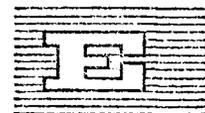


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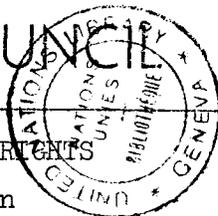
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COMMISSION ON HUMAN RIGHTS

Thirty-fourth session



INFORMATION SUBMITTED IN ACCORDANCE WITH ECONOMIC AND SOCIAL
COUNCIL RESOLUTION 1159 (XLI) REGARDING CO-OPERATION WITH
REGIONAL INTERGOVERNMENTAL BODIES CONCERNED WITH
HUMAN RIGHTS

Note by the Secretary-General

At its forty-first session, the Economic and Social Council adopted resolution 1159 (XLI) ^{1/} regarding co-operation with regional intergovernmental bodies concerned with human rights. Under the terms of this resolution, the Council, desiring to make use of all possible information and experience to advance the realization of human rights and fundamental freedoms for all without distinctions as to race, sex, colour or religion, inter alia, invited the Secretary-General to arrange for the exchange of information on matters relating to human rights between the Commission and the Council of Europe, the Inter-American Commission on Human Rights, the Organization of African Unity, the League of Arab States and other regional intergovernmental organizations particularly concerned with human rights.

The present note contains communications received from the Council of Europe and the League of Arab States in response to the Secretary-General's request for information within the framework of the exchange provided for in the resolution.

^{1/} The resolution was adopted at the 1445th plenary meeting of the Council on 5 August 1966.

[1 December 1977]

[Original: English
French]

ACTIVITIES OF THE COUNCIL OF EUROPE IN THE FIELD OF
HUMAN RIGHTS IN 1977

INTRODUCTION

At the request of the Secretary General of the United Nations made in accordance with the terms of ECOSOC Resolution 1159 (XLI) of 5 August 1966, the Council of Europe has prepared for the United Nations Commission on Human Rights annual communications about its work relating to human rights from 1968 to 1976. The communication for 1968 was distributed to the Commission under reference E/CN.4/L.1042/Add.2. It followed the report of the Council of Europe to the Teheran Conference (doc. A/CONF.32/L.9), which summarised the Council's work in this field up to the end of 1967. The communication for 1969 was distributed under the reference E/CN.4/L.1117/Add.1., that for 1970 under the reference E/CN.4/L.1057/Add.1., that for 1971 under the reference E/CN.4/L.1089/Add.1., that for 1972 under the reference E/CN.4/1120, that for 1973 under the reference E/CN.4/1139, that for 1974 under the reference E/CN.4/1103, that for 1975 under the reference E/CN.4/1201 and that for 1976 under the reference E/CN.4/1229.

Following a further request from the Secretary General of the United Nations, the Council of Europe has prepared this further communication about its activities relating to human rights in 1977.

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I. State of application of the European Convention on Human Rights

1. Following its accession to the Council of Europe, Spain signed on 24 November 1977 the European Convention on Human Rights. Eighteen member States of the Council of Europe had ratified, by 1 December 1977, the European Convention on Human Rights as well as Protocol No. 3 and Protocol No. 5 (1). Protocol No. 1 to the Convention had been ratified by the same member States with the exception of Switzerland and Protocol No. 2 by the same member States with the exception of France.

2. The number of States Parties having recognised the competence of the European Commission of Human Rights to receive individual petitions (Article 25 of the Convention) remains at 13 (2). The same thirteen States as well as France have recognised the compulsory jurisdiction of the European Court of Human Rights (Article 46 of the Convention).

3. By the end of 1977, Protocol No. 4 to the Convention, securing certain rights and freedoms other than those already included in the Convention and the First Protocol (3) was in force among 10 States - Austria, Belgium, Denmark, the Federal Republic of Germany, France, Iceland, Ireland, Luxembourg, Norway, and Sweden. These governments have also extended their acceptance of the compulsory jurisdiction of the European Court of Human Rights to applications concerning the rights guaranteed in the Fourth Protocol. Nine of them have extended their acceptance of the right of individual petition.

4. The European Agreement relating to persons participating in proceedings of the European Commission and Court of Human Rights, which entered into force on 17 April 1971, had been ratified, by the end of 1977, by 10 States (Belgium, Cyprus, Ireland, Luxembourg, Malta, Netherlands, Norway, Sweden, Switzerland and the United Kingdom).

(1) Austria, Belgium, Cyprus, Denmark, Federal Republic of Germany, France, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Sweden, Switzerland, Turkey and the United Kingdom.

(2) Austria, Belgium, Denmark, Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom (also for 18 overseas territories)

(3) Freedom from imprisonment for debt; freedom of movement and of choice of one's residence; freedom from expulsion from and the right to enter one's own country; prohibition of the collective expulsion of aliens.

II Activities of the European Commission of Human Rights

A. INTER-STATE APPLICATIONS

5. Since September 1977 the list of cases before the Commission includes a third application against the Republic of Turkey, brought by the Republic of Cyprus. Two previous applications against Turkey introduced in September 1974 and March 1975 have been examined by the Commission in 1975 and a Report on these applications was transmitted to the Committee of Ministers of the Council of Europe in 1976. The present application is also concerned with the situation in Cyprus.

It is for the Commission to decide on the admissibility of the application which, in conformity with the Rules of Procedure of the Commission, has been communicated to the Government of Turkey.

B. INDIVIDUAL APPLICATIONS

6. From 1 January to 15 November 1977, 340 individual applications have been registered. In the same period the Commission has ruled on the admissibility of 410 applications, 23 of which have been declared admissible, namely:

7. *Artico against Italy*

The applicant was arrested in December 1971 to serve two prison sentences which had been handed down between 1965 and 1970. The applicant objected that because the offences dated back such a length of time the period allowed for prosecution of the offences had expired (prescription). He complains that he was not able to obtain legal aid for the appeal proceedings which he then brought and which culminated in 1973 in his appeal being rejected. Subsequently, when he requested reconsideration of his case, the Court of Cassation decided (in 1975) that the permissible period for the initiation of legal action had indeed expired.

8. *De Weer against Belgium*

The applicant, a butcher, had been accused of having infringed legislation on price controls and was informed that his business would be provisionally closed. The Public Prosecutor indicated that the measure could be suspended if the applicant paid a fine of 10,000 BF by way of compromise, within ten days. In order to avoid the closure of his business the applicant paid the fine.

The Commission is examining the application under Article 6 of the Convention.

9. *Van Leuven and De Meyere against Belgium*

This application is concerned firstly with the application of Article 6 of the Convention (right to a fair trial) to disciplinary proceedings before the Council of the Medical Order. It also raises a problem under Article 11 of the Convention (freedom of association) since practitioners are compelled in Belgium to belong to the Medical Order.

10. *Guzzardi against Italy*

The applicant is an Italian national. In January 1975 he was ordered to be confined for three years on the Island of Asinara, in accordance with the 1956 Law on Dangerous Persons and the 1965 Mafia Act. Following an appeal by the applicant the Order was confirmed by the Milan Court of Appeal and then the Court of Cassation.

As a result of a decision in July 1976 the applicant was transferred to another place on the Italian mainland where he continued to be subject to legal confinement.

The Commission considered that the applicant's complaints concerning his confinement on the Island of Asinara, the conditions of his stay on the island and the effects on his right to private and family life and the right to manifest his religion gave rise to problems, sufficiently complex, to warrant an examination on the merits of the case.

11. *Bocchieri against Italy*

The applicant, an Italian national, was arrested in April 1972 in Savone, allegedly in the act of trying to extort funds. On 24 August of the same year, a warrant for his arrest was issued. The applicant was released in April 1973.

According to the applicant, the investigating judge had not carried out an investigation of the case since his release. Since his interrogation soon after being arrested in 1972 no investigation took place until the date of the introduction of his application (17 October 1973). Finally in June 1976 the hearings on the merits of the case took place before the court in Savone, followed by a decision.

The Commission declared this application admissible under Article 6 (1) of the Convention, insofar as it concerned the length of criminal proceedings taken against the applicant.

12. *A, B and D against the United Kingdom*

These applicants have been detained as mental patients for an indefinite length of time under Articles 60 and 65 of a law on mental health (Mental Health Act 1959). These Articles give jurisdiction to the courts, when they have established the commission of certain criminal offences, to order the accused to go into a hospital; release may be granted by the Home Secretary. The applications are concerned with living conditions and also the alleged inadequacy of the right to have the legality of such detention verified (Article 5 (1), (2), (4)). In July 1977 five members of the Commission visited the hospital which is the subject of these allegations.

13. *Pat Arrowsmith against the United Kingdom*

The applicant, a dedicated pacifist, was sentenced to prison for having tried to persuade soldiers not to perform their duty, by distributing tracts as part of an organised campaign against the military of the United Kingdom in Northern Ireland. She invokes in particular Articles 9 and 10 of the Convention.

14. *Leo Zand against Austria*

The applicant complains that the Labour Court which dismissed his claim at first instance in proceedings for damages was not an "independent tribunal established by law" as required by Article 6 (1) of the Convention.

15. *Joanna Airey against Ireland*

The applicant complains that she has been refused access to the High Court with a view to judicial separation (divorce a mensa et thoro) due to the prohibitive costs of the proceedings. In cases such as these, the legal aid system makes no provision for financial aid so that the parties can be represented.

The applicant claims that the Irish authorities have not provided a cheap, effective and accessible remedy for the solution of her serious family problems, so as to respect her family life in accordance with Article 8 of the Convention. She also claims that the fact of having been prevented from going to the High Court is a violation of her right of access to the courts guaranteed by Article 6 (1) of the Convention. Further she claims discrimination contrary to Article 14 where access to the courts is reserved for those who have the resources. She also claims that the absence of other effective remedies violates Article 13 of the Convention.

16. *I.M. Young and N.H. James against the United Kingdom*

The applicants complain of the obligation on them to join a trade union. A so-called "closed shop" agreement has in fact been concluded by British Rail with three Trade Unions, whereby persons in its employment have to be members of one of those unions. The applicants complain principally of a violation of their freedom of association.

17. *Heinz Krzycki against the Federal Republic of Germany*

The applicant, sentenced to be detained as a habitual offender, was conditionally released and then detained again because of his conduct. Subsequently, the Detention Order against him was annulled by the Court of Appeal and the applicant was free once more. He complains of having been wrongly detained in the intervening period (Article 5 of the Convention).

18. *Friedrich Schiesser against Switzerland*

This application raises the question of the right of a District Officer (Bezirksanwalt) to order the provisional detention of a person suspected of having committed an offence; in other words, whether he is an "officer authorised by law to exercise judicial power" within the meaning of paragraph 3 of Article 5 of the Convention.

19. *The Prisoners' correspondence cases (Application Nos. 5947/72, 6205/73, 7052/75, 7061/75, 7107/75, 7113/75 and 7136/75)*

Seven applicants complain principally that their correspondence has been censored by the prison authorities in violation of Article 8 of the Convention.

These applications were declared admissible on 4 October 1977. A hearing on the merits will take place at the beginning of 1978 after an exchange of written memorials.

20. *Hamer against the United Kingdom*

The applicant complained that while he was serving a prison sentence in the United Kingdom, the Home Secretary refused him permission to get married. He claims that this refusal is a violation of Article 12 of the Convention which says that men and women have the right to marry and to found a family according to the national laws governing the exercise of this right.

21. *X. against the United Kingdom*

In the part of the application which has been retained for examination, the applicant complains of the criminalisation of homosexual relations with persons aged from 18 to 21. He alleges that this constitutes an interference with his right to respect for private life guaranteed by Article 8 of the Convention. He also complains that he is the victim of discrimination prohibited by Article 14 of the Convention in that the age of consent for heterosexual relations is fixed at 16 years of age.

22. In seven other cases which had previously been declared admissible the Commission in 1977 adopted the report to be sent to the Committee of Ministers.

23. *Klass and others against the Federal Republic of Germany*

This case, introduced by five German lawyers, concerns a law adopted in 1968 which authorises, under certain conditions, the secret control of correspondence and telecommunications, for example, bugging.

The Commission decided that there was no violation of the Convention. At the moment the case is before the European Court of Human Rights.

24. *Neubecker against the Federal Republic of Germany*

The applicant complained of the decision of a court which refused to grant him a reimbursement of expenses incurred in his defence after criminal proceedings taken against him had been suspended. He invoked Article 6 (1) and (2) of the Convention (fair trial and presumption of innocence). The application was the subject of a friendly settlement accepted by the Commission in March 1977.

25. *Brüggemann and Scheuten against the Federal Republic of Germany*

This application, brought by two women, concerns the artificial interruption of pregnancy. The complaints that the two women applicants have brought before the Commission are essentially concerned with Article 8 of the Convention, which guarantees the right to respect for private life.

26. *Haase against the Federal Republic of Germany*

The application concerns the length of time (more than 6 years) of criminal proceedings against the accused and the length of detention on remand. The applicant was arrested on 26 March 1970 on suspicion of spying for the Democratic Republic of Germany since 1962. On 25 August 1975, the Federal Republic Prosecutor presented the indictment to the Supreme Court of Bavaria, sitting as a Court of First Instance. This court found the applicant guilty in a decision of 19 May 1976.

He had been released on 9 November 1971 but again remanded from 22 October 1973 to 26 November 1973 and arrested once more on 29 September 1975.

27. *Luedicke, Belkacem and Koc against the Federal Republic of Germany*

These applications, declared admissible in May and October 1976 respectively, concern the interpretation of Article 6 (3)(e) of the Convention which recognises the right of every accused person to have the free assistance of an interpreter if he does not either understand or speak the language used in the hearing. The three applicants (the first British, the second Algerian and the third Turkish) were given the assistance of an interpreter during their trial without having to pay the fees in advance. However, they were required to pay the fees after their conviction.

The Commission considered that Article 6 (3)(e) had been violated. The case was referred to the European Court of Human Rights.

28. *Times Newspapers against the United Kingdom*

This case concerns the injunction granted against the applicants in September 1972 from publishing a long article tracing the history of the testing, manufacture and certain tragic effects of a drug named "thalidomide".

Having concluded that Article 10 of the Convention (freedom of expression) was violated, the Commission sent the case to the European Court of Human Rights.

29. *Kiss against the United Kingdom*

While he was serving a prison sentence, the applicant complained to the Commission, in particular about the refusal of the Home Secretary to allow him to consult a lawyer for the purpose of bringing civil proceedings. The Commission ruled that this application was admissible, since it raised the problem of the right of access to a tribunal under paragraph 1 of Article 6 of the Convention (right to a fair hearing by a tribunal in the determination of civil rights and obligations).

Among the other applications examined by the Commission, either as to their admissibility or their merits, are the following:

- application by Mrs. Paula Marckx against Belgium, which raises the question of the status of illegitimate children compared with legitimate children in Belgian law;
- a case against Switzerland concerning the strict arrest of the applicant as a measure of military discipline;
- a case against the Netherlands concerning the detention of mental patients;
- 2 cases against the United Kingdom concerning corporal punishment in Scottish schools.

III. Activities of the European Court of Human Rights

30. At the end of 1977 the case of Ireland against the United Kingdom was still pending before the Court.

In December 1971, the Government of Ireland lodged an application with the European Commission of Human Rights alleging that the United Kingdom had contravened, in relation to Northern Ireland, certain articles of the European Convention on Human Rights. The essence of these allegations was that a number of persons held under the special powers had been subjected to ill-treatment and that the powers themselves were not in conformity with the Convention and had been used with discrimination on the grounds of political opinion.

In its report of 25 January 1976, the Commission expressed the opinion that:

- a. Article 1 of the Convention cannot be the subject of a separate breach;
- b. the combined use in 1971 of certain techniques ("the five techniques") during the interrogation of fourteen persons amounted to a practice of inhuman treatment and torture in breach of Article 3;
- c. ten other persons had suffered inhuman treatment contrary to Article 3 and there had been in 1971 at Palace Barracks, a holding centre near Belfast, a practice in connection with interrogation which was inhuman treatment in breach of that article;
- d. such practices had not been found to exist as regards various other places;
- e. Article 6 was not applicable to the special powers;
- f. although those powers were not in conformity with Article 5, they did not violate the Convention since they were justified under Article 15, which permits a state, under specified conditions, to derogate from its normal obligations;
- g. the powers in question had not been applied with discrimination contrary to Article 14.

The Government of Ireland referred the case to the Court in March 1976, and the Court has held two public hearings. The first, in February 1977, was limited to questions concerning the scope and exercise of the Court's jurisdiction and its role as regards an inquiry into the facts and the procedure followed by the Commission.

The merits of the case were considered in the oral proceedings before the Court at its hearing from 19 to 22 April 1977.

31. The "König" case was brought before the Court by the Government of the Federal Republic of Germany on 28 February 1977 and then by the European Commission of Human Rights on 14 March 1977. This case originates in an application against the Federal Republic of Germany, lodged before the European Commission of Human Rights in July 1973 by Dr. Ederhard König. The applicant, who is a German national born in 1918, has since 1949 practised medicine as an ear-nose-and-throat specialist. From 1960 onwards, he operated a private clinic in this connection. For various reasons, the competent authorities revoked, on 12 April 1967, his permission to run the clinic and then, on 12 May 1971, his licence to practise medicine. On 9 November 1967 and 20 October 1971, the applicant instituted proceedings to challenge these two decisions. The Administrative Court at Frankfurt dismissed the second action on 9 June 1976 but has not yet given judgment in the first. Dr. König complains of the length of these proceedings. He invokes Article 6, paragraph 1 of the Convention which provides that "in the determination of his civil rights and obligations ... , everyone is entitled to a fair and public hearing within a reasonable time by a ... tribunal". The present case raises, in particular, the question whether any "civil rights and obligations" as such were at issue in the said proceedings. Public hearings of this case were held on 16 and 17 November 1977.

32. On 16 March 1977 the European Commission of Human Rights referred to the Court the Tyrer case which concerns the United Kingdom. This case originates in an application against the United Kingdom lodged with the Commission in September 1972 by Mr. Anthony Tyrer, who is a citizen of the United Kingdom born in 1956 and resident in Castletown, Isle of Man. On 7 March 1972, he was sentenced by the Castletown juvenile court to three strokes of the birch for an offence of assault occasioning actual bodily harm in accordance with the Summary Jurisdiction Act 1960 (Isle of Man). An appeal by the applicant was dismissed and the sentence was carried out on 28 April 1972. In Strasbourg Mr. Tyrer relied on several Articles of the European Convention on Human Rights. The Commission declared the application admissible in July 1974 insofar as it raised issues under Article 3 (prohibition of torture and inhuman or degrading treatment or punishment) and Article 14 of the Convention. On the second point, it considered, ex officio, that the punishment complained of could be discriminatory on the basis of age or sex as it is applicable only to male children and male young persons.

33. On 15 July 1977 the European Commission of Human Rights referred to the Court the "Sunday Times" case which concerns the United Kingdom. The case originates in an application lodged with the Commission in January 1974, by the publisher (Times Newspapers Ltd.), the editor (Mr. Harold Evans) and a group of journalists of The Sunday Times. The applicants claim that a court order preventing the publication in The Sunday Times of an article on thalidomide children constitutes a violation of Article 10 of the European Convention and of Articles 14 and 18 in combination with Article 10. Article 10 protects the right to freedom of expression, Article 14 prohibits discrimination and Article 18 provides that the restrictions permitted under the Convention to the rights and freedoms set forth therein shall not be applied for any purpose other than those for which they have been prescribed.

34. On 15 July 1977 the European Commission of Human Rights referred to the Court the case of "Klass and others" which concerns the Federal Republic of Germany. The case originates in an application which was lodged with the Commission in June 1971 by five German jurists and concerns an Act of 13 August 1968 permitting under certain circumstances the clandestine control of correspondence and telecommunications. The applicants, one judge (Mr. Nussbruch), one public prosecutor (Mr. Klass) and three barristers (Mr. Lubberger, Mr. Pohl and Mr. Selb), complain that according to this Act persons subjected to such surveillance are not subsequently informed in all cases; also that the Act provides no legal remedy before the courts in respect of the justification of such measures. They allege violations of three Articles of the European Convention, namely Article 6, paragraph 1 (protecting the right to a fair hearing in civil or criminal proceedings), Article 8, paragraph 1 (protecting the right to respect for private and family life, home and correspondence) and Article 13 (stipulating that there shall be an effective remedy before a national authority in respect of violations of rights set forth in the Convention).

35. The case of Luedicke, Belkacem and Koc, which concerns the Federal Republic of Germany, was referred to the Court by the Government of the Federal Republic of Germany on 1 October 1977 and then by the European Commission of Human Rights on 10 October 1977.

The case originates in three applications lodged with the Commission by a British subject, (Mr. G.W. Luedicke) in July 1973, an Algerian subject (Mr. M. Belkacem) in December 1974 and a Turkish subject (Mr. A. Koc) in July 1975. The applicants had been prosecuted before the German courts for various offences. They had each been assisted by an interpreter during these proceedings on account of their not being sufficiently familiar with the German language, but on conviction they were ordered to pay the costs of the proceedings, including the interpreter's fees. The applicants maintain that the obligation to pay these fees is in conflict with Article 6, paragraph 3 (e) of the Convention which provides that "everyone charged with a criminal offence has the following minimum rights: to have the free assistance of an interpreter if he cannot understand or speak the language used in court". Mr. Luedicke and Mr. Belkacem further claim to be the victims of discrimination (Article 14 of the Convention).

36. At its administrative plenary meeting of 26 April 1977, the Court re-elected as its President for a period of three years Mr. Giorgio Balladore Pallieri who has been a member of the Court since 1959 and is Professor of International Law and Dean of the Law Faculty at the Sacred Heart University, Milan. Mr. Balladore Pallieri was elected Vice-President of the Court in 1971 and President for the first time in 1975. The Court then chose a new Vice-President in the person of Mr. Gérard J. Wiarda, a Netherlands national, former President of the Benelux Court and of the Supreme Court of the Netherlands and a Judge of the European Court since 1966. Mr. Hermann Mosler, the out-going Vice-President, had requested his colleagues not to put him forward as a candidate, on account of his duties at the International Court of Justice where he has been sitting as a Judge since 1975.

IV. Activities of the Committee of Ministers of the Council of Europe with respect to the implementation of the European Convention on Human Rights

37. The Committee of Ministers of the Council of Europe is called on to perform two functions within the framework of the Convention. Firstly, when a case has not been referred to the European Court within the time allowed for under paragraph 1 of Article 32 of the Convention, i.e. three months from the date of the transmission to the Committee of Ministers of the Commission's report, the Committee of Ministers is required to take a decision on whether or not the Convention has been violated. Secondly, when the European Court has made a final ruling on a case, it is up to the Committee of Ministers to supervise the execution of the judgment of the Court in accordance with Article 54 of the Convention.

a) The case of "De Geillustreerde Pers. N.V. against the Netherlands.

38. The Committee of Ministers has decided in the framework of Article 32 of the Convention that the European Convention on Human Rights has not been violated in the case of De Geillustreerde Pers. N.V. against the Netherlands. This case originates from the application submitted by this company to the European Commission on 24 September 1971, alleging that Dutch legislation prevents it from publishing full information on radio and television programmes and that it is discriminated against, since this legislation allows the broadcasting authorities and certain publishers to publish full details, or at least summaries, of programmes. In its report, the Commission was of the opinion that Article 10 of the Convention (on the right to freedom of expression) was not designed to protect the commercial interests of certain newspapers or groups of newspapers per se, and that the action taken could not be considered as discriminatory vis-à-vis the applicant company. It therefore concluded that there had, in this instance, been no violation either of Article 10 or of Article 14 (prohibiting all discrimination) in conjunction with Article 10.

The Committee of Ministers has endorsed the Commission's opinion and has adopted Resolution DH (77) 1 on this case.

b) The case of the 31 applications of East African Asians against the United Kingdom.

39. The Committee of Ministers has examined these cases in the framework of Article 32 of the Convention. These cases originated from 31 applications submitted by East African Asians against the United Kingdom complaining of violations of several articles of the Convention in respect of the refusal of the United Kingdom to admit them into Great Britain or allow them to stay there permanently. The Commission in its report adopted on 14 December 1973 expressed the opinion by 8 votes to 3 that Article 3 of the Convention had been violated in the case of 25 applications of citizens of the United Kingdom and Colonies, unanimously that Article 3 had not been violated in the cases of six applications of British protected persons, by 10 votes to 1 that Article 5 had not been violated nor Articles 5 and 14 taken together, by 9 votes to 2 that Articles 8 and 14 taken together had been violated in the cases of three applicants. Resolution DH (77) 2 adopted on 21 October 1977 by the Committee of Ministers reads inter alia as follows:

"Whereas the United Kingdom Government in its memorandum submitted on 6 May 1975 to the Committee of Ministers, stated that in its view there was no violation of the Convention in the matter covered by the report of the Commission;

Having taken note with satisfaction of the measures adopted by the United Kingdom Government to facilitate the entry into the United Kingdom of United Kingdom passport holders from East Africa and noting in this respect in particular that all 31 applicants are now settled in the United Kingdom;

Recalling that the annual quota, having been initially fixed at 1,500 heads of household, was increased progressively to 5,000 by 1975 and also that since 1974 the United Kingdom's immigration rules have permitted husbands to join wives settled in the United Kingdom;

Noting that as a result of these measures the special vouchers enabling heads of households and their families to enter the United Kingdom for settlement are now available on demand in East Africa and that in this respect the problems which gave rise to the applications no longer exist;

Voting in accordance with the provisions of Article 32, paragraph 1 of the Convention;

Decides

- i. that there had been no violation of Article 3 of the Convention as regards six applications presented by British protected persons;
- ii. that there had been no violation of Article 5 nor of Articles 5 and 14 of the Convention taken together;
- iii. that, after having noted that the majority of two-thirds of the members entitled to sit, as required by Article 32, paragraph 1 of the Convention, had not been attained, no further action is called for in the cases of 25 applications of citizens of the United Kingdom and Colonies with regard to Article 3 of the Convention and in the cases of three applications with regard to Articles 8 and 14 of the Convention taken together, and accordingly removes the examination of the case from its agenda."

c) The case of "Engel and others".

40. The Committee of Ministers, exercising its functions under Article 54 of the European Convention has adopted, on 20 April 1977, Resolution (77) 10 on the case of "Engel and others" which concerns the Netherlands. Having taken note of the information supplied by the Netherlands in accordance with its obligation under Article 53 to abide by the judgment of the Court, which information is summarised in the appendix to the Resolution, the Committee of Ministers has declared that it has exercised its functions under Article 54 of the Convention in this case.

The five applicants in this case are Netherlands nationals who, in 1970 and 1971, were conscript soldiers serving in different non-commissioned ranks in the Netherlands armed forces. On separate occasions, various penalties had been passed on them by their respective commanding officers for offences against military discipline. The penalty originally imposed on three of them was committal to a disciplinary unit. Two others were punished by several days "light", "aggravated" or "strict" arrest. Committal to a disciplinary unit, which applied only to privates, consisted of submitting the offender to a stricter discipline than normal by sending him to a special establishment for a period of three to six months. This punishment was abolished in 1974. The applicants brought their cases before the European Commission at various dates during 1971. They complained that the penalties imposed on them constituted deprivation of liberty contrary to Article 5 of the European Convention, that the proceedings before the military authorities and the Supreme Military Court did not satisfy the requirements of Article 6 and that the manner of their treatment was discriminatory in breach of Article 14 taken with Articles 5 and 6. Separate breaches of Article 5 were alleged by one applicant in connection with his provisional arrest and by two others as regards their interim custody. The two last-mentioned applicants further claimed that Articles 10, 11, 14, 17 and 18 had been contravened in their cases.

In its report, the Commission expressed the opinion that except as concerns light arrest, the common complaints of the applicants gave rise to violations of Article 5, paragraphs 1 and 4, that one applicant's provisional arrest also contravened Article 5 paragraph 1, but that there had been no breach of the Convention in connection with any of the other complaints. The case was referred to the European Court on 8 October and 17 December 1974. By judgment delivered on 8 June 1976 the Court held that there had been a breach of the European Convention on two issues. The Court considered that the military disciplinary measure of provisional arrest imposed on one applicant contravened Article 5, paragraph 1 and that the disciplinary proceedings against three others violated Article 6, paragraph 1 insofar as the hearings before the Supreme Military Court took place in camera. The Court first affirmed that "the Convention applies in principle to members of the armed forces and not only to civilians", although the particular characteristics of military life have to be borne in mind when interpreting and applying the Convention. In the light of the above statement of general principle, the Court considered that strict arrest and committal to a disciplinary unit, but not light or aggravated arrest, were held to involve deprivation of liberty. In committal to a disciplinary unit, three applicants risked before the relevant "tribunal", i.e. the Supreme Military Court, a serious punishment involving a lengthy deprivation of liberty.

On examining the proceedings in question, the Court found that the three applicants concerned had enjoyed all the various guarantees set forth in each paragraph of Article 6 with one exception: the hearings before the Supreme Military Court had taken place in camera and not in public. Consequently, on this one point there had been violation of Article 6, paragraph 1.

By judgment delivered on 23 November 1976, the European Court afforded to one applicant, who had been deprived of his liberty in conditions at variance with Article 5, paragraph 1 of the European Convention, a token indemnity of 100 Dutch guilders. The Court rejected a request for financial compensation by three other applicants, a case concerning whom had been heard by the Netherlands Supreme Military Court in camera, contrary to Article 6, paragraph 1 of the Convention.

d) Judgment of the European Court of Human Rights on the "Handyside" case.

41. The Committee of Ministers has taken note of the judgment of the European Court in the "Handyside" case. The case originated in an application lodged with the Commission in 1972 by a British national, Mr. Richard Handyside.

Mr. Handyside, who owns a publishing business in the United Kingdom was intending to publish in April 1971 the English version of a Danish book called The Little Red Schoolbook. Even before publication, the police seized numerous copies of the book under the Obscene Publications Acts of 1959 and 1964. Subsequently the applicant was found guilty of two offences under these acts by the Lambeth Magistrates' Court which imposed a fine and ordered that the books be confiscated and destroyed. In October 1971 the Inner Quarter Sessions rejected the applicant's appeal on the ground that the book tended to corrupt and deprave an important section of the children to whom it was addressed.

The applicant alleged that the steps taken against himself and The Little Red Schoolbook violated his freedom of expression within the meaning of Article 10 of the European Convention and his right of property as guaranteed by Article 1 of the First Protocol.

In its judgment of 7 December 1976, the Court found that there had been no violation of the European Convention in this case.

e) Judgment of the European Court of Human Rights on the "Kjeldsen, Busk Madsen and Pedersen" case.

42. The Committee of Ministers has taken note of the judgment of the European Court on the "Kjeldsen, Busk Madsen and Pedersen" case.

This case, called the "sexual education" case, originated from the applications which three Danish married couples, Mr. and Mrs. Kjeldsen, Mr. and Mrs. Busk Madsen and Mr. and Mrs. Pedersen, lodged against Denmark in 1971 and 1972, and which the Commission decided to hear together.

The applicants objected as parents to the compulsory sexual education of their children at school as prescribed by the Danish Act of 27 May 1970 and from which they had in vain applied to the competent authorities to exempt their children. Since they considered that sexual education involved problems of a moral nature they preferred to teach their own children in this field. They alleged that the act in question violates the parents' right to have their children educated in accordance with their own religious and philosophical convictions, as guaranteed by Article 2 of the First Protocol to the European Convention.

Sexual education in Denmark was for several years an integral part of the optional programme of state schools. In May 1970 the Danish Parliament adopted legislation making it compulsory in schools. The new legislation also provides that sexual education must not be presented as a separate subject but must be integrated into the teaching of other subjects.

In its judgment of 7 December 1976 the European Court found that there had been no violation of the European Convention in this case.

V. Other activities of the Committee of Ministers of the Council of Europe with respect to Human Rights

(a) Ad Hoc Committee of Experts for problems relating to Racial Discrimination

43. On the proposal of the Committee of Experts on Human Rights which later became the Steering Committee for Human Rights, the Committee of Ministers has authorised the convening of an ad hoc committee of experts for problems relating to racial discrimination, whose terms of reference were to exchange views on the implementation machinery under the International Convention on the Elimination of all Forms of Racial Discrimination.

The ad hoc committee of experts has met in Strasbourg on 16 and 17 June 1977 and has submitted a report to the Committee of Ministers on its exchange of views which concerned the substantive and procedural provisions of the Convention on the Elimination of all Forms of Racial Discrimination. The Committee of Ministers has taken note of this report and has decided to communicate it to governments for information.

(b) New structures for the implementation of the Medium-Term Plan of the Council of Europe

44. The Committee of Ministers decided to set up a Steering Committee for Human Rights, in accordance with Resolution (76) 3 on committee structures, terms of reference and working methods, adopted by the Committee of Ministers on 18 February 1976.

The Steering Committee held its first meeting from 7 to 11 February 1977 and, after having elected its Bureau, namely:

- Chairman: Mr. N. EILSCHOU HOLM (Denmark)
- Vice-Chairman: Mr. C.W. VAN SANTEN (Netherlands)
- Members: Mr. C. ZANGHI (Italy)
Mr. M.C. KRAFFT (Switzerland)
Sir Vincent EVANS (United Kingdom)

set up a number of committees of experts for the implementation of the activities provided for in the Medium-Term Plan. The committees set up are as follows:

- Committee of Experts for the Improvement of the Procedure under the European Convention on Human Rights;
- Committee of Experts for the Extension of the Rights embodied in the European Convention on Human Rights;
- Committee of Experts for the Promotion of Education and Information in the Field of Human Rights;
- Select Committee of Experts for Information for Lawyers.

The Committee of Ministers has approved the setting up of these committees.

(c) The machinery and application of the European Convention on Human Rights

45. The Committee of Experts for the Improvement of the Procedure under the European Convention on Human Rights held two meetings in 1977 at which it prepared draft reports to the Committee of Ministers on the following activities:

- study of the advisability of introducing an appeal to the Court against decisions of the Commission on admissibility;
- study of the desirability of empowering the Court to give preliminary rulings at the Commission's request.

The Committee also commenced the study of the desirability of empowering the European Commission to give preliminary rulings at the request of a national court.

46. As for the question of the "locus standi" of the individual when a case has been referred to the Court, the Committee of Ministers has proposed that without modifying the text of the Convention, the position of the applicant before the Court should be improved by certain measures which could be taken by the Court, namely, by conferring on the applicant a position independent of the Commission, by allowing him to make written and oral observations to the Court, without however raising issues not already before the Court, and without becoming a party to the proceedings before the Court in the full meaning of the term.

(d) Definition of fundamental rights for possible inclusion in the European Convention on Human Rights

47. The Committee of Experts for the extension of the rights embodied in the European Convention on Human Rights held two meetings in 1977 at which it continued its study of the advisability of bringing some of the rights included in the United Nations Covenant on Civil and Political Rights within the purview of the machinery set up by the European Convention.

(e) Education and information on human rights

48. The Committee of Experts for the promotion of education and information in the field of human rights held its first meeting from 9-13 May 1977. The Committee considered the various means to be used to inform the general public about the existence of the European Convention, the remedies available under it and access to those remedies.

In connection with the different technical aids to be used for improving the information of the public, the Committee stressed the need for better distribution of existing material and, in particular, by way of an efficient system of national correspondents. The Committee also examined the ways in which it could plan the organisation of courses or lectures on human rights for members of the legal profession and students.

(f) Colloquy of the Council of Europe on freedom of information and the duty for the public authorities to make available information

49. The Colloquy on freedom of information and the duty for the public authorities to make available information was held in Graz (Austria) from 21-23 September 1976. The Colloquy, organised by the Committee of Experts on Human Rights, which has now become the Steering Committee for Human Rights, in co-operation with the Law Faculty of the University of Graz, proceeded to a comparative study on the laws in practice in member States of the Council of Europe concerning access of members of the public to information entrusted to or held by public authorities.

The Committee of Ministers to which the conclusions of the Colloquy had been submitted, decided to instruct the Steering Committee for Human Rights to study the suggestions put forward at the Colloquy with a view to submitting concrete proposals on the subject to it.

VI. THE EUROPEAN SOCIAL CHARTER

50. The European Social Charter, which is the counterpart in the social field of the Human Rights Convention, was signed on 18 October 1961 and entered into force on 26 February 1965, after being ratified by the United Kingdom, Norway, Sweden, Ireland and the Federal Republic of Germany. It has since been ratified by Denmark, Italy, Cyprus, Austria, France and Iceland.

The nature of the rights guaranteed entails a rather special system of supervision based on the Contracting Parties' submission of biennial reports on the matters covered by those provisions of the Charter which they have accepted. Copies of these reports are sent to certain national employers' and employees' organisations, whose comments are then sent to the Secretary General of the Council of Europe. The supervision procedure consists in the examination of these reports and comments by a Committee of Independent Experts and subsequently by the Governmental Committee, on which at present one national organisation of employers and one international trade union organisation are present as observers in a consultative capacity. These committees' conclusions are forwarded to the Parliamentary Assembly and the Committee of Ministers of the Council of Europe. The Committee of Ministers is entitled, under Article 29, to make any necessary recommendations to each Contracting Party.

51. The first cycle of supervision ended on 12 November 1971 with the Committee of Ministers' adoption of Resolution (71) 30.

52. The second cycle, which covered the years 1968-1969, was completed on 29 May 1974, when the Committee of Ministers adopted a resolution (Resolution (74) 16). Acting in pursuance of Article 29 of the Charter, the Committee of Ministers decided in this Resolution to:

1. transmit to the governments of the States concerned Conclusions II of the Committee of Independent Experts, the second report of the Governmental Committee, as well as the relevant Opinion of the Consultative Assembly;
2. draw the attention of these governments to the observations formulated in the documents mentioned under 1 above, especially as regards the action required to make their national legislation and practice comply with the obligations deriving from the Charter.

53. The third cycle of supervision covers the years 1970 and 1971. The Committee of Independent Experts completed its work in 1973 with the adoption of "Conclusions III". These were examined during 1974 by the Governmental Committee, which adopted its report on 8 November. In accordance with Article 28 of the Charter, "Conclusions III" and the Governmental Committee's report have been referred to the Parliamentary Assembly which considered them at its April 1975 session and adopted Opinion No. 71 (1975).

All three documents appeared before the Committee of Ministers on 17 October 1975 which took a decision as the fourth and last controlling authority of the supervision of the implementation of the Charter. The resolution adopted, (Resolution (75) 26), reads as follows:

"The Committee of Ministers acting in accordance with Article 29 of the Charter,

1. Decides to forward to the governments of ... /the States concerned/ ... Conclusions III of the Committee of Independent Experts, the Governmental Committee's third report and the Consultative Assembly's Opinion No. 71;
2. Draws the attention of ... governments of these ... States to the comments contained in the documents mentioned in paragraph 1 above, and in particular to items 6, 7 and 8 of the Assembly's Opinion, concerning the steps necessary to bring national legislation and practice more closely into line with the obligations ensuing from the Charter."

The part referring to the Assembly's opinion concerns the section of the Opinion No. 71 where the Committee of Ministers is urged to make recommendations to States for the strict application of the Social Charter and where it is proposed that the Committee should invite the States concerned to make their legislation and practice on stated points conform to the provisions of the Charter. Moreover, it is proposed that the Committee communicates to the States concerned the observations of the Independent Experts concerning the rights of men and women workers to equal pay for work of equal value.

54. During the fourth cycle of supervision, covering 1972 and 1973, the Committee of Independent Experts examined the reports submitted by the Contracting Parties concerned and adopted, in 1975, its "Conclusions IV". The Governmental Committee examined such conclusions and adopted its fourth report on 13 August 1976. The Contracting Parties' reports and the conclusions of the two committees were transmitted to the Assembly which adopted Opinion No. 83 (1977) on 26 April 1977. A Resolution on the fourth cycle of supervision of the application of the Charter will be approved by the Committee of Ministers at the beginning of 1978.

55. As regards the fifth cycle of supervision, covering 1974 and 1975, the Contracting Parties have sent their biennial reports to the Secretary General of the Council of Europe. These reports have been examined by the Committee of Independent Experts which is at present drawing up its "Conclusions V".

56. Over the various cycles of supervision, it was found both by the Independent Experts and the Governmental Committee that continuous progress was being made by the Contracting Parties in improving their compliance with the provisions of the Charter. This was particularly made evident by the considerable number of changes which have been introduced in laws, regulations and practices of the different member countries to bring their national situation into closer conformity with the requirements of the Charter. These instances of practical progress illustrate the dynamic nature of the Charter's supervisory system.

During the fourth cycle of supervision it was found by the Committee of Independent Experts that most Contracting Parties mentioned in their reports cases where they had already amended their legislation or other cases for which revision of certain laws was under preparation.

57. Some examples of these new achievements noted during the fourth and fifth cycles of supervision of the implementation of the Charter include the following:

- in Austria, new legislation entered into force on 1 January 1975 with regard to one aspect of the prohibition of corresponding labour and abrogated the provisions of the 1885 Vagrancy Act and Section 305 of the Criminal Code which the Committee had judged to be incompatible with the free choice of employment guaranteed by Article 1(2) of the Charter.
- In Cyprus, the reform of the Social Insurance Law which entered into force on 1 January 1973 brought about considerable improvements in the system of social security and it could be henceforth assessed that Cyprus had a genuine social security system and complied therefore with Article 12(1) of the Charter.
- In Denmark the entry into force of the Merchant Shipping Act as from 13 June 1973, brought Danish legislation into line with Article 1(2) of the Charter. A similar measure was taken in Cyprus.
- In the Federal Republic of Germany it has been decided to reduce the period of three years required normally for migrant workers to be joined by their families to one year for the nationals of all the Contracting States of the Social Charter. This rendered the German situation in conformity with Article 19, paragraph 6, of the Charter concerning family reunion.
- Similarly, in the Federal Republic of Germany the stoppage to foreign recruitment decided following the economic crisis was not applied to nationals of the Contracting Parties to the Social Charter.
- In France, also, measures were taken which provided equally for family reunion.
- In Ireland the new 'Local Election Act' of 1972 and the "Schedule to Local Government Order (1878) amended" abolished the existing discrepancies between the Irish Law and Article 13, para. 2 of the Charter.
- In Norway an amendment to the law permitting sanctions to be imposed on seamen who quit their employment is before Parliament and if passed would conform with Article 1, para. 2 of the Charter.
- In Sweden a new legislation on seamen has entered into force which is compatible with the requirements of Article 1, para. 2 of the Charter.

- In the United Kingdom wives and children of permanent residents are from January 1973 no longer refused entry on medical grounds. This development appeared to bring the situation into line with one of the requirements of Article 19(6) of the Charter.

In addition to any further ratifications by States which have already signed the Charter, it may be hoped that the number of undertakings entered into by the present Contracting Parties will also increase particularly as a result of changes in domestic legislation.

Already a number of Council of Europe member States, which have not yet become Contracting Parties to the European Social Charter, have shown strong interest in ratifying it. In some cases a bill authorising the government to ratify the Charter is already before Parliament for discussion.

It should be noted, on the other hand, that the Committee of Ministers of the Council of Europe decided, in January 1977, to implement Article 22 of the Charter concerning provisions which have not been accepted.

The system of supervision also provides an excellent channel of communication between the Contracting Parties' governmental experts, the employers' and employees' organisations, the independent experts, parliamentarians and the Committee of Ministers. This continuous dialogue, though difficult to translate into figures, cannot but further progress in the social field.

VII. Parliamentary Assembly of the Council of Europe

58. In the course of 1977, the Assembly has adopted various texts dealing with human rights. Among the most important, the following are worth mentioning.

Recommendation 809 (1977) on the qualification of candidates for the European Court of Human Rights, which reads as follows.

The Assembly,

1. Considering the importance of the European Court of Human Rights for the protection of fundamental freedoms in Europe;
2. Considering the weighty responsibilities which devolve upon the judges of the Court;
3. Considering that candidates for the office of judge in the Court are put forward by the Members of the Council of Europe in accordance with Article 39 of the European Human Rights Convention;
4. Considering that the convention, unlike the regulations in force in most member States, does not specify an age-limit for judges of the Court;
5. Considering that, in the recent past, judges elected to the Court have on several occasions died without completing their nine-year term of office;
6. Considering that candidates must be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence (Article 39, paragraph 3 of the Convention);
7. Regretting that the candidates put forward have sometimes been civil servants and other persons who, by the very nature of their functions, were not independent of governments;
8. Considering that this prejudices the principle of separation of powers and reduces its choice among the three candidates;
9. Considering, furthermore, that under Rule 4 of the Rules of Court, a judge may not exercise his functions while he is a member of a government or while he holds a post or exercises a profession which is likely to affect confidence in his independence,
10. Recommends that the Committee of Ministers invite the governments of the member States:
 - i) to put forward candidates below the age of 70;
 - ii) to ask every candidate to give a formal undertaking that he will, if elected, retire from the office of judge during the year in which he reaches the age of 75;
 - iii) not to put forward candidates who, by the nature of their functions, are dependent on government, without an assurance that they will resign their functions on election to the Court.

Resolution 655 (1977) on the qualifications of candidates for the European Court of Human Rights, which reads as follows:

The Assembly,

1. Referring to Recommendation 809 (1977) on the qualifications of candidates for the European Courts of Human Rights;
2. Recalling that the judges of the Court are elected for a term of nine years,
3. Requests its members not to vote for candidates:
 - i. who have not given a formal undertaking to retire from the office of judge during the year in which they reach the age of 75;
 - ii. who, by the nature of their functions, are dependent on government and who have not given a formal undertaking to resign the said functions upon their election to the European Court of Human Rights;
4. Considers that a list which includes more than one candidate in the situation indicated under paragraphs 3 (i) or (ii) above should not be put to the vote, since in this case effective choice would be vitiated.

...
Recommendation 799 (1977) on the political rights and position of aliens, which recommends that the Committee of Ministers:

- a. instruct the competent committee of experts to make detailed proposals for the establishment, where appropriate, of consultative councils to represent the views of aliens at the level of local authorities, and invite member governments, in the light of these proposals, to take all appropriate action to ensure the establishment of such councils;
- b. invite member governments to examine the experience gained by countries which have already granted voting rights to aliens at the level of local authorities, and to consider granting such rights in their own countries to aliens having fulfilled a certain residence qualification;
- c. instruct the competent committee of experts to make proposals for the amendment of the European Convention for the Protection of Human Rights and Fundamental Freedoms in such a way as to exclude restrictions at present authorised by Article 16 with respect to political activity on the exercise by aliens of the freedoms guaranteed by Article 10 (freedom of expression) and Article 11 (freedom of association).

Recommendation 816 (1977) on the right of conscientious objection to military service, which reads as follows:

The Assembly,

1. Wishing to promote legal status for conscientious objectors in Council of Europe member States;
2. Recalling its Recommendation 478 (1967) and Resolution 337 (1967), on the right of conscientious objection;
3. Re-asserting the principles stated in Resolution 337 (1967), which form an integral part of this recommendation,
4. Recommends that the Committee of Ministers:
 - a. urge the governments of member States, in so far as they have not already done so, to bring their legislation into line with the principles adopted by the Assembly;
 - b. introduce the right of conscientious objection to military service into the European Convention on Human Rights.

APPENDIX

Principles relating to the right of
conscientious objection to military service

A. Basic principles

1. Persons liable to conscription for military service who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives, refuse to perform armed service shall enjoy a personal right to be released from the obligation to perform such service.
2. This right shall be regarded as deriving logically from the fundamental rights of the individual in democratic rule of law states, which are guaranteed in Article 9 of the European Convention on Human Rights.

B. Procedure

1. Persons liable for military service should be informed when notified of their call-up or prospective call-up, of the rights they are entitled to exercise.
2. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, the decision-taking body shall be entirely separate from the military authorities, and its composition shall guarantee maximum independence and impartiality

3. Where the decision regarding the recognition of the right of conscientious objection is taken in the first instance by an administrative authority, its decision shall be subject to control by at least one other administrative body, composed likewise in the manner prescribed above, and subsequently to the control of at least one independent judicial body.
4. The legislative authorities should investigate how the exercise of the right claimed can be made more effective by ensuring that objections and judicial appeals have the effect of suspending the armed service call-up order until the decision regarding the claim has been rendered.
5. Applicants should also be granted a hearing, and be entitled to be represented and to call relevant witnesses.

C. Alternative service

1. The period to be served in alternative work shall be at least as long as the period of normal military service.
2. The social and financial equality of recognised conscientious objectors and ordinary conscripts shall be guaranteed.
3. The governments concerned shall ensure that conscientious objectors are employed in social work or other work of national importance - having regard also to the manifold needs of the developing countries.

Recommendation 817 (1977) on certain aspects of the right to asylum, which recommends that the Committee of Ministers call on all governments of the member States:

- a. to recognise the right of individual application under Article 25 of the European Convention on Human Rights and, if this right is recognised, suspend extradition or expulsion to a non-Contracting State in cases where the Commission and, where appropriate, the Court have been called on to take a decision on allegations that the person concerned runs a grave danger of being subjected to treatment incompatible with the requirements of the European Convention on Human Rights in the non-Contracting State in question;
- b. to reaffirm their intention of maintaining their liberal attitude towards persons who seek asylum on their territory, on the basis inter alia of the principles laid down in Resolution (67) 14 of the Committee of Ministers, and having regard to the provisions of the UN Convention of 28 July 1951, relating to the Status of Refugees, and of its 1967 Protocol.

VIII. Publications

59. The seventeenth volume of the Yearbook of the European Convention on Human Rights, covering the years 1974 and 1975 was published in 1977. The Yearbook contains general information on the Convention, the Commission and the Court, selected decisions of the Commission on the admissibility of applications, decisions of the Committee of Ministers and judgments of the Court, and information about the application of the Convention in national law by the courts of certain member States.

60. The Directorate of Human Rights has issued in 1976 a publication containing the Proceedings of the Colloquy of the Council of Europe on Freedom of Information and the Duty for the Public Authorities to make available information, held in Graz (Austria) in September 1976.

61. The fourth volume of the "Travaux Préparatoires" of the European Convention on Human Rights was published in 1977.

[24 November 1977] :
[Original: English]

Activities of the League of Arab States
in the field of Human Rights
1977

First: The Council of the League of Arab States adopted Resolution No. 3556 in its 67th Session which included the following:

1. That the Arab States should exert further efforts and mobilize their political, economic and defence resources for the sake of the liberation of the Arab occupied territories as their continued occupation is an atrocious violation of the basic rights of man to a free and dignified life.
2. Requesting the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to investigate the human rights of Arab citizens in Israeli prisons and to report on their sufferings in order to take appropriate action to end such violations.
3. That the Arab States should undertake an intensive information campaign at the widest international scale to uncover Israel's violations of Human Rights and to call the attention of world public opinion to its duty to resist them in order to force Israel to desist from such acts.

Second: The Secretary-General of the League of Arab States sent on 7 February 1977, to the Chairman of the Thirty-Third Session of the United Nations Commission on Human Rights a message in which he drew his attention and the attention of the distinguished members to the arrogant persistence of Israel in its grave violations of the Human Rights of the Arab population of the occupied territories in flagrant contravention and defiance of the Universal Declaration of Human Rights, the Geneva Conventions and other related International Instruments as well as United Nations resolutions.

Third: Arab League member-States have communicated to the Arab League their comments on the draft Arab Declaration on Human Rights.