the specialized agencies and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,"

"Disturbed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form inter alia of apartheid, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

"Convinced that racial discrimination and feelings of racial superiority or hatred tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

The Working Group decided to mention the possibility of using the eighth preambular paragraph of the Sub-Commission's draft as an alternative to this last paragraph. That paragraph reads:

"Considering that acts prompted by feelings of racial superiority or hatred have led in the past and may still lead to expansionism and the subjugation of peoples and, as a result, to breaches of the peace or to acts of aggression prejudicial to the maintenance of international peace and security,"7

"Convinced also that racial discrimination is injurious not only to those who are the objects of discrimination but also to those who practise discrimination,

"Solemnly affirms the necessity of the speedy elimination of racial discrimination in all its forms and manifestations and proclaims this Declaration in order to secure by national and international measures and by teaching and education the universal and effective recognition and observance of the principles therein set forth:

"Article 1

"Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

"Article 2

"No State, institution, group or individual shall make any discrimination in matters of human rights and fundamental freedoms in the treatment of persons on the grounds of race, colour or ethnic origin.

"Special measures which may be taken for the protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms shall not be maintained after the achievement of that objective, and shall in no circumstances have as a consequence the separation of different racial groups.

"Article 3

"Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of political rights, citizenship, education, religion, employment, occupation and housing.

"Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

"Article 4

"All States should take the necessary steps to revised governmental policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation, if necessary, for prohibiting such discrimination and should take such legislative, administrative and other appropriate measures to combat feelings of superiority, racial hate and other prejudices which lead to discrimination.

"Article 5

"An end shall be put without delay to governmental policies of racial segregation and especially policies of apartheid as well as all forms of racial discrimination and separation resulting from such policies.

One member of the Working Group proposed placing the contents of articles 4 and 5 into one article consisting of two paragraphs.

"Article 6

"Every person, without distinction as to race, colour or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage. In appointments to public office there shall be no discrimination on the grounds of race, colour or ethnic origin.

"Article 7

"Everyone shall have the right to an effective remedy against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

"Article 8

"All necessary steps shall be taken as soon as possible, in the field of teaching and education and in the field of information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes and principles of the United Nations and of the Universal Declaration of Human Rights.

"Article 9

"The propagation by individuals or groups of ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin and the incitement of hatred and violence against any race or group of persons of another colour or ethnic origin should be condemned.

One member of the Working Group proposed that article 9 should speak of "individuals, groups or organizations" instead of "individuals or groups".

One member of the Working Group proposed the insertion after this article of a provision combining article 9 and the second paragraph of article 10 of the draft declaration submitted by Poland and the USSR (E/CN.4/L.636). The article proposed would read:

"Racist and neo-fascist organizations and all other organizations propagating racist opinions or engaging in other activities which provoke or encourage racial discrimination shall be prohibited by law and made liable to sanctions.

"Racists occupying various positions of power and authority shall be immediately brought to trial for such of their activities as have provoked or encouraged racial discrimination, and if found guilty they shall be immediately dismissed from office.

"The propagation of racist and fascist opinions and activities should be met with criminal proceedings."

"Article 10

"The United Nations, the specialized agencies, States and non-governmental organizations, each within the sphere appropriate to its activities, should do all in their power to ensure the abolition of all forms of discrimination based on race, colour or ethnic origin.

"Article 11

"All States shall observe faithfully and strictly the provisions of the present Declaration as well as the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights.

Three of the six members of the Working Group felt that article 11 should consist of these words with the addition at the end of the words 'and the Declaration on the granting of independence to colonial countries and peoples'."

105. The Commission considered this text at its 757th to 767th meetings. While some representatives felt that the draft adopted by the Working Group was too long and rather repetitive, it was suggested that these features resulted from its being a compromise text based upon the various drafts which had previously been before the Commission and that it did have the virtue of attempting to reconcile various points of view.

106. The Commission decided to deal first with the substantive provisions of the draft and to pass then to the preambular paragraphs.

107. A proposal by the Netherlands (E/CN.4/L.659) to delete article 9 of the draft and to insert, in article 1, after "ethnic origin", the words "and the incitement of hatred and violence against any race or group of persons of another colour or ethnic origin" was, after discussion, withdrawn and replaced by a new proposal (E/CN.4/L.659/Rev.1) which is described later (see para. 119). Article 1 was then adopted unanimously.

108. The first paragraph of article 2 was adopted by 17 votes to none, with 2 abstentions.

109. Canada proposed an amendment (E/CN.4/L.658) to the second paragraph of article 2; after oral revision by the sponsor, the proposed text of this paragraph read as follows:

"Special measures may be taken in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall not be maintained after the need for them has disappeared, and shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups."

110. Attention was drawn to the need, in many instances, not merely to protect minority groups but also to promote their development. On the other hand, the view was expressed that "protection" was sufficiently wide in meaning to include all that the Commission wished to convey. A proposal by Italy to delete "development or" from the proposed amendment was rejected by 8 votes to 5, with 6 abstentions. The two sentences of the Canadian amendment were then put to the vote separately and adopted unanimously. Article 2, as thus amended, was adopted with one abstention.

111. Article 3 of the draft was approved unanimously.

112. Five amendments were submitted to article 4 of the draft:

(a) A proposal by Canada (E/CN.4/L.658) to replace the words "feelings of superiority, racial hate and other prejudices" by "feelings of racial superiority, suspicion or hatred and other prejudices";

(b) A proposal by the United States of America (E/CN.4/L.663) to replace the words "such legislative, administrative and other appropriate measures" by "legislative, administrative and other measures as appropriate";

(c) A proposal by France (E/CN.4/L.664) to replace the last part of the article, after the words "and should take", by the words: "appropriate measures to combat racial prejudices which lead to discrimination and to combat doctrines of racial superiority and manifestations of racial hate";

(d) A proposal by the United Kingdom (E/CN.4/L.665) to substitute, in the second sentence of the article, for all that follows the word "discrimination", the words: "and should take all appropriate measures to combat those prejudices which lead to racial discrimination";

(e) A proposal by the USSR (E/CN.4/L.666) to replace the end of the second sentence after the words "appropriate measures to combat" with the following: "manifestations of racial superiority, racial hatred and all other forms of racial discrimination".

113. During the discussion of this draft article and the amendments proposed thereto, the point was made that it was not possible to combat feelings of superiority, racial hate and other prejudices leading to discrimination by the adoption of legislative or administrative measures. During the debate, the Canadian amendment was withdrawn. The United Kingdom amendment was adopted by 11 votes to 5, with 2 abstentions. The amendments proposed by France and the USSR, being less removed from the original text, were not, therefore, voted on, and the representative of the United States withdrew her amendment which was no longer applicable. The Commission then voted upon separately, and adopted unanimously, the first sentence of article 4 and the wording of the second sentence up to "such discrimination". The remainder of the second sentence was adopted by 13 votes to 4, with 2 abstentions, and article 4, as amended, was adopted by 13 votes to none, with 3 abstentions.

114. The Commission had before it a proposal by the United Kingdom (E/CN.4/L.660) to reword article 5 as follows:

"Government policies of racial segregation and especially policies of apartheid as well as all forms of racial discrimination and separation resulting from such policies are condemned."

There was some debate as to whether, in view of the history of the attempts by the United Nations to have the policy of apartheid discontinued, it was realistic to issue an instruction such as that conveyed by the words "an end shall be put". The representative of India proposed that the word "shall" in the Working Group's text be replaced by "should". When this proposal was adopted by 15 votes to none, with 4 abstentions, the representative of the United Kingdom withdrew his amendment. Article 5, as amended, was adopted by 18 votes to none, with 1 abstention.

115. Article 6 of the Working Group's draft was adopted unanimously.

116. An amendment was proposed by the United Kingdom (E/CN.4/L.660) which would redraft article 7 to read:

"Everyone shall have the right to an effective remedy, by independent national tribunals competent to deal with the matter, against any discrimination he may suffer on the ground of race, colour or ethnic origin through acts violating the fundamental rights granted him by the constitution or by law."

117. In favour of this proposal, it was stated that it followed the wording of the Universal Declaration of Human Rights and that, in view of the very general terms in which economic and social rights are defined in that Declaration, States could only provide remedies on those specific aspects of those rights that were protected by their law. After a debate, the proposal was withdrawn and the Working Group's text of article 7 was adopted by 18 votes to none, with 1 abstention. According to the prevailing feeling in the Commission, the principle of racial non-discrimination was so important and well recognized that the reference to the right to an effective remedy should not be restricted to the fundamental rights granted in each country by its constitution or laws. It was pointed out that, at least in one country, discrimination is enshrined in the constitution or laws themselves.

118. Article 8 of the Working Group's draft was adopted unanimously.

119. The Commission had before it the following amendments to article 9:

(a) A proposal by the Netherlands (E/CN.4/L.659/Rev.1) to delete the words: "The propagation by individuals or groups of ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin and";

(b) A proposal by Canada (E/CN.4/L.668) to delete the words "and the" and substitute the word "constituting";

(c) A proposal by India (E/CN.4/L.669) to reword the article. As orally revised by the sponsor during the debate so as to incorporate a proposal by the United States to substitute "The propagation by individuals or groups of" by "All propaganda based on", the proposal read as follows:

"All propaganda based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying racial discrimination in any form, and the incitement of hatred and violence against any race or group of persons of another colour or ethnic origin, should be condemned."

(d) An oral proposal by the Ukrainian SSR that article 9 of the Working Group's draft should speak of "individuals, groups or organizations" instead of "individuals or groups".

120. While the condemnation of incitement of hatred and violence against any race or group of persons of another colour or ethnic origin was acceptable to the Commission, there was disagreement as to whether the condemnation of the propagation by individuals or groups of ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin could be said to violate the freedom of opinion and expression. The fear that the freedom in question would be so violated underlay the amendments proposed by the Netherlands and Canada. In the view of some representatives, freedom of opinion and expression must be safeguarded. Other representatives believed that freedom of opinion and expression could not justify propaganda for racial discrimination. The amendment proposed by India received support as a compromise and because it was felt to exclude from its scope scientific theories put forward in good faith which had nothing to do with the practice or justification of racial discrimination.

121. During the course of the debate the amendments proposed by the Netherlands and Canada were withdrawn, in favour of an amendment proposed orally by Panama to add the words "and promoting" after the word "justifying" in the text proposed by India (see para. 119 above). A proposal by India that the words "or promoting" should be used in preference to "and promoting" was adopted by 11 votes to 5, with 3 abstentions. A proposal by Lebanon to replace "the incitement" by "all incitement" in the same amendment was adopted by 10 votes to none, with 9 abstentions, and the Indian amendment as a whole was adopted unanimously as article 9 of the draft declaration. In view of the wording of the Indian amendment, the representative of the Ukrainian SSR withdrew his amendment.

122. The representative of the USSR proposed the addition after article 9 of a new article 10, reading as follows:

"Racist and neo-facist organizations and all other organizations propagating racist opinions or engaging in other activities which provoke or encourage racial discrimination shall be prohibited by law and made liable to sanctions.

"Racists occupying various positions of power and authority shall be immediately brought to trial for such of their activities as have provoked or encouraged racial discrimination, and if found guilty they shall be immediately dismissed from office.

"The propagation of racist and fascist opinions and activities should be met with criminal proceedings."

123. In favour of this proposal it was stated by some representatives that racist and fascist organizations had in the past caused racial discrimination on a vast scale and that similar organizations still existed. Racists did in fact occupy positions of power and authority at the present time. Pending the adoption of a convention on the elimination of racial discrimination, the declaration under discussion would be the principal international instrument to be used in the fight against such discrimination and it was essential that it should contain a provision of the type proposed. Other representatives said that the proposed provision was not suitable for inclusion in a declaration and that, according to some national constitutions, the inclusion of such an article might be interpreted to mean an undue restriction of freedom of speech; and that, although fascism included racism, it was incorrect to equate the two. The proposal was rejected by 12 votes to 3, with 4 abstentions.

124. Article 10 of the Working Group's draft was adopted unanimously.

125. In addition to the text of article 11 adopted by the Working Group the Commission had before it:

(a) A proposal by the USSR to add at the end of that text "and the Declaration on the granting of independence to colonial countries and peoples";

(b) A proposal by the United Kingdom (E/CN.4/L.660/Rev.1) to reword the article as follows:

"All States shall strive by all appropriate means to give the fullest effect to the provisions of this Declaration as well as to the relevant provisions of the Charter of the United Nations and the Universal Declaration on Human Rights, in order to secure the elimination of every form of discrimination on the ground of race, colour or ethnic origin."

126. It was claimed by some representatives that the text adopted by the Working Group was more suited for inclusion in a convention than in a declaration. While it was recognized that a similar provision had appeared as the final article of the Declaration on the granting of independence to colonial countries and peoples, it was observed that that instrument had not been intended to be followed by the preparation of a convention, whereas the declaration under discussion was so

intended. The Universal Declaration of Human Rights contained no similar provision and, furthermore, if the Charter of the United Nations was recognized as being legally binding, it would serve no purpose to include in the draft declaration a provision calling for its observance.

127. It was maintained that the Declaration on the granting of independence to colonial countries and peoples was one of the most important instruments produced by the United Nations in recent years, and that it had the same formal status as the Universal Declaration of Human Rights. Colonialism was a major source of racial discrimination. The relevance of the Declaration on the granting of independence to colonial countries and peoples to the subject-matter of the draft declaration under discussion, which had been recognized in the preamble, should also be recognized in the substantive articles. On the other hand, it was stated that the United Nations Charter, being a legal document which stands alone in international law, and having been accorded the status of a treaty under international law, should not be equated with a resolution of the General Assembly. Other representatives stressed the tremendous historical significance of the Declaration on the granting of independence to colonial countries and peoples, recognizing its character as a measure creating norms and its greater significance as compared with ordinary resolutions of the General Assembly. The connexion between colonialism and racism was contested by some speakers and it was claimed that the problem dealt with in the Declaration on the granting of independence to colonial countries and peoples was limited geographically and was also disappearing and therefore should not be mentioned in the draft declaration.

128. The United Kingdom amendment was supported on the grounds that its language was appropriate to a declaration. On the other hand, in view of its use of the word "strive", the text was felt by some speakers to be less emphatic than either article 11 adopted by the Working Group or a number of provisions of the draft declaration already approved by the Commission, the effect of which would be weakened by its adoption.

129. Some representatives felt that article 11 was suitable and convenient as a concluding article for the draft since it provided that all States should "observe faithfully and strictly the provisions of the present Declaration" and of the other instruments on which it was based. Some representatives considered that the proposed article 11 neither added anything to nor took anything from the draft declaration which, with its ten articles already approved, was complete as it stood. In their view, the proposed article was unnecessary from the legal point of view, because the Charter and the Universal Declaration were automatically binding on the States which had ratified or approved them, and was without precedent in the practice with regard to similar international instruments like the United Nations Charter and the Universal Declaration, which did not contain any such appeal or article, quite apart from the fact that such an article would weaken the very essence of the draft declaration, which moreover was not in the form of a convention, but of a declaration. Other representatives pointed out that a precedent existed for inserting an article such as this in a declaration; article 7 of the Declaration on the granting of independence to colonial countries and peoples was recalled.

130. A motion was proposed that, before voting on any texts, the Commission should consider the question whether to include any article 11 in the draft declaration.

On a roll-call vote, this motion was carried by 12 votes to 7. Those voting in favour were: Canada, China, Denmark, Ecuador, France, Italy, Netherlands, Panama, Philippines, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America. Those voting against were: Chile, India, Lebanon, Liberia, Poland, Ukrainian Soviet Socialist Republic, and Union of the Soviet Socialist Republics. A motion proposed by Ecuador that no article 11 be included in the draft declaration was then carried, on a roll-call vote, by 12 votes to 7. The same representatives voted for and against the motion as in the case of the previous motion. Some representatives stated that they would suggest an article such as article 11 at a later stage of the discussion of the draft declaration.

131. The Commission then considered the preamble to the draft declaration.

132. The first 3 paragraphs of the preamble to the draft declaration adopted by the Working Group were adopted unanimously.

133. A proposal by the Ukrainian SSR that the fourth preambular paragraph should begin with the word "Considering" instead of "Noting also" was supported on the grounds that it would give the Declaration on the granting of independence to colonial countries and peoples the same status in the preamble as the Charter of the United Nations and the Universal Declaration of Human Rights. This proposal was adopted by 9 votes to 1, with 9 abstentions, and the fourth paragraph, as amended, was adopted by 18 votes to none, with 1 abstention.

134. Several speakers preferred the fifth and sixth preambular paragraphs of the text of the Working Group to the one-paragraph alternative which appeared thereafter in square brackets, because the fifth paragraph was felt by them to give adequate prominence to the work of the specialized agencies in the field of discrimination. A proposal by the USSR that the text in square brackets should be adopted instead of the fifth and sixth preambular paragraphs, on the grounds that it was wider in scope, was rejected by 14 votes to 3, with 2 abstentions. The fifth paragraph was then adopted by 17 votes to none, with 2 abstentions, and the sixth paragraph unanimously.

135. The seventh paragraph of the preamble adopted by the Working Group was adopted by 18 votes to none, with 1 abstention.

136. In connexion with the eighth preambular paragraph of the text of the Working Group the Commission had before it:

(a) A proposal by Canada (E/CN.4/L.658) that the expression "feelings of racial superiority or hatred" be amended to read "feelings of racial superiority, suspicion or hatred";

(b) A proposal by the United States (E/CN.4/L.663) to insert the words "governmental policies of" after the word "that", and to delete the words "feelings of";

(c) A proposal by the Ukrainian SSR that the eighth preambular paragraph should consist of the eighth preambular paragraph of the Sub-Commission's draft, reading:

"Considering that acts prompted by feelings of racial superiority or hatred have led in the past and may still lead to expansionism and the subjugation of peoples and, as a result, to breaches of the peace or to acts of aggression prejudicial to the maintenance of international peace and security";

(d) An oral proposal by Ecuador, India and the Philippines, based upon a proposal by Ecuador and the Philippines (E/CN.4/L.661/Corr.1) which read:

"Convinced that racial discrimination and feelings of racial superiority or hatred, besides constituting a violation of essential human rights, jeopardize friendly relations among peoples, co-operation between nations and international peace and security;"

The oral proposal was to amend the paragraph so as to read as follows:

"Convinced that all forms of racial discrimination as well as governmental policies based on racial superiority or hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security."

137. During the course of the debate, the proposals by Canada, the United States and the Ukrainian SSR were withdrawn. The United States joined Ecuador, India and the Philippines in sponsoring their oral proposal, in view of the insertion of a reference to "governmental policies" in the text.

138. A proposal by the United States to delete the words "all forms of" from the text proposed by Ecuador, India and the Philippines was approved by 12 votes to 6, with 1 abstention, after some representatives had claimed that it could not be said that every individual form of racial discrimination tends to jeopardize international peace and security. A proposal by the United Kingdom to replace the words "as well as" by "and" in the text proposed by Ecuador, India and the Philippines was adopted by 12 votes to 6, with 1 abstention.

139. As amended, the text proposed by Ecuador, India and the Philippines was adopted unanimously as the eighth preambular paragraph of the draft declaration.

140. The ninth preambular paragraph adopted by the Working Group was adopted unanimously.

141. The wording introducing the substantive provisions of the draft declaration of the Working Group was adopted unanimously.

142. The Draft declaration as a whole was then also adopted unanimously.

143. Some representatives observed that the draft declaration adopted by the Commission was weaker than the drafts prepared by the Sub-Commission and by the Commission's Working Group, and they reserved the right to submit amendments and additions to the Commission's draft at a later stage with a view to improving it.

144. The Commission did not deal with the order of appearance of the provisions of the draft which it had adopted.

145. The Commission then adopted unanimously a draft resolution orally proposed by Lebanon. The text of the resolution, as adopted at the 767th meeting, on 2 April 1963, is as follows:

9 (XIX). Draft declaration of the elimination of all forms of racial discrimination

The Commission on Human Rights,

Considering General Assembly resolution 1780 (XVII), which requested the Economic and Social Council to ask the Commission on Human Rights, bearing in mind inter alia the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to prepare a draft declaration on the elimination of all forms of racial discrimination, to be submitted to the General Assembly at its eighteenth session,

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

/For the text of the draft resolution, see chapter XIII, draft resolution VI./

X. DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

146. The Economic and Social Council, on 19 December 1962, decided to transmit to the Commission on Human Rights, as well as to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, General Assembly resolution 1781 (XVII), which reads as follows:

"The General Assembly,

"Desiring to put into effect the principle of the equality of all men and all peoples without distinction as to race, colour or religion, as stated in the Charter of the United Nations,

"Deeply disturbed by the manifestations of discrimination based on differences of race, colour and religion still in evidence throughout the world,

"Considering the necessity of taking all possible steps conducive to the final and total elimination of all such manifestations, which violate the Charter of the United Nations and the Universal Declaration of Human Rights,

"Emphasizing that each State ought to take all the necessary action to put an end to these violations, which infringe human dignity,

"Noting that the Commission on Human Rights is preparing draft principles on freedom and non-discrimination in the matter of religious rights and practices,

"1. Requests the Economic and Social Council to ask the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the General Assembly, any proposals on this matter that may be submitted by Governments and any international instruments already adopted in this field by the specialized agencies, to prepare:

"(a) A draft declaration on the elimination of all forms of religious intolerance, to be submitted to the Assembly for consideration at its eighteenth session;

"(b) A draft international convention on the elimination of all forms of religious intolerance, to be submitted to the Assembly if possible at its nineteenth session and, in any case, not later than at its twentieth session;

"2. Invites Member States to submit their comments and proposals concerning the draft convention by 15 January 1964."

147. The Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session unanimously adopted resolution 8 (XV) relating to a draft declaration on the elimination of all forms of religious intolerance (E/CN.4/846, para. 221). The operative part of the resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

...

"1. Expresses the view that the draft principles on freedom and non-discrimination, prepared by the Sub-Commission and currently under examination by the Commission on Human Rights, contain the basic elements which should be included in a draft declaration on the elimination of all forms of religious intolerance;

"2. Urges the Commission to take special measures to complete its examination of these draft principles at the nineteenth session in order that a draft declaration on the elimination of all forms of religious intolerance might be submitted to the General Assembly for consideration at its eighteenth session as requested by the Assembly in resolution 1781 (XVII)."

148. The Commission decided to devote its 768th meeting and part of its 769th meeting to holding a preliminary general discussion on the preparation of a draft declaration on the elimination of all forms of religious intolerance. Besides the views of the Sub-Commission, the Commission had before it comments from UNESCO and the ILO (E/CN.4/852 and Add.1) and written statements submitted by the Coordinating Board of Jewish Organizations (E/CN.4/NGO/101, the International Union of Christian Democrats (E/CN.4/NGO/106), the Commission of the Churches on International Affairs (E/CN.4/NGO/108) and Pax Romana (E/CN.4/NGO/109 and Corr.1). A statement was made at the 769th meeting by the observer for Israel. The Commission also heard a representative of the Coordinating Board of Jewish Organizations and, because of lack of time, it asked other non-governmental organizations which had requested to be heard to submit their statements in writing.

149. During the brief discussion, members of the Commission generally agreed on the importance of preparing a draft declaration on the elimination of all forms of religious intolerance. They recalled the pertinent provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights to which the Governments of all States Members of the United Nations had given their adherence. References were also made to the relevant provisions of the draft Covenant on Civil and Political Rights and the American Declaration on the Rights and Duties of Man, adopted at Bogota in 1948 by the Ninth International Conference of American States. Several members referred to the constitutions and laws of their countries guaranteeing religious freedom and the provisions governing non-discrimination relating to that freedom. For the most part, however, members of the Commission referred to the difficulties involved in the preparation of the draft declaration since matters relating to religion and belief encompassed every aspect of life from the economic and social to the educational and political. Moreover, it was said that the draft declaration would have to deal with discrimination by the State as well as by religions and groups of

believers and non-believers. It would have to take into account every form of intolerance irrespective of where it originated.

150. Certain members expressed their views on the various elements which should be included in the draft declaration. Thus it was suggested that it would be necessary to condemn religious intolerance when it gave rise to discrimination against an individual or group on account of his or their beliefs. Individuals of a given religious persuasion would have to be protected also as a group and one group should not be allowed to tyrannize others and to engage in such acts as forced conversions or the exercise of reprisals against any of its members who withdrew from it. It was emphasized that the draft declaration would have to deal with all aspects of freedom of conscience, belief and religion as set out in article 18 of the Universal Declaration of Human Rights, and that the Universal Declaration should in no way be restrictively construed. The draft declaration would have to take into account that discrimination and intolerance existed in certain countries, particularly in regard to the manifestation of religion or belief in teaching, practice, worship and observance. For instance, in certain places discrimination was practised against particular groups who were denied the necessary means for observing or performing their religious rites, or who were not permitted freely to associate with others belonging to the same faith, either in their own country or abroad. In some cases press campaigns were permitted against certain religious groups. In fact, the Commission would have to consider all the rights included in the Universal Declaration and their relationship to the proposed draft declaration on the elimination of all forms of religious intolerance. In the view of some members, neither religious intolerance nor religious discrimination conveyed what should be the main aim of the declaration, namely, the need to provide for mutual respect.

151. In the view of certain members, it was essential in any declaration to take into account the different shades of opinion and to keep a proper balance between the different attitudes which existed in the world concerning religion and other beliefs. Every effort would have to be made to avoid placing religion above other beliefs, for that would be contrary to the freedom of thought, conscience and belief enshrined in article 18 of the Universal Declaration. It was essential in their view that the declaration should set out the equality of rights of all without distinction on the grounds of religious belief or non-belief, or membership of any church. Moreover, it would be necessary to provide that profession of a particular religion should not be used for political ends or to increase tension between States, that the church should not be permitted to interfere in political life or to take advantage of its following among the population to exert pressure on the State. Freedom of conscience could be assured only in a society in which religion was a private matter for each individual, and only where the church was separated from the State and the school from the church. Discrimination either against persons who adhered to a particular religious faith, or against persons whose convictions were non-religious, was intolerable. Freedom of anti-religious belief and anti-religious propaganda should be assured.

152. Some members considered that the principles drafted by the Sub-Commission on freedom and non-discrimination in the matter of religious rights and practices, appearing in the Sub-Commission's report on its twelfth session (E/CN.4/800, para. 160, resolution 1 (XII)), were useful and should be taken into account. Other members maintained that these principles did not satisfy the requirements

of the General Assembly resolution. In some respects they covered a wide field and in other respects they concentrated too much on the essential rights to freedom of religion and its manifestations. It was also stated that it would not be enough to deal in the draft declaration with discrimination in respect of rights proclaimed in article 18 of the Universal Declaration, but it would also be necessary to provide against discrimination in the exercise of any other right proclaimed in the Universal Declaration on the basis of religious belief.

153. At its 769th meeting the Commission considered the following draft resolution (E/CN.4/L.676) submitted by the representative of the Philippines:

"The Commission on Human Rights,

"Having held a brief exchange of views on General Assembly resolution 1781 (XVII) at its nineteenth session,

"Having noted resolution 8 (XV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"1. Decides to continue its consideration at its twentieth session with a view to drafting a declaration on the elimination of all forms of religious intolerance, as asked by resolution 1781 (XVII) of the General Assembly,

"2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare and submit a draft of a declaration on the elimination of all forms of religious intolerance notwithstanding the views expressed by the Sub-Commission in its resolution 8 (XV),

"3. Requests the Secretary-General to invite the Governments of Member States to submit their comments on the contents of a draft declaration in time for consideration by the Commission at its twentieth session,

"4. Recommends to the Economic and Social Council that it draw the attention of the General Assembly to this resolution of the Commission."

154. In the light of the comments made by the various members of the Commission, the representative of the Philippines orally revised his draft resolution. Operative paragraph 1 was revised to read:

"Decides to give priority at its twentieth session to preparing a draft declaration on the elimination of all forms of religious intolerance."

This text was adopted by 15 votes to none, with 3 abstentions, after the Commission had rejected, by 13 votes to 3, with 2 abstentions, an amendment by the USSR that would have substituted the original text of operative paragraph 1. Operative paragraphs 2 and 3, as revised, were adopted unanimously, as was the original text of operative paragraph 4.

155. The draft resolution as a whole was adopted by 16 votes to none, with 3 abstentions.

156. The text of the resolution, as adopted at the 769th meeting, on 3 April 1963, is as follows:

10 (XIX). Draft declaration on the elimination of all forms of religious intolerance

The Commission on Human Rights,

Having held a preliminary debate on General Assembly resolution 1781 (XVII) at its nineteenth session,

Having noted resolution 8 (XV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides to give priority at its twentieth session to preparing a draft declaration on the elimination of all forms of religious intolerance;

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare and submit to the Commission at its twentieth session a preliminary draft of a declaration on the elimination of all forms of religious intolerance, taking into account the views expressed during the debate on this subject at the nineteenth session of the Commission;

3. Requests the Secretary-General to invite the Governments of Member States to submit any proposals which they may wish to make as to the provisions which such a declaration should contain in time for consideration by the Commission at its twentieth session;

4. Recommends to the Economic and Social Council that it adopt the following draft resolution:

/For the text of the draft resolution, see chapter XIII, draft resolution VII./

XI. DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS:
PROPOSALS RELATING TO AN ARTICLE ON THE RIGHTS
OF THE CHILD

157. During the seventeenth session of the General Assembly, the Third Committee, at its 1172nd, 1174th, 1175th, 1177th and 1178th meetings, discussed certain proposals for the inclusion of an article on the rights of the child in the draft Covenant on Civil and Political rights. An account of the debate and the texts of the proposals in question appear in the report of the Third Committee on the draft International Covenants on Human Rights 8/. In resolution 1843 A (XVII) of 19 December 1962, the General Assembly decided to request the Economic and Social Council to refer to the Commission on Human Rights all the proposals relating to an article on the rights of the child, together with the records of the discussion thereon at the seventeenth session of the General Assembly, for a thorough study, taking into consideration all the legal implications of including such an article in the draft Covenants. By the same resolution, the General Assembly requested the Secretary-General to send to the Governments of Member States and to the specialized agencies the documents just mentioned so that they might submit their comments thereon to the Commission on Human Rights, and further requested the Commission to report on its deliberations, through the Economic and Social Council, to the General Assembly at its eighteenth session.

158. At its resumed thirty-fourth session (1238th meeting), the Economic and Social Council decided to refer to the Commission on Human Rights all the proposals relating to an article on the rights of the child and to request the Commission to report on its deliberations, through the Council, to the General Assembly at its eighteenth session.

159. In accordance with the General Assembly resolution, the Secretary-General invited the Governments of Member States and the specialized agencies to submit to the Commission comments on the proposals relating to an article on the rights of the child.

160. The Commission considered this agenda item at its 749th to 752nd meetings. It had before it a note by the Secretary-General (E/CN.4/843), the comments of Governments received in response to the Secretary-General's invitation (E/CN.4/850 and Add.1-2) 9/, together with the comments of the ILO (E/CN.4/851) and UNESCO (E/CN.4/851/Add.1). During its debates it heard a statement by the representative of the International Union for Child Welfare. It considered two draft articles proposed for inclusion in the draft Covenant on Civil and Political Rights, one by Poland (E/CN.4/L.649) and one by Chile (E/CN.4/L.650).

8/ Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 43, document A/5365, paras. 5-30.

9/ After the Commission completed action on this agenda item, further comments of Governments were circulated in documents E/CN.4/850/Add.3-9.

161. Those who favoured the inclusion of an article on the rights of the child in the draft Covenant on Civil and Political Rights argued that there was a particular need for mention of children in that Covenant, as compared with other groups, for instance the aged and the physically and mentally handicapped; the adoption by the General Assembly of the Declaration of the Rights of the Child (resolution 1386 (XIV)) had demonstrated the importance placed upon the needs of children. Due to their immaturity, children were unable to look after their own interests. In reply to the argument that the rights of the child were more suitable for treatment in the draft Covenant on Economic, Social and Cultural Rights, it was pointed out that children were already mentioned, not only in article 10 of the draft Covenant on Economic, Social and Cultural Rights, but also in articles 10, 18 and 22 of the draft Covenant on Civil and Political Rights. The argument that there was already an article on children in the draft Covenant on Economic, Social and Cultural Rights, and that there was therefore no need to include an article on the rights of the child in the Covenant on Civil and Political Rights, was not convincing to some representatives. It was pointed out that children have specific political and civil rights, and that a special article relating to them should therefore be included in the draft Covenant on Civil and Political Rights. The inclusion of such an article was also essential in view of the special need to protect these rights of the child. It was also pointed out that the Third Committee of the General Assembly had adopted as article 3 of the draft Covenant on Civil and Political Rights a special provision on the equal rights of men and women, despite the fact that article 2 of that draft required the guaranteeing of rights without discrimination as to sex; there should therefore be no objection to including a special provision on children in the same instrument.

162. While there was general agreement in the Commission that children were entitled to special care and assistance, it did not follow, in the view of a number of representatives, that a special article on the rights of the child should appear in the draft Covenant on Civil and Political Rights.

163. The argument that the article on the rights of the child prepared for inclusion in the draft Covenant on Economic, Social and Cultural Rights should be given a counterpart by the inclusion of an article on the same subject in the draft Covenant on Civil and Political Rights was not found convincing by some speakers, who pointed out that a certain division of subject-matter between the two draft Covenants had been broadly agreed upon and should be observed and also that the general articles and measures of implementation proposed for inclusion in the two draft Covenants were different: parties to the draft Covenant on Economic, Social and Cultural Rights would undertake to take steps to achieve progressively the realization of the rights recognized in that Covenant, whereas parties to the Covenant on Civil and Political Rights would undertake binding legal obligations to respect and ensure the rights recognized in that Covenant to all persons within their territory and jurisdiction and to provide for remedies in case of violation of rights, and if they failed to fulfil these obligations they could be accused by other States parties before the Human Rights Committee whose establishment was envisaged in that draft Covenant.

164. It was also felt by a number of speakers that if a special article on children were included in the draft Covenant on Civil and Political Rights, then doubt would be thrown on the universal applicability of the provisions of the Covenant; it might then be asked whether special articles should not be drafted to protect, for instance, the aged and the physically and mentally handicapped.

165. It was moreover argued that in order to prepare a separate article on children for inclusion in the draft Covenant on Civil and Political Rights it would be necessary to discuss such questions of civil law as paternal authority, proof of paternity, inheritance, the property of minors, the status of children born out of wedlock, adoption and legal guardianship, and the conclusion of the drafting of the Covenant would be delayed. On the other hand, any text which did not make precise provisions on such points would be unsuitable for inclusion in the draft Covenant in question.

166. It was suggested by some that, while the rights of the child were not suitable for inclusion in a special article in the draft Covenant on Civil and Political Rights, they would be suitable for treatment in a separate convention, especially since a Declaration of the Rights of the Child already existed. Others felt that the two courses were not mutually exclusive, and that inclusion of an article in the draft Covenant could be followed by the preparation of a more comprehensive instrument. The suggestion was also made that an article be included in the draft Covenant on Civil and Political Rights simply requiring States parties to negotiate a further agreement on the rights of the child.

167. The draft article proposed by Poland for inclusion in the draft Covenant on Civil and Political Rights (E/CN.4/L.649) read as follows:

"1. Every child shall be entitled to special protection by the family, society and the State, without any discrimination.

"2. The family, society and the State shall concern themselves with the physical and spiritual development of children, so that for their own welfare and for the welfare of society, children are suitably prepared for work according to their abilities.

"3. Birth out of wedlock shall not affect the rights of a child. The States Parties to this Covenant shall progressively adopt suitable measures to improve the legal status of children born out of wedlock.

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

168. In favour of paragraph 1 of this text it was claimed that it was an unchallengeable statement which could not be in conflict with any national legislation and that in this instance it was the civil and political rights of the child that were involved. On the other hand, it was argued that paragraph 1 of the proposed article was a general declaratory proposition, which might be suitable for inclusion in the draft Covenant on Economic, Social and Cultural Rights but was not appropriate for inclusion in that on Civil and Political Rights.

169. The sponsor of the draft article observed that the reference to "the physical and spiritual development of children" had been included in paragraph 2 in an attempt to meet the wishes of certain representatives on the Third Committee of the General Assembly. It was felt by some speakers, however, that paragraph 2 was appropriate to the draft Covenant on Economic, Social and Cultural Rights rather than to the draft Covenant on Civil and Political Rights. It was doubted for instance whether the terms "the family" and "society" were sufficiently precise for inclusion in the latter instrument. The treatment of the physical and spiritual development of children only as an aspect of their preparation

for work was also criticized. Furthermore, it was said that the paragraph, unlike the Universal Declaration of Human Rights and the Declaration of the Rights of the Child, did not place sufficient emphasis on the role of parents in the upbringing of children.

170. In favour of paragraph 3 it was pointed out that the provision reaffirmed the principle of the Universal Declaration that "all human beings are born free and equal in dignity and rights". Attention was drawn to the comments of the Government of Tanganyika (E/CN.4/850/Add.1) in which it was pointed out that it was not the fault of the child if he was born out of wedlock and the question was asked why he should therefore be punished. The word "progressively" had been included in the provision because it was recognized that existing legal systems dealt in many different ways with the position of children born out of wedlock.

171. While it was generally accepted that, as far as the subject-matter was concerned, a provision on the legal status of children born out of wedlock came within the scope of the draft Covenant on Civil and Political Rights, attention was drawn to the many different legal problems - in connexion with, for instance, inheritance - which would arise on the national level if an article in the terms proposed were included in the Covenant. Legal systems varied greatly in their approach to the problem, and some countries would be unwilling to grant the equality envisaged, in the interests of the stability of the family. On the other hand, it was maintained that special legislation on the inheritance rights of legitimate children would not violate the draft article and the stability of the family would not be threatened thereby. It was also claimed during the debate that excessive importance was being accorded to the question of inheritance, which affected only a minority of the world's children. Again, it was said that inheritance rights did not attach to children as such, by reason of their age, but arose out of a person's relationship with his parents.

172. Several representatives claimed that no decision should be taken by the Commission affecting the position of persons born out of wedlock until the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who was making a study of that question, had presented his report.

173. The view was also expressed that to give equal rights to children born in and out of wedlock would encourage illegitimacy. It was also pointed out that the Universal Declaration referred only to the social position of children born out of wedlock; and it was maintained that it was impossible to provide that "birth out of wedlock shall not affect the rights of a child" without specifying what was meant by "the rights of a child", and that the first and second sentences of paragraph 3 were in contradiction to one another since the second contained the idea of progressive action whereas the first did not.

174. As far as concerned the nature of the subject-matter of paragraph 4, it was generally agreed that a provision on name and nationality came within the scope of the draft Covenant on Civil and Political Rights, but it was pointed out that the rights to a name and to a nationality did not belong exclusively to children. It was also maintained that an article requiring every child to have a nationality from birth could only mean that the country in which he was born would be obliged to accord the child its nationality, and that such a provision would be unacceptable to the countries where the jus sanguinis governed the law on nationality.

175. The draft article proposed by Chile (E/CN.4/L.650) for inclusion in the Covenant on Civil and Political Rights read as follows:

"The States Parties to this Covenant recognize that special measures should be adopted to protect and assist all children and adolescents, without any exception or discrimination whatsoever".

176. Attention was drawn to the fact that this proposed article referred specifically to adolescents as well as children and was intended to cover the whole range of their problems, but in general terms such as would avoid the legal difficulties to which the Polish proposal had given rise. On the other hand, the feeling was expressed that the proposed text seemed to express a mere wish rather than an obligation and that it belonged more to the draft Covenant on Economic, Social and Cultural Rights. It was also pointed out that the rights of the child were not mentioned in the proposal. During the debate, the representative of Chile accepted an oral amendment proposed by Lebanon, adding the following to the proposed article: "To this end, they undertake to adopt special legislative, administrative and other measures wherever necessary".

177. During the debate it was pointed out that the General Assembly had asked that the Commission make a thorough study of the question and report to the General Assembly on its deliberations; a draft article had not been requested.

178. At the 752nd meeting of the Commission, the representative of Poland presented a procedural proposal (E/CN.4/L.651), in the following terms:

"The Commission on Human Rights,

"Bearing in mind General Assembly resolution 1843 A (XVII), which requested the Economic and Social Council to refer to the Commission on Human Rights all the proposals relating to an article on the rights of the child, together with the records of the discussion thereon at the seventeenth session of the General Assembly, for a thorough study, taking into consideration all the legal implications of including such an article in the draft Covenants,

"Having discussed the desirability of including an article on the rights of the child in the draft International Covenants on Human Rights, and also the question of the contents of such an article and the legal implications of its inclusion in the draft Covenants,

"Considering that in the course of the discussions considerable differences of view emerged on all these questions,

"Considering further the fact that during the discussion of this agenda item the Commission had before it only a very small number of the comments of Governments referred to in paragraph 2 of General Assembly resolution 1843 A (XVII),

"1. Expresses the view that a final decision on the inclusion of an article on the rights of the child in the International Covenants on Human Rights can be taken in the General Assembly, where the various legal systems and world cultures are the most fully represented and which, by

the beginning of its eighteenth session, will have before it a larger number of comments of Governments;

"2. Resolves to transmit to the General Assembly, through the Economic and Social Council, the report on the discussion of this item in the Commission, as well as the proposals submitted on this item."

179. After certain oral amendments had been accepted by the representative of Poland, the draft resolution was adopted unanimously. The text of the resolution, as adopted at the 752nd meeting, on 20 March 1963, is as follows:

11 (XIX). Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child

The Commission on Human Rights,

Bearing in mind General Assembly resolution 1843 A (XVII), which requested the Economic and Social Council to refer to the Commission on Human Rights all the proposals relating to an article on the rights of the child, together with the records of the discussion thereon at the seventeenth session of the General Assembly, for a thorough study, taking into consideration all the legal implications of including such an article in the draft Covenants,

Having discussed the desirability of including an article on the rights of the child in the draft International Covenants on Human Rights, and also the question of the contents of such an article and the legal implications of its inclusion in the draft Covenants,

Noting that it had before it at its nineteenth session only a very small number of the comments of Governments referred to in paragraph 2 of General Assembly resolution 1843 A (XVII),

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

/For the text of the draft resolution, see chapter XIII, draft resolution VIII./

XII. ADOPTION OF THE REPORT

180. At its 771st and 772nd meetings, on 5 April 1963, the Commission considered the draft report on its nineteenth session (E/CN.4/L.662 and Add.1-8). The report was adopted unanimously.

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

I

Advisory services in the field of human rights^{10/}

The Economic and Social Council,

Having considered the report of the Commission on Human Rights on advisory services,

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

Mindful of General Assembly resolution 1776 (XVII) by which the Assembly asked the Council to instruct the Commission on Human Rights to study and encourage the adoption of measures designed to accelerate the promotion of respect for human rights and fundamental freedoms,

Believing that the existing programme of advisory services would be strengthened and the effectiveness of the United Nations activity in this field enhanced and its practical results increased, if regional courses in human rights could be developed, which would combine the advantages of the group experience of seminars with those of the educational objectives of fellowships,

Requests the Secretary-General, preferably within the level of appropriations for technical programmes financed from the regular budget of the United Nations, to organize, on an experimental basis, one regional course on human rights in 1964, and a second one in 1965.

II

Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country^{11/}

The Economic and Social Council,

Taking into account the important contribution made by the study of discrimination in respect of the right of everyone to leave any country,

^{10/} See paragraph 23.

^{11/} See paragraph 52.

including his own, and to return to his country, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session by its Special Rapporteur,

1. Expresses its appreciation to the Special Rapporteur, Mr. José D. Ingles, for his valuable study;
2. Requests the Secretary-General to print and circulate as widely as possible the study prepared by the Special Rapporteur;
3. Requests the Secretary-General to make arrangements for the Special Rapporteur to attend the twentieth session of the Commission on Human Rights in 1964.

III

Study of equality in the administration of justice^{12/}

The Economic and Social Council,

Approves the decision taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of equality in the administration of justice, in accordance with article 10 of the Universal Declaration of Human Rights, and to appoint a Special Rapporteur to carry out this study.

IV

Fifteenth anniversary of the Universal Declaration of Human Rights^{13/}

The Economic and Social Council,

Considering General Assembly resolution 1775 (XVII) on the fifteenth anniversary of the Universal Declaration of Human Rights,

Noting the report of the Special Committee together with its suggestions and recommendations concerning the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights;

Having considered chapter VII of the report of the Commission on Human Rights on its nineteenth session,

Expressing the hope that the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights will stimulate interest in the Declaration and promote observance and respect for human rights and fundamental freedoms,

1. Declares 10 December 1963 as the fifteenth anniversary of the Universal Declaration of Human Rights;

^{12/} See paragraph 53.

^{13/} See paragraph 74.

2. Requests the Secretary General to undertake the necessary preparations for the celebration of the fifteenth anniversary of the Universal Declaration in accordance with the plan contained in the report of the Special Committee (ST/SG/AC.4/6) incorporating the recommendations of the Commission on Human Rights, as set out in the annex to the present resolution;

3. Commends to Governments of Member States, specialized agencies, inter-governmental organizations, and non-governmental organizations in consultative status with the Council, the said plan and additional recommendations for the celebration of the fifteenth anniversary of the Declaration, and expresses the hope that all parties concerned will co-operate in making the celebration successful and meaningful;

4. Endorses the understanding in paragraph 12 of the Report of the Special Committee that, when suggestions and recommendations are addressed to Governments, they would be implemented within the framework of national legislation and policy and according to available means.

ANNEX

SUGGESTIONS AND RECOMMENDATIONS CONCERNING THE CELEBRATION OF THE FIFTEENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

I. International organizations

1. It is suggested that the President of the General Assembly, the Secretary-General of the United Nations, the executive heads of the specialized agencies and the executive secretaries of the regional economic commissions issue special messages on the fifteenth anniversary of the Universal Declaration of Human Rights, such messages to be widely circulated by all communications media, including the satellites.
2. It is further suggested that the United Nations organize at Headquarters a special meeting of the General Assembly in commemoration of the fifteenth anniversary of the Declaration.
3. It is further suggested that the Secretary-General:
 - (a) Organize a concert to celebrate the fifteenth anniversary of the Declaration, the concert to be broadcast and televised to various parts of the world;
 - (b) Provide a plaque on which the Declaration is inscribed and which will be dedicated at Headquarters on 10 December 1963;
 - (c) Issue human rights stamps, first-day covers and special cancellations to mark the anniversary of the Declaration;
 - (d) Promote the widest and most intensive dissemination of the Declaration in as many languages as possible by means of suitably printed and appropriately set out posters, leaflets and pamphlets;

- (e) Prepare and publish a new edition of the pamphlet entitled The Universal Declaration of Human Rights: A Standard of Achievement, an up-to-date edition of the handbook entitled Teaching Human Rights, and wall sheets and leaflets on the Declaration;
- (f) Consider the preparation and publication in connexion with arrangements for the twentieth anniversary of the adoption of the Declaration in 1968 of a history of the Declaration and other international instruments on human rights, with special reference to progress already achieved, current endeavours and work remaining to be done in the field of human rights and with a brief and objective account of the role of the United Nations in the process of decolonization;
- (g) Prepare a radio documentary script on the Declaration; encourage and assist broadcasting and television organizations, as appropriate, in the production of documentary or dramatic programmes relating to human rights;
- (h) Design and make available to Member States a poster symbolizing the concept of human rights for national reproduction and distribution;
- (i) Urge United Nations officers at Headquarters, in information centres and regional offices to give lectures and write articles on the Declaration and to co-operate with information media and educational authorities in various countries in organizing the celebration of the anniversary;
- (j) Request the distributors of United Nations publications to prepare a special display of relevant United Nations documents during the months of November and December 1963.

4. It is also suggested:

- (a) That the specialized agencies organize commemorative ceremonies at their headquarters on the fifteenth anniversary of the Declaration;
- (b) That the specialized agencies devote special issues of their magazines or other special information programmes to the Declaration, particularly to those rights and freedoms within their purview, and, if possible, hold round-table discussions;
- (c) That UNESCO consider the possibility of promoting the performance or the exhibition, in connexion with the fifteenth anniversary of notable musical, dramatic or artistic works which are illustrative of the themes of human rights and fundamental freedoms;
- (d) That UPU consider the possibility of requesting its member States to issue human rights stamps, first-day covers and special cancellations on the fifteenth anniversary of the Declaration, as UNESCO has already suggested in a circular letter to the postmasters-general of Member States;

- (e) That the ILO consider the possibility of inviting the workers' and employers' organizations with which it has a relationship to take action during 1963 aimed at publicizing at least those parts of the Declaration which fall within the scope of those organizations.

II. National Governments

5. It is recommended:

- (a) That Governments proclaim 10 December as Human Rights Day, and celebrate that day, in accordance with General Assembly resolution 423 (V);
- (b) That Governments seize the opportunity of the fifteenth anniversary of the Universal Declaration of Human Rights to redouble their efforts to bring about the signature, ratification or acceptance in any other form of existing international conventions designed to protect human rights and fundamental freedoms in particular spheres;
- (c) That Heads of State or of Government issue special messages on 10 December 1963, reaffirming faith in the dignity and worth of the human person and dedication to the implementation of the Declaration;
- (d) That Governments consider entrusting the organization of the celebration of the fifteenth anniversary to an existing institution or an ad hoc committee designated or set up for this purpose;
- (e) That Governments consider the proclamation on Human Rights Day of an amnesty and other measures of clemency to political or other prisoners;
- (f) That Governments consider the issuance of human rights stamps, first-day covers and special cancellations on Human Rights Day (see paragraph 4 (d) above);
- (g) That, wherever appropriate, the Governments concerned consider the invitation contained in Economic and Social Council resolution 772 B (XXX) regarding national advisory committees on human rights.

6. Governments might also wish:

- (a) To disseminate, or to co-operate with the United Nations in disseminating, the text of the Declaration in national or local languages (see paragraph 3 (d) above);
- (b) To encourage, as appropriate, schools and universities to hold special meetings on Human Rights Day and to organize special courses or seminars on human rights;
- (c) To encourage, as appropriate, national organizations (such as human rights committees, United Nations associations, UNESCO's national commissions, trade unions, religious organizations, academic or professional associations and youth organizations) to hold national or regional conferences with a view to discussing problems of human rights;

- (d) To consider, or to encourage, the production of documentary or dramatic programmes (see paragraph 3 (g) above) relating to human rights, and the reading of the text of the Declaration, on radio or television;
- (e) To promote the performance or the exhibition, in connexion with the fifteenth anniversary, of notable musical, dramatic or artistic works which are illustrative of the themes of human rights and fundamental freedoms (see paragraph 4 (c) above);
- (f) To consider the possibility of granting special honours or awards in 1963 to persons who have made outstanding contributions to the promotion of human rights;
- (g) To display on 10 December 1963 the United Nations flag on public buildings which might be illuminated;
- (h) To reproduce and distribute United Nations posters on human rights themes including the posters selected by UNESCO at its international contest in 1962 (see paragraph 3 (h) above);
- (i) To reproduce and distribute the United Nations poster on the Declaration (see paragraph 3 (h) above).

III. Non-governmental organizations

7. It is suggested that non-governmental organizations, international or national:

- (a) Adopt the Universal Declaration of Human Rights or articles thereof, as appropriate, as the themes of their annual or special conferences in 1963;
- (b) Organize commemorative ceremonies on the fifteenth anniversary of the Declaration;
- (c) Print and distribute the text of the Declaration, and prepare and publish pamphlets, leaflets and posters on the Declaration;
- (d) Establish awards, if possible, to honour persons who have distinguished themselves in the field of human rights;
- (e) Organize community projects, such as panel discussions on local problems of human rights, children's parades and display of the United Nations flag in school and business buildings etc.;
- (f) Encourage local communities to establish a list of questions with a view to investigating and sounding out public opinion as to the communities' effectiveness in promoting the principles of the Declaration.

8. It is further suggested:

- (a) That special religious services be held on the fifteenth anniversary of the Declaration;

- (b) That radio and television networks carry special programmes, and newspapers publish editorials, on the fifteenth anniversary of the Declaration, the text of the Declaration to be read or reprinted in whole or in part, if possible (see paragraph 6 (d) above); that information media organize public debates on great issues of freedom;
- (c) That schools and universities hold special assemblies on 10 December 1963 and organize courses or seminars on human rights (see paragraph 6 (b) above);
- (d) That research institutions and universities consider the publication of historic declarations of human rights, famous bills of human rights and great orations and speeches on human rights, with appropriate commentaries or annotations.

V

Further promotion and encouragement of respect for
human rights and fundamental freedoms 14/

A

The Economic and Social Council,

Recommends to the General Assembly at its eighteenth session the adoption of the following draft resolution:

"The General Assembly,

"Recognizing the need, during the United Nations Development Decade, to devote special attention, both on the national and international level, to progress in the field of human rights and to encourage the adoption of measures designed to accelerate the promotion of respect for and observance of human rights and fundamental freedoms,

"1. Urges all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms, and invites particularly the Governments of developing countries to include in their plans for economic and social development, to the extent of their available resources, measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights;

"2. Calls upon the technical assistance authorities of the United Nations and the specialized agencies to give all possible assistance, within the framework of their programmes during the Development Decade, with a view to the achievement of progress in the field of human rights."

14/ See paragraph 88.

The Economic and Social Council,

Convinced that the completion of the draft International Covenants on Human Rights and their opening for signature and ratification by States would constitute a most important advance during the United Nations Development Decade towards the achievement of respect for an observance of human rights and fundamental freedoms,

1. Expresses the hope that the Third Committee of the General Assembly will devote, at the eighteenth and subsequent sessions of the Assembly, the maximum possible time to the completion of its work on the draft Covenants;

2. Invites universities, institutes, learned societies, trade unions and other organizations which are concerned with human rights to make available their contribution to a wider knowledge and the advance of human rights, through education, research and discussion and also through publications, newspapers and periodicals, particularly with regard to measures giving effect to human rights which can be included in the articles of the draft Covenants;

3. Invites the Secretary-General to request Member States to give the widest possible dissemination to the invitation contained in paragraph 2 above;

4. Requests the Secretary-General to collect documentation on new ideas and recent experiments carried out in the various States and groups of States Members of the United Nations concerning the protection of human rights and the practical means of redress offered to persons whose rights and fundamental freedoms have been violated and ignored.

VI

Draft declaration on the elimination of all forms
of racial discrimination 15/

The Economic and Social Council,

Noting that, in accordance with General Assembly resolution 1780 (XVII), the Commission on Human Rights has adopted a draft declaration on the elimination of all forms of racial discrimination,

Submits the draft declaration, which is annexed to the present resolution, to the General Assembly, for consideration at its eighteenth session, together with the summary records of the debates of the Commission (E/CN.4/SR.740 to 744 and 757 to 767).

15/ See paragraph 145.

ANNEX

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION

The General Assembly,

Considering that the Charter of the United Nations is based on the principle of the equality of all human beings and seeks, among other basic objectives, to achieve international co-operation by promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all those rights and freedoms, without distinction of any kind, in particular race, colour or national origin,

Considering that the Universal Declaration proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the Declaration on the granting of independence to colonial countries and peoples affirms that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Recalling the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, especially the ILO and UNESCO, in the field of discrimination,

Considering that, although international action and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,

Disturbed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form inter alia of apartheid, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that racial discrimination and governmental policies based on racial superiority or hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination is injurious not only to those who are the objects of discrimination but also to those who practise discrimination,

solemnly affirms the necessity of the speedy elimination of racial discrimination in all its forms and manifestations and proclaims this Declaration in order to secure by national and international measures and by teaching and education the universal and effective recognition and observance of the principles therein set forth:

Article 1

Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

Article 2

No State, institution, group or individual shall make any discrimination in matters of human rights and fundamental freedoms in the treatment of persons on the grounds of race, colour or ethnic origin.

Special measures may be taken in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall not be maintained after the need for them has disappeared, and shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of political rights, citizenship, education, religion, employment, occupation and housing.

Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States should take the necessary steps to revise governmental policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation if necessary, for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end should be put without delay to governmental policies of racial segregation and especially policies of apartheid as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

Every person, without distinction as to race, colour or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage. In appointments to public office there shall be no discrimination on the grounds of race, colour or ethnic origin.

Article 7

Everyone shall have the right to an effective remedy against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All necessary steps shall be taken as soon as possible, in the field of teaching and education and in the field of information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes and principles of the United Nations and of the Universal Declaration of Human Rights.

Article 9

All propaganda based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form, and all incitement of hatred and violence against any race or group of persons of another colour or ethnic origin, should be condemned.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations, each within the sphere appropriate to its activities, should do all in their power to ensure the abolition of all forms of discrimination based on race, colour or ethnic origin.

VII

Draft declaration on the elimination of all forms of religious intolerance 16/

The Economic and Social Council,

Having taken note of resolution 10 (XIX) of the Commission on Human Rights concerning the draft declaration on the elimination of all forms of religious intolerance,

Draws the attention of the General Assembly to this resolution.

16/ See paragraph 156.

VIII

Draft International Covenants on Human Rights:
proposals relating to an article on the rights
of the child 17/

The Economic and Social Council,

Noting that, in accordance with General Assembly resolution 1843 A (XVII), the Commission on Human Rights has discussed the desirability of including an article on the rights of the child in the draft International Covenants on Human Rights, and also the question of the contents of such an article and the legal implications of its inclusion in the draft Covenants,

Noting that the Commission had before it at its nineteenth session only a very small number of the comments of Governments referred to in paragraph 2 of General Assembly resolution 1843 A (XVII),

Transmits to the General Assembly, in accordance with the request of the Commission on Human Rights, the Commission's report on its deliberations together with the summary records of the discussion of this item in the Commission (E/CN.4/SR.749-752).

17/ See paragraph 179.

Annex I

List of documents before the Commission at its nineteenth session

Documents issued in the general series

- A/5277 (Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 80) - Report of the Third Committee on advisory services in the field of human rights.
- A/5305 (Ibid., agenda item 48) - Report of the Third Committee on manifestations of racial prejudice and national and religious intolerance.
- A/5314 (Ibid., agenda item 12) - Report of the Third Committee on the report of the Economic and Social Council.
- A/5365 (Ibid., agenda item 43) - Report of the Third Committee on the draft International Covenants on Human Rights.
- A/C.3/SR.1165 - 1173 (Ibid., Third Committee, 1165th to 1173rd meetings) - Summary records of the meetings of the Third Committee dealing with the item on manifestations of racial prejudice and national and religious intolerance.
- A/C.3/SR.1172, 1174, 1175, 1177, 1178 (Ibid., 1172nd, 1174th, 1175th, 1177th and 1178th meetings) - Summary records of the meetings of the Third Committee relating to the inclusion of an article on the rights of the child in the draft International Covenants on Human Rights.
- E/3443 (Official Records of the Economic and Social Council, Thirty-first Session, Annexes, agenda item 10 (part II)) - Report on developments in the field of freedom of information since 1954.
- E/3443/Add.1 and 2 - Comments of Governments and specialized agencies.
- E/3616/Rev.1 (Ibid., Thirty-fourth Session, Supplement No. 8) - Report of the Commission on Human Rights on its eighteenth session.
- E/CN.4/800 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session) to the Commission on Human Rights.
- E/CN.4/809 and Add.1-10 - Note by the Secretary-General and comments of Governments on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/819 - Note by the Secretary-General on communications concerning human rights.
- E/CN.4/822 and Add.1-3 - Annual report by the Secretary-General on freedom of information, 1960-1961.

- E/CN.4/826 and Corr.1 and 2 - Report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/830 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) to the Commission on Human Rights.
- E/CN.4/831 - Report of the Committee on Periodic Reports on Human Rights.
- E/CN.4/833 and Add.1 - Provisional agenda of the nineteenth session of the Commission on Human Rights.
- E/CN.4/834 and Add.1 - Report of the Secretary-General on advisory services in the field of human rights.
- E/CN.4/835 and Add.1-6 and Add.6/Corr.1 - Note by the Secretary-General and comments of Governments on the study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention.
- E/CN.4/836 - Preliminary report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile on the study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests.
- E/CN.4/837 and Add.1-7 - Note by the Secretary-General and comments of Governments on the draft principles on freedom and non-discrimination in the matter of political rights.
- E/CN.4/838 and Add.1-3 - Annual report by the Secretary-General on freedom of information, 1961-1962.
- E/CN.4/839 - Note by the Secretary-General on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/840 - Note by the Secretary-General on further promotion and encouragement of respect for human rights and fundamental freedoms.
- E/CN.4/841 - and Add.1 - Note by the Secretary-General on a draft declaration and draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/842 and Add.1 - Note by the Secretary-General on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/843 - Note by the Secretary-General on the draft International Covenants on Human Rights: proposals relating to an article on the rights of the child.
- E/CN.4/844 - Note by the Secretary-General on the review of the human rights programme.
- E/CN.4/845 and Add.1 - Comments by non-governmental organizations on the draft principles on freedom and non-discrimination in the matter of political rights.

- E/CN.4/846 and Corr.1 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fifteenth session) to the Commission on Human Rights.
- E/CN.4/847 - Note by the Secretary-General on the procedure to be followed in respect of future periodic reports on human rights.
- E/CN.4/848 - Note by the Secretary-General presenting the report of the Special Committee on the fifteenth anniversary of the Universal Declaration of Human Rights (ST/SG/AC.4/6 and Add.1).
- E/CN.4/849 and Add.1 and Add.1/Corr.1 and Add.2 and 3 - Note by the Secretary-General on the election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to fill a vacancy.
- E/CN.4/850 and Add.1-10 - Note by the Secretary-General and comments of Governments on the draft International Covenants on Human Rights: proposals relating to an article on the rights of the child.
- E/CN.4/851 and Add.1 - Note by the Secretary-General and comments of the specialized agencies on the draft International Covenants on Human Rights: proposals relating to an article on the rights of the child.
- E/CN.4/852 and Add.1 - Note by the Secretary-General and comments of the specialized agencies on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/853 - Note by the Secretary-General and observations of the United Nations Educational, Scientific and Cultural Organization on a draft declaration and draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/854 - Note by the Secretary-General and observations of the International Labour Organisation on a draft declaration on the elimination of all forms of racial discrimination.
- E/CN.4/855 - Note by the Secretary-General and comments by the Food and Agriculture Organization of the United Nations on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/856 - Election of two members of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile: note by the Secretary-General.
- E/CN.4/857 - Report of the Commission on Human Rights on its nineteenth session
- E/CN.4/CR.32 - Non-confidential list of communications dealing with principles involved in the promotion of universal respect for, and observance of, human rights received by the United Nations from 1 December 1961 to 30 November 1962, prepared by the Secretary-General.
- E/CN.4/SR.738-772 - Summary records of the meetings of the Commission at its nineteenth session.

E/CN.4/Sub.2/213/Rev.1 (United Nations publication, Sales No.: 63.XIV.2) - Study of discrimination in the matter of political rights.

E/CN.4/Sub.2/220 - Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

E/CN.4/Sub.2/SR.381-402 - Summary records of the meetings of the fifteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to items 6 and 12 of the Commission's agenda for its nineteenth session.

Documents issued in the limited series

E/CN.4/L.602 - Working paper by the Secretary-General on draft principles on freedom and non-discrimination in the matter of religious rights and practices.

E/CN.4/L.633 - Suggestions by the officers of the Commission concerning the order of consideration of agenda items.

E/CN.4/L.634 - Order of consideration of agenda items, as adopted by the Commission at its 739th meeting, on 12 March 1963.

E/CN.4/L.635 and Corr.1 and 2 - Denmark and the United States of America: draft declaration on the elimination of all forms of racial discrimination.

E/CN.4/L.636 - Poland and the Union of Soviet Socialist Republics: proposal concerning the draft declaration on the elimination of all forms of racial discrimination.

E/CN.4/L.637 - Italy: proposal relating to the draft declaration on the elimination of all forms of racial discrimination.

E/CN.4/L.638 - India and Lebanon: procedural draft resolution on the draft declaration on the elimination of all forms of racial discrimination.

E/CN.4/L.639 - Lebanon: suggestions for the operative part of the draft declaration on the elimination of all forms of racial discrimination.

E/CN.4/L.640 - Turkey: proposal concerning the fifteenth anniversary of the Universal Declaration on Human Rights.

E/CN.4/L.640/Rev.1 - Turkey: revised proposal concerning the fifteenth anniversary of the Universal Declaration of Human Rights.

E/CN.4/L.641 - Philippines: amendments to the annex to the Special Committee's report on the fifteenth anniversary of the Universal Declaration of Human Rights.

E/CN.4/L.641/Rev.1 - Philippines: revised amendments to the annex to the Special Committee's report on the fifteenth anniversary of the Universal Declaration of Human Rights.

- E/CN.4/L.642 - Ukrainian Soviet Socialist Republic: working paper concerning the annex to the Special Committee's report on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.643 - Italy: proposal concerning the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.644 - France: proposals relating to the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.645 - Ukrainian Soviet Socialist Republic: draft resolution on further promotion and encouragement of respect for human rights and fundamental freedoms.
- E/CN.4/L.646 - Afghanistan, Chile, France, India, Lebanon, Liberia, Philippines and Turkey: draft resolution on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.647 - Netherlands, Union of Soviet Socialist Republics and United Kingdom: amendments to the report of the Special Committee on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.648 - Denmark and Liberia: amendment to the report of the Special Committee on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/L.649 - Poland: draft article on the rights of the child proposed for inclusion in the Covenant on Civil and Political Rights.
- E/CN.4/L.650 - Chile: draft article on the rights of the child proposed for inclusion in the Covenant on Civil and Political Rights.
- E/CN.4/L.651 - Poland: draft resolution on the question: "Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child".
- E/CN.4/L.652 - Netherlands and United Kingdom of Great Britain and Northern Ireland: draft resolution on further promotion and encouragement of respect for human rights and fundamental freedoms.
- E/CN.4/L.653 - Lebanon: amendment to document E/CN.4/L.652.
- E/CN.4/L.654 - Text of the resolution adopted by the Commission on Human Rights at its 752nd meeting, on 20 March 1963, on the question: "Draft International Covenants on Human Rights: proposals relating to an article on the rights of the child".
- E/CN.4/L.655 and Corr.1 - Text of the draft declaration on the elimination of all forms of racial discrimination adopted by the Working Group appointed on 14 March 1963.
- E/CN.4/L.656 - France: sub-amendment to the Lebanese amendment (E/CN.4/L.653) to document E/CN.4/L.652.

- E/CN.4/L.657 and Add.2 - Canada, Chile, Ecuador, India, Lebanon, Liberia, Netherlands and Philippines: draft resolution on advisory services in the field of human rights.
- E/CN.4/L.657/Add.1 - Financial implications of the draft resolution in document E/CN.4/L.657.
- E/CN.4/L.658 - Canada: amendment to document E/CN.4/L.655 and Corr.1
- E/CN.4/L.659 - Netherlands: amendment to document E/CN.4/L.655 and Corr.1
- E/CN.4/L.659/Rev.1 - Netherlands: revised amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.660 - United Kingdom: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.660/Rev.1 - United Kingdom: revised amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.661 and Corr.1 - Ecuador and Philippines: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.662 and Add.1-8 - Draft report of the Commission on Human Rights on its nineteenth session.
- E/CN.4/L.663 - United States of America: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.664 - France: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.665 - United Kingdom of Great Britain and Northern Ireland: amendment to document E/CN.4/L.655 and Corr.1
- E/CN.4/L.666 - Union of Soviet Socialist Republics: amendment to document E/CN.4/L.655 and Corr.1
- E/CN.4/L.667 - Draft resolution on further promotion and encouragement of respect for human rights and fundamental freedoms, prepared by the Working Party.
- E/CN.4/L.668 - Canada: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.669 - India: amendment to document E/CN.4/L.655 and Corr.1.
- E/CN.4/L.670 - Chile, Denmark, India, Lebanon, Liberia and Turkey: draft resolution on the question: "Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention".
- E/CN.4/L.670/Add.1 - Financial implications of the draft resolution in document E/CN.4/L.670.
- E/CN.4/L.670/Rev.1 - Chile, Denmark, India, Lebanon, Liberia and Turkey: revised draft resolution on the question: "Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention".

- E/CN.4/L.671 - Text of the operative part of the draft declaration on the elimination of all forms of racial discrimination, adopted by the Commission at its nineteenth session.
- E/CN.4/L.672 - Denmark, Liberia and Philippines: draft resolution on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.
- E/CN.4/L.673 - Lebanon and Philippines: draft resolution on communications concerning human rights.
- E/CN.4/L.674 - Philippines: amendment to document E/CN.4/L.667.
- E/CN.4/L.675 - Ukrainian Soviet Socialist Republic: amendment to document E/CN.4/L.667.
- E/CN.4/L.676 - Philippines: draft resolution on the draft declaration on the elimination of all forms of religious intolerance.
- F/CN.4/L.677 - Union of Soviet Socialist Republics: draft resolution on further promotion and encouragement of respect for human rights and fundamental freedoms.
- E/CN.4/L.678 - Text of the resolution on a draft declaration and draft convention on the elimination of all forms of religious intolerance, adopted by the Commission at its 769th meeting, on 3 April 1963.
- E/CN.6/L.336 - Suggestions of the Commission on the Status of Women relating to the study of discrimination in the matter of political rights.

Documents issued in the non-governmental organizations series

- E/CN.4/NGO/91 - Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in category B consultative status, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/95 and Add.1 - Statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Register of the Secretary-General, on the draft principles of freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/98 - Statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in category B consultative status, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/100 - Statement submitted by the International Federation of University Women, a non-governmental organization in category B consultative status, on the fifteenth anniversary of the Universal Declaration of Human Rights.

- E/CN.4/NGO/101 - Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in category B Consultative status, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/102 - Statement submitted by the International Federation of Women Lawyers, a non-governmental organization in category B consultative status, on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/NGO/103 - Statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in category B consultative status, on a draft declaration and draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/NGO/104 - Statement submitted by the World Veterans Federation, a non-governmental organization in category A consultative status, on the fifteenth anniversary of the Universal Declaration of Human Rights.
- E/CN.4/NGO/105 - Statement submitted by the International Federation of Women Lawyers, a non-governmental organization in category B consultative status, on further promotion and encouragement of respect for human rights and fundamental freedoms.
- E/CN.4/NGO/106 - Statement submitted by the Nouvelles Equipes Internationales/ International Union of Christian Democrats, a non-governmental organization in category B consultative status, on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/107 - Statement submitted by the International Federation of Women Lawyers, a non-governmental organization in category B consultative status, on advisory services in the field of human rights.
- E/CN.4/NGO/108 - Statement submitted by the Commission of the Churches on International Affairs, a non-governmental organization in category B consultative status, on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/109 - Written statement submitted in connexion with item 13 of the agenda of the Commission on Human Rights by Pax Romana, a non-governmental organization in category B consultative status, on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/110 - Statement submitted by the International Commission of Jurists, a non-governmental organization in category B consultative status, on the study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests.
- E/CN.4/NGO/111 - Statement submitted by the International Association of Penal Law, a non-governmental organization in category B consultative status, on draft declarations and draft conventions on the elimination of all forms of racial discrimination and religious intolerance.
- E/CN.4/NGO/112 - Statement submitted by the International Council of Women, a non-governmental organization in category B consultative status, on a draft declaration and draft convention on the elimination of all forms of religious intolerance.

Annex II

Financial implications of decisions taken by the Commission at its nineteenth session

A. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS^{a/}

1. The draft resolution which the Commission on Human Rights recommends to the Economic and Social Council for adoption calls upon the Secretary-General to organize on an experimental basis one regional course on human rights in 1964, and a second one in 1965.

2. As already indicated in the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/834, para. 20), each such training course would entail an expense of the order of \$50,000 on the basis of the following assumptions:

- (a) The course would last some eight weeks, and would be organized in one of the geographic regions, depending upon an offer from the Government of a Member State to be host. In such an event, the host Government would provide the necessary physical facilities for holding the course and assist with local personnel (secretarial help, messengers, etc.).
- (b) There would be some twenty-five fellowships awarded to candidates nominated from Governments in the region. Each selected fellow would be provided with round-trip transportation from his country to the place where the course is held and be paid a stipend at the appropriate rate for the duration of the course.
- (c) The United Nations would provide the lecturers (four) and language staff (four), for the course. In addition, a staff member from Headquarters would be made available in order to look after the day-to-day operation of the course.
- (d) The preparation of teaching material for these courses and its translation and reproduction in sufficient copies for use at the course would be undertaken from within the over-all resources authorized for the year.

3. The draft resolution also requests the Secretary-General to organize the training courses, preferably within the level of appropriations for technical programmes financed from the regular budget of the United Nations. The Secretary-General would wish to recall the discussions at the seventeenth session of the General Assembly on the question of the expansion of the fellowship programme under the advisory services in the field of human rights. General Assembly resolution 1782 (XVII) decided that the programme of advisory services should be further expanded in order to permit the award in 1963 of at least double the

^{a/} See chapter XIII, draft resolution I. This note by the Secretary-General was originally communicated to the Commission in document E/CN.4/L.657/Add.1.

number of fellowships available in 1962. When considering that resolution in its draft form, the Fifth Committee decided to inform the General Assembly that the proposed increase in the number of fellowships might give rise to additional expenditures of up to \$40,000 annually and that such expenditures would for 1963 have to be absorbed within the level of appropriations which had already been approved for 1963 for technical programmes financed from the regular budget. Depending on the number of additional fellowships awarded during 1963, and the expenditures on technical programmes in other fields of activity, it is the intention of the Secretary-General to seek the concurrence of the Advisory Committee on Administrative and Budgetary Questions to adjustments in the amounts available for individual fields of activity. The amount actually appropriated for the programme of advisory services in the field of human rights has, as in previous years, consequently remained at the level of \$140,000, covering, in addition to fellowships, the cost of three seminars (approximately \$90,000), with a small balance for expert services if requested. The proposed regional courses would add an additional \$50,000 approximately to the annual expenditures for advisory services in the field of human rights during each of the years 1964 and 1965, which amount needs to be taken into consideration as well as the cost of an expanded fellowship programme. In the circumstances, the Secretary-General is not in a position to undertake to find the further resources for financing the training courses in human rights within the level of regular budget appropriations for technical programmes as approved for 1963.

4. However, the question of the level of regular budget appropriations for technical programmes (including the advisory services in the field of human rights) for 1964 and future years is to be considered by the Technical Assistance Committee at its session in May 1963 under the mandate given to it by the General Assembly in resolution 1768 (XVII). It is thus desirable that the needs for the training courses should also be before the Technical Assistance Committee when it considers the general question. The Secretary-General therefore suggests that, if the Commission adopts the draft resolution, it should report to the Economic and Social Council at its thirty-fifth session; the Council would thus be in a position to refer the question of financing for the training courses to the 1963 summer session of the Technical Assistance Committee for the latter's consideration in connexion with its mandate under the terms of General Assembly resolution 1768 (XVII).

B. FIFTEENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1. In considering item 10 of its agenda, the Commission on Human Rights made certain suggestions and recommendations for the celebration of the fifteenth anniversary of the Universal Declaration of Human Rights.

2. The Secretary-General noted that the Commission's suggestions and recommendations called for immediate action and would result in substantial expenditures in 1963, for which no provision existed in the 1963 budget appropriations.

3. A statement of the financial implications of the plans for the celebration of the fifteenth anniversary of the Universal Declaration (ST/SG/AC.4/6/Add.1) was submitted to the Commission at the same time as the report (ST/SG/AC.4/6) of the Special Committee appointed by the Secretary-General in accordance with General Assembly resolution 1775 (XVII).

4. During its discussion of the report of the Special Committee, the Commission decided that the publication of a history of the Universal Declaration and other international instruments on human rights should be deferred and considered in connexion with the celebration of the twentieth anniversary in 1968. Accordingly, the estimated expenditure of \$45,800 contemplated for this purpose in 1963 and 1964 is not reflected in the following summary of financial implications of plans for celebration of the fifteenth anniversary of the Declaration.

5. The following projects recommended by the Commission on Human Rights and listed under the heading "I. International organizations" in the annex to the draft resolution on this subject recommended for adoption by the Economic and Social Council (see chapter XIII above, draft resolution IV) can be met from existing resources; these items, if costed separately, would entail expenditures of the order of \$40,000:

- (a) A concert to celebrate the fifteenth anniversary of the Universal Declaration of Human Rights;
- (b) Issue of human rights stamps, first-day covers, and special cancellations;
- (c) Dissemination of the Declaration in as many languages as possible, by means of suitably printed and appropriately set out posters, leaflets and pamphlets;
- (d) Preparation and publication of a new edition of the pamphlet entitled The Universal Declaration of Human Rights: a Standard of Achievement;
- (e) Preparation of a radio documentary script on the Declaration;
- (f) Preparation of a design for a poster on human rights for national reproduction and distribution.

6. Implementation of the following suggestions and recommendations, also listed under the heading "I. International organizations", would require additional budgetary credits in 1963, as shown:

	<u>United States</u> <u>dollars</u>
<p>(a) Provision of a plaque on which the Declaration is inscribed and which will be dedicated at Headquarters on 10 December 1963: on the assumption that a bronze plaque about 60 by 80 inches inscribed in one language would meet this request, the expenditure would be about \$7,500 for the plaque itself and \$1,500 for its installation</p> <p>(If plaques in other languages are considered necessary, each would entail a further expenditure of about \$9,000)</p>	9,000

United States
dollars

(b)	An up-to-date pamphlet on the work of the United Nations in the field of human rights: the printing of an up-to-date pamphlet in three languages would involve an expenditure of \$2,000 for each language version, for an average of 20,000 copies per language	6,000
(c)	An up-to-date edition of the handbook entitled <u>Teaching Human Rights</u> : the supplementary costs of issuing the handbook in three languages would be limited to printing and translation which would require an expenditure of \$3,000 for each language version, for an average of 12,000 copies per language	9,000
(d)	<u>Wall sheets</u> on the Declaration: The cost of printing wall sheets in twenty languages, 5,000 copies each, at about \$350 for each language version, would amount to about \$7,000.	7,000
	Total	<u>31,000</u>

7. Should the Council endorse the recommendations of the Commission on Human Rights, it would be the Secretary-General's intention to seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to incur the expenditures under the terms of General Assembly resolution 1862 (XVII), relating to unforeseen and extraordinary expenses for the financial year 1963. He would intend to submit to the eighteenth session of the General Assembly, subject to the comments of the Advisory Committee, supplementary estimates of \$9,000 for a plaque in section 12 (Special expenses) and \$22,000 for the remaining items in section 11 (Printing).

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