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COMMISSION ON HUMAN RIGHTS
Eighth Session
Item 7 of the provisional agenda

DEFINITION AND PROTECTION OF POLITICAL GROUPS

Note by the Secretary-General

1. In accordance with rule 6 of the rules of procedure of functional commissions, the Secretary-General, in consultation with the Chairman of the Commission, has placed this item on the provisional agenda of the Commission. It is based on resolution G, report of the fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/641, para. 60).
2. The Sub-Commission had before it, at its third and fourth sessions, a memorandum submitted by the Secretary-General on "Contribution of the Convention on Prevention and Punishment of the Crime of Genocide to the prevention of discrimination and the protection of minorities" (E/CN.4/Sub.2/80). Part II of this memorandum was devoted to "Groups protected by the Convention." In this part it was pointed out that in preparing a draft of this Convention, the Secretary-General had adopted the formula used by the General Assembly in its first resolution on the Crime of Genocide, resolution 96 (I), in referring to "religious, racial, political or any other groups." The question of the possible inclusion of "political groups" subsequently gave rise to lengthy discussions both in the Ad Hoc Committee on Genocide and in the Sixth Committee of the General Assembly. The Convention, as adopted by the General Assembly on 9 December 1948, contained the formulation proposed by the Sixth Committee as to the groups to be protected; i.e., "a national, ethnical, racial or religious group, as such."
3. In a memorandum on "Future work of the United Nations on prevention of discrimination and protection of minorities," prepared for the Sub-Commission

by one of its members, Mr. Spanien, attention is drawn to the following considerations (E/CN.4/Sub.2/L.10, page 2):

"The political groups originally included in the list of human beings affected by the Convention on Genocide have been omitted from the final text.

"Freedom of opinion, doctrinal differences and opposition are not necessarily expressed in organized groups or by the actions of these groups.

"Nevertheless, there can be no serious doubt that in the present world situation these groups are among those which are most seriously threatened.

"It should be taken into account, inter alia, that the nature of these groups is essentially variable, and that their rights cannot be extended so as to allow them to hold political power when they are excluded from it by the operation of parliamentary institutions.

"Nevertheless, the delicate work of their definition must be undertaken for their protection; the extent of this task has already been appraised and stressed by the Sub-Commission.

"Of course, the concept of political non-discrimination is a mainstay of the Declaration [Of Human Rights] and is restated in the draft Covenant [On Human Rights], but this does not make the work which the Sub-Commission proposes to carry out in this connexion any less urgent. It is impossible to rely on the provisions of the draft Covenant in their present form for an effective protection of political groups. For example, the Sub-Commission does not admit unreservedly that the possibility of derogation to suspend political guarantees, which is provided for in article 2, applies to Article 14 of the Covenant. Briefly, the consequences of the proposed provisions should be incorporated in the general and detailed consideration of the problem as a whole..."

4. Noting that the Sub-Commission intended to devote some of its activities to the subject of protection of political groups, Mr. Spanien suggested that it recommend that this urgent work should be undertaken without delay and continued unremittingly by those to whom it is entrusted. He presented to the
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Sub-Commission a draft resolution to this effect (draft resolution V, document E/CN.4/Sub.2/L.10/Add.1), which the Sub-Commission considered and adopted at its 82nd meeting (E/CN.4/Sub.2/SR.82). The text of the resolution as adopted follows:

RESOLUTION G

Definition and protection of political groups

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

"Having noted document E/CN.4/Sub.2/L.10,

"Considering that it is desirable to undertake studies required for the definition and protection of political groups;

"Considering that the proposal to discontinue the Sub-Commission would prevent it from carrying out this task,

"Recommends that the Commission on Human Rights place these studies on its agenda as soon as possible."

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