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REPORT OF THE COMMITTEE ON PERIODIC  
REPORTS ON HUMAN RIGHTS

Felix Ermacora (Austria) Chairman-Rapporteur

CHAPTER I

INTRODUCTION

1. At its seventeenth session the Commission on Human Rights, in resolution 3 (XVII), appointed a Committee on Periodic Reports on Human Rights, consisting of the representatives of Afghanistan, Austria, France, India, Panama and Poland; and requested the Committee to meet one week immediately prior to the eighteenth session of the Commission:

"(a) To examine the summaries of periodic reports for the years 1957-59, including any additional information received in accordance with this resolution;

"(b) To prepare, if in its opinion the available information is sufficient for this purpose, draft comments, conclusions and recommendations of an objective and general character as contemplated in resolution I (XII) of the Commission;

"(c) To consider and make recommendations to the Commission on the procedure to be followed with respect to future periodic reports;

"(d) To submit its report to the Commission at its eighteenth session."

2. The Committee met from 12-16 March and on 22 March 1962 at the Headquarters of the United Nations, New York.

3. The members of the Committee were:

Afghanistan: Mr. Abdul Rahman Pazhwak

Austria: Mr. Felix Ermacora

France: Mr. Jean Marcel Bouquin, Mr. Bernard Aujay de la Dure

India: Mr. A.B. Bhadkamkar, Mr. Shiam Sunder Nath

Panama: Mr. Enrique A. Jiménez, Mr. Cesar Quintero

Poland: Mr. Eugeniusz Wyzner.

4. At its opening meeting the Committee unanimously elected Mr. Felix Ermacora of Austria as its Chairman-Rapporteur.

5. The International Labour Organisation was represented by Mr. J. Bustamante; the United Nations Educational, Scientific and Cultural Organization by Mr. Asdrubal Salsamendi.

6. The following non-governmental organizations in category B were represented: Consultative Council of Jewish Organizations by Mr. Moses Moskowitz, the International League for the Rights of Man by Mrs. Dora D. Roitburd and the World Jewish Congress by Mr. Henry H. Grossman and Mr. Ralph Zacklin.

7. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General of the United Nations. Mrs. Margaret K. Bruce served as secretary of the Committee.

8. The Committee held six meetings; the views expressed by the members are summarized in the records of the meetings (E/CN.4/AC.17/SR.1- ).

9. The Committee had before it the Secretary-General's Summary of Periodic Reports submitted by sixty-seven Governments<sup>1/</sup> (E/CN.4/810 and Corr.1 and Add.1-2),<sup>2/</sup> the reports prepared by specialized agencies, in particular, the ILO and UNESCO (E/CN.4/811 and Add.1-2/and Add.2/Corr.1), and a memorandum by the Secretary-General (E/CN.4/AC.17/L.1).

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<sup>1/</sup> Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, China, Congo (Brazzaville), Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Republic of Korea, Laos, Lebanon, Luxembourg, Madagascar, Federation of Mali, Mauritania, Mexico, Monaco, Morocco, the Netherlands, Nepal, Niger, Norway, Pakistan, Peru, the Philippines, Poland, Portugal, Romania, San Marino, Spain, Sudan, Switzerland, Thailand, Tunisia, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela and Yugoslavia.

<sup>2/</sup> Documents E/CN.4/810 and Corr.1 and Add.1 contain a summary of fifty-eight reports which were submitted before the seventeenth session of the Commission; document E/CN.4/810/Add.2 contains a summary of nine additional reports which were received after the seventeenth session of the Commission.

## CHAPTER II

### DEVELOPMENTS IN HUMAN RIGHTS DURING 1957-1959

10. The Committee examined the periodic reports on human rights as summarized by the Secretary-General and by the ILO and UNESCO. It was the general feeling of the Committee that the reports thus summarized should be made available to all Governments, to various organs in the family of the United Nations and to non-governmental organizations. The Committee wishes to draw special attention to the developments outlined in the following paragraphs.

#### General

11. Perhaps one of the most significant developments in human rights is the fact that almost all the constitutions or basic laws of States adopted in recent years contain provisions relating to human rights and fundamental freedoms. For many countries the Universal Declaration of Human Rights has served as a model. During the period under review more than twenty countries adopted new constitutions or basic laws, all containing provisions aimed at the protection of human rights and fundamental freedoms. Among these were the constitutions of several new African States in which their peoples affirmed their loyalty or attachment to the ideals set forth in the Universal Declaration (e.g. Dahomey, Gabon, Guinea, Ivory Coast, Madagascar, Mali and Senegal). Provisions based on the European Convention for the Protection of Human Rights and Fundamental Freedoms were embodied in the Constitution of Nigeria in 1959.

12. Following its ratification of the European Convention in 1958 the Government of Austria, in 1959, introduced amendments to its Constitution which were designed to extend the fundamental rights guaranteed by that instrument. In Italy the Constitutional Court, in a number of decisions of 1957-59, declared certain laws illegal since they were in conflict with the letter and spirit of the Constitution, in which most of the rights set forth in the Universal Declaration were affirmed.

13. In 1958, the Federal Government of Canada introduced into Parliament an Act for the Recognition and Protection of Human Rights and Fundamental Freedoms (subsequently adopted in 1960). A Federal Civil Rights Act was adopted in the United States of America (1957) providing for the establishment of a Commission on Civil Rights, which was authorized to conduct hearings and investigations into denials and infringements of constitutional rights.

Equal rights for all (articles 1, 2 and 7)

14. A number of Governments enacted legislation or took other measures aimed at preventing or combating discrimination and achieving equal rights for all without distinction of race, sex, language and religion.

15. The Constitutional Courts of Austria and of the Federal Republic of Germany rendered a number of decisions regarding the meaning and application of the principle of equality as guaranteed by the Constitutions of the two countries.

16. In Ceylon, the Prevention of Social Disabilities Act (1957) made it an offence for any person to impose any social disability on another by reason of caste. Ghana adopted the Avoidance of Discrimination Act (1957) aimed at prohibiting organizations from engaging in tribal, regional, racial or religious propaganda to the detriment of any community.

17. Several provincial acts adopted in Canada and state laws enacted in the United States of America prohibited discrimination in public places, in employment and in housing on such grounds as race, colour, religion or national origin. The Province of Ontario, Canada, established an Anti-Discrimination Commission in 1958 to make recommendations concerning the administration of the Fair Employment Practices Act (1951), the Fair Accommodation Practices Act (1954) and the Female Employees Fair Remuneration Act (1951). Local citizens' advisory committees were established in the United States of America to assist in the implementation of a policy of equal opportunity for all.

18. In Papua and New Guinea regulations discriminating against natives were repealed, including those relating to seating accommodation in places of public entertainment and imposing curfew restrictions in town areas. In Northern Rhodesia a 1957 law provided for the establishment of a Central Race Relations Advisory Conciliation Committee to promote better relations between the races, and to inquire into complaints of racial discrimination. In Southern Rhodesia racial distinctions relating to industrial conciliation and workmen's compensation were eliminated under Acts of 1959; and the Legislative Assembly called for the removal of restrictions on the employment of non-Europeans in the public services. The 1958 Constitution of Kenya provided for the establishment of a Council of State to consider all proposed legislation, and report any provision which it considered discriminatory. Racial segregation in hotels, restaurants and cinemas was ended in Bermuda with the help of an informal conciliatory body. The statutory restrictions on the contractual capacity of the indigenous population in the Western Pacific High Commission Territories were repealed in 1959.

19. The Central Criminal Court of the United Kingdom, in 1958, sentenced to four years' imprisonment nine white youths who had attacked and wounded five West Indian immigrants.

20. The Supreme Court of the United States of America and a number of federal and state courts rendered a series of decisions, based on the Supreme Court's decision of 1954 that racial segregation in public schools was unconstitutional: state laws were invalidated which denied coloured students immediate admission to schools or colleges, and education boards were directed to integrate the public schools or to submit plans for desegregation without delay, and not to deny qualified coloured students admission to higher educational institutions. In 1957 the President of the United States of America ordered federal troops to enforce the court's order relating to enrolment and attendance of coloured students at a high school (Little Rock, Arkansas). The courts also gave a number of rulings against discrimination in public transportation, housing, transfer of property and employment.

21. In Italy public security forces were opened to women for the first time under a 1959 Act, and in Afghanistan, by legislative decree of 1957, women were permitted to practise law on the basis of equality with men.

22. Austria passed special laws (1959) on schools for minorities and on the use of official languages in the courts in order to safeguard the rights of minorities living in Carinthia. In India a constitutional amendment (1959) extended from ten to twenty years the period governing the reservation of seats in Parliament for the Schedules Castes and Tribes and for the Anglo-Indian minority. In an advisory opinion the Supreme Court of India held (1959) that the Kerala State Education Act infringed the rights of the Anglo-Indian educational institutions which were laid down in article 337 of the Constitution, as well as the fundamental rights of minorities under article 30 (1).

23. Commonwealth and state legislation was enacted in Australia to improve the status and welfare of aborigines and to promote their assimilation into the general community. Canada reported that economic and social measures were taken to improve the status and living conditions of Indians and Eskimos, that all children of the Doukhobors were regularly attending public schools in 1959, and that provincial authorities were making adjustments with the Hutterites regarding their landholdings.

Right to life (article 3)

24. Several Governments amended legislation relating to capital punishment and abortion.

25. The death penalty was abolished except for certain specified cases of murder in the United Kingdom (Homicide Act, 1957). In Yugoslavia the death penalty was to be applied only in exceptional cases for the most serious crimes (Amended Penal Code, 1959). Capital punishment in Ceylon was abolished in 1958 for a three-year trial period (Suspension of Capital Punishment Act), but the Act was repealed the following year. In Israel the death penalty was abolished for murder in 1954 but retained for treason; under a 1957 Act it was made applicable "for intentional violation of the sovereignty or territorial integrity of the State and for aiding the enemy in levying war against Israel". In Romania capital punishment was introduced for crimes of homicide of an extremely grave character (1957 decree).

26. Romania and Yugoslavia adopted new legal provisions regarding abortion in 1958 and 1959, providing that abortion remained a criminal offence if performed outside a medical institution, but was permissible in such an institution when it was a necessary measure to protect the health of the woman.

Freedom from slavery and servitude (article 4)

27. As a consequence of signing the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, Norway amended its legislation in 1958, extending the punitive provisions concerning slavery and the slave trade in the General Civil Penal Act of 1902.

28. Iraq and Italy adopted laws abolishing prostitution in 1958, and in 1957 Romania amended the penal code, making it a criminal offence to practise prostitution, or to encourage or abet it. The Governments of Haiti and Japan described difficulties experienced in eradicating prostitution despite laws prohibiting it. Cambodia, Haiti, Iraq and Japan introduced measures aimed at the re-education and rehabilitation of prostitutes.

Administration of justice (article 5 and articles 8-11)

29. Many new laws were enacted, and old laws amended, with a view to reforming the judicial organization, expediting judicial process, providing remedial measures against wrongful administrative decisions, extending the rights of the accused in criminal proceedings, encouraging the rehabilitation of offenders as useful members of society and, in general, improving the administration of justice.

30. Almost all the constitutions adopted in 1957-1959 provided that the judiciary shall be independent and that judges shall be subject only to law.

31. In the Congo (Brazzaville) a bill was introduced to suppress the courts of droit traditionnel and transfer their jurisdiction to the ordinary courts, thereby abolishing two separate court systems, and eliminating the distinction between persons with and without the full status of citizen. In Iraq the Regulations of the Tribal Civil and Criminal Actions were repealed (1958), eliminating the old tribal judicial systems which were discriminatory, and placing all citizens on an equal footing.

32. The Byelorussian SSR adopted a new law on the judicial system (1959), providing, inter alia, for the independence of judges, the equality of all citizens before the law, and the open examination of cases in all courts. The Judicial Organization Reform Act (1959) of Cambodia instituted a jury system, and provided that the power to detain an accused person pending trial or to release him provisionally was vested exclusively in the examining courts.

33. Under the Federal Constitutional Act (1958) of Austria the Constitutional Court was given broader jurisdiction over violations of fundamental rights. The Courts Act (1957) in Israel gave the Supreme Court the power to order public authorities to do, or refrain from doing, any act in the exercise of their functions; and to grant relief in the interests of justice. In several decisions of 1958 and 1959, the Supreme Court of Israel declared that administrative tribunals, while not bound to apply all the rules governing judicial proceedings, must comply with the fundamental requirements of natural justice. The Supreme Court of Mexico ruled (1957) that the remedy of amparo could not be waived, for such waiver would mean that the due process of law, safeguarded by the remedy



under the Constitution, could be derogated by the mere consent of individuals. The United Kingdom adopted the Tribunal and Inquiries Act (1958) which regulated the establishment and operation of administrative tribunals, and provided for a right of appeal on points of law to the High Court of Justice from decisions of administrative tribunals.

34. Under a legislative decree (1959) in Hungary the public procurator shall ensure that no one is illegally accused of any criminal offence or deprived of his personal liberty, and shall exercise extensive powers of control over the legality of administrative decisions. In Romania the procurator was authorized to request a revision of any penal sentence, and to initiate proceedings in civil matters (decrees of 1958 and 1959). The power of the procurator's office in supervising or controlling administrative activities was expanded in the United Arab Republic (1958 Act).

35. Under the Preventive Detention Act (1958) of Ghana the executive authorities of the Government could detain persons for acts prejudicial to national defence and security.

36. France adopted a new Code of Criminal Procedure in 1958 which, inter alia, increased the judiciary's power of supervision over the police, and limited to a maximum of two months the duration of detention of an accused person pending investigation and trial (there being no statutory limitation previously). The Code of Criminal Procedure of Morocco (1959) provided, inter alia, that an accused might be detained pending investigation and trial by order of an examining magistrate for a maximum of two months, and that he must be informed of his right to remain silent and to be assisted by counsel. In 1959 Israel adopted the Criminal Procedure Revision Act, which required the prosecution to give the accused full information concerning the evidence adduced against him.

37. The Principles of Criminal Procedure of the USSR and the Union Republics (1958) provided, inter alia, that only persons guilty of crimes shall be held criminally responsible, that the procurator and the judge shall conduct a complete and objective investigation of any criminal case, that the accused shall have the right of access to the records of preliminary examination, and the right to legal counsel. Amendments (1959) to the Penal Code and the Code of Criminal Procedure of Yugoslavia were designed to reduce the severity of penalties and take into account the personality of each offender when determining his punishment.

38. The Supreme Court of Brazil (1957) granted a writ of security (mandado de segurança) to a naval officer who had been under house arrest by order of the President of the Republic, on the grounds that he had not been given an opportunity to defend himself before the responsible ministry.
39. In Belgium an Assize Court rejected (1957) as endangering a man's physical and moral integrity and his right to self-defence the following methods of investigation: narco-analysis, amphetamine shock, intravenous injection with cardiazol and electric shock.
40. The High Court of Australia quashed (1957) the conviction of a Papuan native on the grounds that the accused's confession had not been shown to be voluntary; and set aside (1959) a judicial finding on the grounds that the finding had been made without giving the persons concerned an opportunity to be heard. In 1957, the Supreme Court of New South Wales reaffirmed that a witness should enjoy the right of not answering questions when his answers would expose him to criminal prosecution.
41. In several judicial decisions of the Federal Republic of Germany, it was held that only such evidence as the opposing party had had occasion to comment upon could be used by the court as a basis for its decision; that the right to a proper hearing was infringed, not only where a party was given no opportunity, but also where the party was not given sufficient opportunity, to examine and comment on the facts relevant to the case; and that no use might be made of testimony given in court if the person testifying was in a state of fatigue which impeded him in the exercise of his free will.
42. The Supreme Court of the United States of America rendered several decisions holding that confessions made under improper conditions were not admissible as evidence, and that lack of legal counsel in criminal proceedings was a denial of due process under the Constitution. A Federal Circuit Court reversed a conviction on the grounds that the accused had been arrested without a warrant, and had not been advised of his rights before making a confession.
43. In 1958 and 1959, the Government of Japan granted subsidies to the Federation of Bar Associations in order to enable it to give more legal aid to the poor in law suits. In the Netherlands, legislation was amended (1959) to provide for

mandatory legal assistance to detained persons and persons prosecuted for criminal offences. An Act which came into force for England and Wales in 1959 provided for legal advice to be made available to persons of small and moderate means.

44. China and the Republic of Korea introduced systems of compensation for miscarriage of justice in 1959.

45. Brazil adopted an Act (1957) providing, inter alia, for the individualization of punishment and for the moral, intellectual, physical and vocational education of prisoners. The Code of Criminal Procedure adopted by France (1958) established that the penitentiary system should be directed, by progressive stages, towards ensuring the prisoner's reform and promoting his integration into society; the office of penalty enforcement judge was created to decide the conditions of treatment for each prisoner, arrange for him to work outside the penitentiary, grant leave permits, and decide on the admittance of the prisoner to various stages of the progressive penitentiary system. In Norway a 1958 Act provided for the establishment of institutions without special security arrangements (open institutions) for offenders who appeared fit to serve their sentences in freer conditions, and for the granting of leave of absence for short periods.

46. In Canada a programme was being studied for the treatment and training of adult offenders with a view to their ultimate rehabilitation in society; two minimum security institutions for prisoners were established. Steps were taken in Peru to carry out a large-scale plan to convert closed prisons into penal farms. In the Republic of Korea workshops were constructed outside the prisons, and efforts were made to reduce illiteracy among prisoners. In Israel the Minister of Police, under an Act of 1957, could grant any prisoner, on his request or upon the recommendation of the commissioner of prisons, special leave from prison (not exceeding ninety-six hours) without extending the term of imprisonment.

47. In Romania, by decree (1958), judicial councils were established which could impose disciplinary measures or fines for certain acts which had previously constituted criminal offences. A decree was adopted in Hungary extending the number of offences of which no record was to be kept once the sentence had been served and after a certain period of time had elapsed.

Right to privacy (article 12)

48. The Provisional Constitution of Iraq of 1958 provided that "personal freedom and the sanctity of the home are guaranteed and cannot be violated except for reasons of public security, which shall be defined by law".

49. The 1959 Civil Code of Hungary contained provisions to safeguard the privacy of the home and secrecy of correspondence. Under the Principles of Criminal Procedure of the USSR and the Union Republics (1958), no search or seizure might be carried out by an investigating agency except with the authorization of the procurator and in the presence of witnesses.

50. The Federal Court of Justice of the Federal Republic of Germany ruled that secret tape recordings as a rule constituted a violation of human dignity; and that a home owner alone had the right to decide who might enter his home and take a picture of it. The Supreme Court of Israel upheld the conviction for criminal trespass of a husband who had forcibly entered the house where his wife, from whom he was separated, was living. The Supreme Court of the United States of America rendered several decisions defining the standard to be observed in respect of search and seizure. It reversed convictions in two cases where search warrants had not specified precisely the evidence sought, and, in another case, refused to accept evidence seized by police officers who had forced entrance into the apartment of a suspect without a warrant and without properly announcing themselves or their purpose. The state of California made "eavesdropping" (i.e. the recording of any conversation between a person in custody and public officers without the permission of all parties) a penal offence, and the State of New York made it a felony and declared evidence so obtained inadmissible for any purpose in any civil action, proceeding or hearing.

Freedom of movement and residence (article 13)

51. Finland adopted an Act (1958) governing the right of aliens to enter and leave the country, and to travel, reside and work. Romania, by decree (1958), relaxed restrictions formerly placed on the movement and residence of aliens, except in areas near the frontier.

52. Under a 1959 Act in Haiti entry was to be denied aliens who might disseminate anarchistic and anti-democratic doctrines. A number of aliens were deported from Ghana for political reasons.

53. The Federal Constitutional Court of the Federal Republic of Germany ruled (1957) that the right to leave the country could be restricted by laws which were in conformity with the Constitution. The Supreme Court of Israel, in a case which involved a citizen of military age leaving the country, ruled in favour of the petitioner, who had applied for an exit permit when he was below the age for military service, holding that justice required that where a right was denied to a citizen through no fault of his own, the authorities should restore it to him by exercising discretion in his favour whenever possible. The United States Supreme Court held (1958) that, in exercising his discretion to issue passports, the Secretary of State could rely only on two grounds for denial: that the applicant was not a citizen, or that he was involved in a criminal act.

54. Approximately 257,000 persons were repatriated to Poland and provided with housing, work, medical and other services.

Right of asylum (article 14)

55. Finland adopted an Act (1958) recognizing as acceptable reasons for granting asylum: justified fear of persecution on grounds of religion, nationality or belonging to a certain social or political group, and the fact that a person had not been granted asylum in any other country. Passport formalities for stateless persons and other aliens were simplified.

56. The United States of America amended the Federal Immigration and Nationality Law (1957) to admit additional "refugee-escapees" and their families, defined as aliens, who had fled from certain areas because of persecution, or fear of persecution on account of race, religion or political opinion.

57. A 1959 Act of Iraq provided that political refugees, civilian and military, should be granted the same rights as citizens.

58. France concluded agreements with other European countries facilitating the travel of certain refugees by dispensing, on a reciprocal basis, with entry visa requirements; and granting refugees admitted to France, who took up employment in another country, a right to return to France for at least two years from the time of departure.

59. The Federal Administrative Court of the Federal Republic of Germany, in decisions of 1957, held: that the right of asylum did not extend to all cases of persecution and could not be claimed by persons whose conduct abroad had been such as to imperil democracy and the democratic freedoms; that refugees within the meaning of the 1951 Convention relating to the Statue of Refugees had an enforceable right to be furnished with international travel documents; and that reasons of national security of public order justified a person's expulsion or return to a territory where he would not be persecuted for his race, religion, or political opinion. The Supreme Land Court of Bavaria ruled (1959) that administrative decisions recognizing an alien as a refugee were not subject to review by the courts, and that the courts had no authority to review administrative decisions prohibiting residence.

60. Canada and Yugoslavia gave asylum to large numbers of refugees during 1957-59. Canada reported that provision was made to receive also numbers of sick and handicapped refugees.

Right to a nationality (article 15)

61. Basic legislation on nationality, enacted by Ghana and Hungary in 1957, and by Morocco and the United Arab Republic in 1958, and also an amending Act adopted by Czechoslovakia in 1958, were, in general, in accord with the provisions of the Convention on the Nationality of Married Women of 1957. They provided that a woman national who married an alien retained her original nationality; if she so desired, she could lose it under certain specified conditions. The new laws also accorded an alien woman who married a national preferential treatment in acquiring her husband's nationality; the conditions varied in the different countries.

62. The 1959 Nationality Act of Portugal was based on the principle of automatic acquisition or loss of Portuguese nationality on marriage, provided, however, that statelessness did not thereby occur.

63. Under a 1957 Act of the Federal Republic of Germany, the alien wife of a German national was entitled to the grant of German citizenship. The Federal Administrative Court, in 1959, held that in marriages concluded after the Basic Law came into effect (24 May 1949) the wife did not lose her German nationality unless she acquired foreign nationality by marriage.

64. Thailand introduced a policy under which an alien woman who married a national had to obtain the approval of the Minister of the Interior to acquire Thai nationality; and the Minister was empowered to deprive an alien wife of a national of her nationality if she carried out espionage or sabotage.

65. Austria amended its legislation (1957) to permit Austrians deprived of their nationality to file an application for its restitution by 31 December 1958.

Canada amended the Citizenship Act (1958) to restrict revocation of citizenship to cases where it had been acquired through fraudulent means, or where a naturalized citizen was accused of certain treasonable offences and refused to return to Canada to face them. Iraq, in 1959, cancelled the Ordinance of the Denationalization of Iraqis which had been issued in 1954. A Royal decree issued by the Netherlands (1959) provided that Netherlanders and Netherlands nationals should not lose their nationality before acquiring a new one by entering the civil service of countries to which large numbers had emigrated.

66. Israel amended its Nationality Act (1958) to permit persons to renounce Israeli nationality under certain conditions, thereby enabling them to regain their previous nationality.

67. The Supreme Court of the United States of America (1958) declared unconstitutional an Act of Congress depriving a deserter dishonourably discharged from the armed forces of his nationality, denationalization being held to be a cruel and unusual form of punishment barred by the Federal Constitution.

68. In a decision rendered in Ceylon, it was held that an applicant for registration as a citizen must supply evidence that at the time of application he intended to settle permanently in Ceylon.

69. Bilateral agreements aimed at eliminating cases of dual nationality were concluded between Czechoslovakia and the USSR, and between Romania and Bulgaria and the USSR.

#### Rights relating to marriage and the family (article 16)

70. Several countries enacted legislation granting women new or extended rights with respect to marriage and the dissolution of marriage. More favourable provisions relating to children born out of wedlock were also adopted.

71. Polygamy was abolished in Tunisia (Code of Personal Status, in force 1957), and in Iraq except under certain conditions and subject to a judge's approval (1959 Law).

72. Amendments (1959) to the regulations relating to marriage in Algeria provided that each spouse must freely and personally give his, or her, consent to marriage. The consent of both parties was required under the Codes of Personal Status of Morocco (1957) and Tunisia.

73. An Act (1959) establishing a uniform system for the Commonwealth of Australia regarding marriage, divorce, parental rights, and the custody and guardianship of children accorded husband and wife equal rights. In Belgium a 1958 Act placed spouses on an equal basis in rights and obligations connected with marriage; only in marriages governed by the regime of separation of property, however, was the property status of the married woman independent of her husband. Denmark and Norway amended existing legislation to vest all authority and obligations relating to the guardianship of minor children of a marriage in both parents jointly. The Federal Republic of Germany gave married women equal rights in the administration of property, the organization of married life and the education of children (1957 Act). The Federal Court of Justice held (1958) that the principle of equality laid down in the Basic Law required that the right to legal representation of children must be exercised by both parents jointly. In one state of India the giving or taking of dowry was made unlawful. In Morocco the wife was entitled to maintenance by her husband and freely to administer and dispose of her property without reference to her husband (Code of Personal Status and Inheritance, 1957). Women in Spain were granted new rights in administering and disposing of community property under amendments to the Civil Code (1958); they were also accorded legal capacity to serve as guardians, but a married woman had to have her husband's consent. The Tunisian Code of Personal Status laid down that the husband had no power of administration over property belonging to his wife, but she must contribute to the household expenses if she possessed any property.

74. The amended marriage regulations of Algeria established equal rights of spouses with respect to divorce. In Iraq the Law on Personal Status (1959) gave the wife the right to apply for divorce in certain specified cases. Amended legislation of Israel (1959) made dissolution of marriage by unilateral act of the husband, without first obtaining the court's consent, an offence punishable by imprisonment, and any officer or minister celebrating a marriage or participating in divorce proceedings in contravention of the law was liable to imprisonment. The Tunisian



Code of Personal Status provided that divorce was no longer at the husband's discretion, but could be granted only by a court.

75. In the United Kingdom the Matrimonial Proceedings Act (1958) extended the powers of the courts regarding children in proceedings for divorce, separation or annulment. Amendments (1958) to the Civil Code and the Civil Procedure Act of Spain provided that, in cases of annulment or separation the court must decide which spouse should have custody of the children and exercise parental authority. The courts also had discretion to transfer to the wife the administration of certain kinds of property. A 1957 Act of the Federal Republic of Germany gave the wife, on dissolution of the marriage, the right to receive one half of the property acquired during the marriage. The Federal Constitutional Court ruled that, where there was disagreement between the spouses, in matters relating to the children's education, the decision of the Guardianship Court must be sought.

76. Equal rights in inheritance were granted women under the amended legislation of Iraq and Spain. The Supreme Court of Israel held that the first wife of a deceased person who had been incapable because of mental disease of accepting a bill of divorcement was still married to the deceased at the time of his death and entitled to share his estate.

77. In Hungary failure to meet maintenance obligations was made an offence subject to the penalty of imprisonment (Legislative Decree, 1958). The Maintenance Order Act (1958) of the United Kingdom authorized the courts to order payments for maintenance to be deducted by an employer from wages and paid to the court. In Nauru a court could require a husband to show cause why he should not support his wife and child (Maintenance Order 1959). The Supreme Court of Mexico ruled (1959) that the husband was obliged to pay alimony to his wife if, for reasons beyond her control, she was obliged to live apart from him. The Maintenance Law (1959) of Israel made it an obligation for a person to maintain certain of his relatives if he was in a position to do so, and the relative was unable to provide for his own needs.

78. Amendments (1958) to the Civil Code of Belgium provided that paternity could be denied without specific proof being required, if the child was conceived during the period of legal separation pending proceedings for divorce by mutual consent; extended the cases in which children could be legitimated by subsequent marriage;

and reduced the age requirements of parents wishing to adopt a child. In Nauru an "ex-nuptial child" legitimated by marriage was deemed legitimate, on registration, from the time of his birth. The Legitimacy Act (1959) of the United Kingdom provided that a child could be legitimated by the subsequent marriage of its parents, even though they had not been free to marry at the time of its birth. The Supreme Court of Israel ruled that the law would not allow inquiry as to who was the father of a child born during wedlock, and as long as the mother's husband did not claim that the child was not his, no stranger could be heard to claim paternity. In the Philippines the Supreme Court ruled (1957) that under the Civil Code illegitimate children were entitled to support and a certain share of the inheritance.

Right to own property (article 17)

79. Ceylon enacted the Paddy Lands Act (1958), which, inter alia, provided security of tenure to tenant cultivators, specified the rent payable by tenant cultivators to landlords, and established cultivation committees to fix the wages of agricultural workers. In Iraq the Law of Agrarian Reform abolished large landholdings and put an end to the "feudal" system. The Land Reform Commission, established in Pakistan in 1958, recommended, inter alia, that no person could own more than four hundred acres of irrigated, or one thousand acres of unirrigated land; that land in excess of the maximum would be taken over by the Government with fair compensation and sold to landless cultivators; and that occupant tenants were to become full owners.

80. In Israel, under the Local Authorities (Vesting of Public Property) Act (1958), any property registered in the name of private persons but serving exclusively public purposes might be vested in a local authority against compensation; and under the Water Law (1959) all water resources became public property, and persons who were thereby deprived of any benefit were entitled to compensation. In the Netherlands two Acts (1958) provided that compensation must be paid to owners of land situated in the vicinity of airfields on which building or planting was prohibited and to owners of property expropriated for the closing of certain estuaries and the strengthening of the dikes.

81. Courts in the Federal Republic of Germany made several rulings on the principle that expropriation was admissible only in the interest of the community at large, and could be effected only by legislation or on the basis of a law regulating the nature and extent of compensation. The Allahabad High Court and the Madras High Court of India declared that the Uttar Pradesh Consolidation of Holdings Act of 1954 and the Madras Lignite (Acquisition of Land) Act of 1953 were contrary to Article 31 (2) of the Constitution, as they did not provide proper or just compensation for land acquired for public purposes.

Freedom of thought, conscience and religion (article 18)

82. Legislation was enacted and rulings given by the courts relating to constitutional guarantees of freedom of religion, the manifestation of beliefs, and religious instruction in the schools.

83. The Interim Constitution of Iraq (1958) guaranteed freedom of religion and respect for religious rites, provided they did not disturb, and were not inconsistent with, public order. The Constitutional Court of Austria ruled (1958) that freedom of belief and conscience extended only to religious matters and not to questions of general ideology such as national socialism.

84. Finland adopted an Act (1959) establishing three categories of non-military service for conscientious objectors in peace time. The Federal Administrative Court of the Federal Republic of Germany held (1958) that conscientious objection must be a serious moral decision of such compelling force for the person concerned that to go against it would destroy or damage his moral personality and that the readiness of a person to undergo suffering for his conviction might not be used as a criterion in deciding whether his action was prompted by a compelling moral decision. In a number of cases concerning conscientious objectors in the United States of America, various courts cited the ruling of the Supreme Court of 1940 that the constitutional guarantee of freedom of religion embraced freedom to believe, which was absolute, and freedom to act, which in the nature of things could not be.

85. The province of Manitoba, Canada, amended its Child Welfare Act (1959) to provide for the immediate assumption by the welfare authorities of the guardianship of a child whose life and health were in danger because the parents, for religious reasons, had refused to permit medical treatment. A State Court of Appeals of the

United States of America held that, while a person was free to believe in divine healing, the right to practise this belief was limited by the laws enacted for the general welfare.

86. The Supreme Court of Canada ruled against the Premier and Attorney-General of the Province of Quebec and awarded substantial damages to the proprietor of a restaurant whose liquor licence had been pre-emptorily cancelled because he had furnished bail to members of the Jehovah's Witnesses arrested for distributing religious pamphlets.

87. Schechita, a Hebrew religious practice, was recognized as a humane method of slaughter in the Humane Slaughter of Food Animals Act adopted by Canada (1959). The Supreme Court of India, considering whether Muslims possessed a fundamental right under the Constitution to cattle slaughter on the Bakrid Day, ruled that Acts passed in three states, which prohibited the slaughter of cows and certain species of cattle and permitted no exceptions even for bona fide religious purposes, were valid in so far as they related to cows, calves of cows and buffaloes, but void in so far as they related to other cattle without prescribing a test as to their age or usefulness.

88. A court of the Province of Quebec, Canada, ruled that Jehovah's Witnesses could attend Roman Catholic schools without taking religious instruction. In the United States of America, state Supreme Courts held (1959) that to release children from school one hour a week for religious education off school grounds did not necessarily contravene the Constitution; and that to allow a church to use a school building temporarily during non-school hours was within the proper discretion of the school authorities. A programme of religious instruction which employed school facilities, however, violated federal and state constitutions.

89. The Supreme Court of Brazil ruled (1958) that the temporal power could not decide a spiritual matter arising between the ecclesiastical authorities and a religious association.

90. In Yugoslavia religious property was exempted from nationalization under the Act on the nationalization of immovable property (1958).

#### Freedom of opinion and expression (article 19)

91. Morocco enacted a dahir (1958) providing that printing and bookselling shall be free and any newspaper or periodical may be published freely subject to certain formalities.

92. The Constitutional Court of Austria held (1957 and 1959) that freedom of expression was subject only to law, and only to such law as was not itself unconstitutional. In the Federal Republic of Germany the Federal Constitutional Court ruled (1958) that the fundamental right of freedom of speech implied freedom to form public opinion; and that the provisions of civil law must be interpreted in the light of the special importance to a democratic state of the right of free expression of opinion. The Supreme Court of the Netherlands ruled that a 1958 regulation requiring a licence for the bookselling trade conflicted with the constitutional guarantee of freedom of expression.

93. Hungary issued a decree (1959) establishing a right to bring before the courts for prompt settlement complaints regarding the publication of incorrect information and making compulsory the publication of a correction.

94. Venezuela issued a decree (1958) abolishing the censorship boards established in 1950. Pakistan imposed prior censorship on all news for an eight-day period (October, 1958) when martial law was proclaimed.

95. In Argentina, Communist activities, including the distribution through the postal services of printed matter calculated to spread any form of Communist ideology, were prohibited (Decree of 1959). The Supreme Court of Brazil ruled (1957 and 1958) that the mere distribution of Communist propaganda did not constitute an offence under the State Security Act. The Federal Labour Court in the Federal Republic of Germany held (1959) that the fundamental rights of free expression of opinion implied the right freely to engage in political activities within the framework of the democratic order, but persons in public service were restricted by the duty inherent in the nature of their employment to express their political opinions with moderation. The Supreme Court of the United States of America held (1957): that "advocacy of an abstract doctrine", protected under the Federal Constitution, must be distinguished from prescribed advocacy of illegal action; and that there was no congressional power to expose for exposure's sake; the scope of inquiry must be defined with unambiguous clarity, and witnesses must be clearly shown the relevancy of the questions asked.

96. Legislation regarding obscene publications introducing new definitions of obscenity was enacted in Australia (1958 Ordinance), Canada (1959 Act), United Kingdom (1959 Act) and United States of America (1957). The Supreme Court of the

State of Victoria, Australia, stated (1959), in a case involving an "obscene article" that it must not be narrow or puritanical but should allow for many tastes, and degrees and standards of education and refinement, but was not called upon to overlook what was really obscene merely to show its broadmindedness. United States federal and state courts, in several decisions relating to obscene publications, recognized the need to protect morals but insisted that censorship be limited in scope. The Supreme Court, in two decisions, ruled (1959) that the constitutional protection of free speech was not confined to the expression of ideas that were conventional or shared by a majority; and that a bookseller could not be held criminally liable for mere possession of books found to be obscene.

Freedom of assembly and freedom of association (article 20)

97. Freedom of assembly and freedom of association were guaranteed under the 1957 Constitution of Haiti. The 1959 Constitution of Mauritania provided that political parties might be freely formed and that, if they respected constitutional principles, their activities would be unrestricted. Provisions were included in the Civil Code of Hungary of 1959 to give effect to the constitutional guarantees of freedom of assembly and association.

98. Cambodia introduced new laws based on the principle that nationals could freely form associations subject to prior government control, which was aimed only at ensuring respect for public order and the exercise of constitutional liberties. In Iraq the right of public meetings and demonstrations held in the public interest, and the right of peasants to form associations, was guaranteed by law in 1959. In Morocco, by dahirs of 1958, public meetings shall be free and may take place without prior authorization, and associations of individuals may be freely formed without prior authorization or notice.

99. The Supreme Court of Brazil maintained (1957) that the constitutional guarantees of the rights of assembly and association were not unconditional: the law could establish limitations designed to protect peace, order, security and public order in accordance with its police power. The Supreme Court of the United States of America held (1958) that a state law requiring a private organization to disclose its membership list was unconstitutional. A district court invalidated a state law making membership in a particular association a

disqualification for public employment; but upheld a statute requiring teachers in public schools to submit a list of organizations to which they belonged.

100. The Byelorussian SSR and the USSR described the transfer to public organizations of certain state functions, especially in the area of physical culture, sports and public health, which occurred during 1957-59. Peoples' vigilance committees and comrades' courts in the Byelorussian SSR played an increasing role in maintaining law and order.

#### Political rights (article 21)

101. The Constitutions or Basic Laws of several new States (e.g., Congo (Brazzaville), Ivory Coast, Madagascar, the Federation of Mali, Mauritania and Niger) all provided for universal and equal suffrage. Under the Haitian Constitution (1957) all Haitians, of either sex, who have attained the age of twenty-one, may exercise their political rights. The Basic Law of Israel of 1958 provided that the Knesset was to be elected by national, direct and equal suffrage.

102. A system of "basic democracies" was inaugurated in Pakistan (1959 order), under which Union Councils were elected at the village level, the election being based on adult franchise.

103. An Act providing for the recall of deputies to the Supreme Soviet of the Union of Soviet Socialist Republics was enacted in 1959, and similar acts were adopted in the Union Republics. Austria established rules for carrying out referenda (Referendum Act, 1958).

104. In Czechoslovakia, under a 1957 law, professional and lay judges of the people's courts and the regional courts shall be elected.

105. San Marino extended the right to vote to women (1959 Act). In Switzerland, in 1959, a constitutional amendment providing for women's suffrage in federal matters was rejected by the people and the cantons; however, in three cantons women acquired the right to vote in cantonal matters. Article 49 of the Finnish Constitution was amended (1957 Act) to make it clear that a woman could be elected as judicial delegate to supervise the observance of the law in the proceedings of the courts and other authorities (the word "person" was substituted for "man").

106. The Parliamentary Election Act (1959) of Ceylon reduced the voting age from twenty-one to eighteen. In Nepal the Representation of the People Act provided that every male and female of twenty-one was entitled to vote. The Electoral Act of Venezuela granted the right to vote to all Venezuelans over eighteen, whether or not they could read or write.

107. By laws of 1956 and 1957 Romania abrogated previous provisions which had prohibited former landlords, bankers, industrialists, etc., from voting or being elected. Deprivation of electoral rights by court decision was abolished in the USSR (1958 Act).

108. The United States of America established a Commission on Civil Rights (1957 Act) which was authorized, inter alia, to undertake investigations where voting rights were denied.

109. An Australian Committee of Enquiry into Public Service Recruitment reported (1958) that restrictions on the employment of married women in public service were "anachronistic" and recommended that they should be modified. A committee set up by the Danish Ministry of Justice recommended that persons previously convicted of crimes should not a priori be disqualified for the civil service, but that their professional and personal qualifications should be examined pari passu with those of other applicants. The Civil Service Act (1959) of the Philippines was designed to ensure that appointments should be made only on the basis of merit and fitness.

110. An administrative court in the Federal Republic of Germany held that there could be no free elections without secrecy and that, while a voter might waive his right to secrecy before and after the ballot, he might on no account do so while the ballot was in progress.

#### Right to social security and social services (articles 22 and 25)

111. Many countries introduced or extended existing social security systems to provide greater protection against a variety of contingencies.

112. In Mexico it was made an obligation of the State to provide its employees with certain benefits, including insurance against sickness, industrial accidents, occupational diseases, maternity, old age and death, and rehabilitation and retraining services in case of invalidity (1959 Act). Compulsory insurance

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schemes against such risks were established for workers in a number of states (decrees of 1957 and 1958). The State, in Spain, undertook to provide its citizens with social security and welfare benefits (Basic Law of 1958); and every citizen over fourteen, if employed and earning a specified amount, must be included in the social security scheme (1959 decree). A social insurance scheme was initiated in the United Arab Republic aimed at guaranteeing every citizen a certain standard of living in case of illness, accident, unemployment, disability, old age or death of the breadwinner (Law on Social Insurance 1959).

113. Insurance protection against such risks as sickness, employment injury, disability, old age and death was extended to include coverage for civil servants in China (1958 Act); for farmers, handicapped workers, pensioners, doctors, fishermen, engineers, architects and veterinary surgeons in Italy (Regulations of 1957-59); for clerical workers in Peru (1958 decree); employees of private or non-governmental enterprises in the Philippines (1957 Act); domestic servants in Spain (1959 decree); writers, composers, persons engaged in the fine arts and certain theatre and entertainment artists in the USSR; certain additional public employees, workers and aliens in the United States of America; and clergy of various faiths and other ecclesiastical employees and their families in Yugoslavia. A provident fund to include apprentices and learners was to be established in Ceylon (1958 Act).

114. Provision was made for the establishment of retirement schemes in the Federation of Mali and Singapore (1957 Ordinance), and a retirement fund was set up, with employers' and workers' organizations participating, in Madagascar. Legislative provisions were adopted providing for compulsory insurance against old age for all workers at State expense in Czechoslovakia (Social Security Act 1957); the inclusion of pensioners in the benefits of a general rise in the standard of living in the Federal Republic of Germany (1957 Acts); the establishment of a statutory basic pension irrespective of other income in Norway (1958 Act); and the introduction of a State supplementary graduated pension scheme in the United Kingdom (National Insurance Act 1959). Numerous increases in benefits and more generous conditions of entitlement were authorized under laws adopted in Australia, Bulgaria, Canada, Hungary, the Philippines, Poland, the United States of America, and Yugoslavia. Coverage was extended to include

new categories of workers in Poland (1958 Act); agricultural workers and farmers in Bulgaria (1957 Act) and the Federal Republic of Germany (1957 Act); workers in the sugar industry in Mexico (1959 decree); certain widows and single women in Denmark (1959 Act); members of Parliament in Israel (1958 Act); fishermen in Norway (1957 Act); war veterans, artists and members of the liberal professions in Yugoslavia (1958 Act).

115. A system of compensation for industrial accidents applicable to all workers, except domestic servants, was introduced in Tunisia (1957 Act), and systems of compensation for employment injury were set up in Antigua, Brunei, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, Sarawak and Zanzibar (Ordinances and Decrees of 1957). Laws to ensure such compensation were enacted in the Congo (Brazzaville), Federation of Mali and Mauritania. In Papua and New Guinea (1958 Ordinance) and in Iraq (1958 Labour Law) the employer was made responsible for paying compensation for employment injuries. Employers in the Comoro Islands were required to insure workers against employment injuries and occupational diseases. Compensation provisions were extended to include domestic servants in British Guiana (1957 Ordinance); persons exercising a liberal profession, or a profession of an educational or artistic character in Bulgaria (Act and Decree of 1957); certain non-manual workers in the Fiji Islands (1957 Ordinance); agricultural workers in El Salvador (1957 Decree), Hong Kong (1958 Ordinance), and Hungary (1957 Decree); native members of branches of the public service in Papua and New Guinea (1957 Ordinance); and persons employed by welfare organizations overseas, and certain civilian employees of ship stores and postal exchanges in the United States of America.

116. Measures extending compensation for occupational diseases included the introduction or establishment on a new basis, of schemes of compensation (Angola, Brunei, Cape Verde, Comoro Islands, Iraq, Ivory Coast, Kenya, Madagascar, Federation of Mali, Mozambique, New Caledonia, Niger, San Tome and Principe, and Upper Volta); the enactment of provisions enlarging the scope of compensation and the diseases covered (Belgium, Bulgaria, Ceylon, Chile, Denmark, Greece, India, Luxembourg, Norway and New Zealand); and the extension of coverage to new categories of workers (Greece, Norway and New Zealand), and to agricultural workers (Bulgaria and Italy).

117. New laws dealing with invalidity insurance provided inter alia for rehabilitation and retraining for employment of disabled persons in addition to financial compensation in Czechoslovakia (Social Security Act, 1957), the Federal Republic of Germany (1959 Act), Norway (1958 Act), Switzerland (1959 Law), and Yugoslavia (Invalidity Insurance Act, 1958).

118. The sickness insurance scheme was extended in Algeria to all French nationals or aliens residing there and employed or working. Every person domiciled in Norway was compulsorily covered by the sickness insurance scheme (1957 amending Act). Compulsory insurance for seafarers was introduced in the Federal Republic of Germany (1957 Maritime Labour Code), and, in the United Kingdom, provision was made for payment of benefits to seamen when absent from the country. In Australia the Government-assisted voluntary insurance system was extended to provide for aged and chronically ill persons. Increases in the scope of sickness benefits were made in Bulgaria (1957 Act), Federal Republic of Germany (1957 Act) and Spain, and coverage was extended to include motor-coach drivers and certain industrial workers in Uruguay (1958 Acts), and agricultural producers in Yugoslavia (1959 Act).

119. A system of compulsory unemployment insurance for all workers was instituted in Bulgaria (Amended Labour Code, 1957) and Norway (1959 Act), and a new scheme was introduced in France (1959 Order), making compulsory the observation of a 1958 agreement between employers' and workers' organizations. A general unemployment insurance scheme was instituted in Uruguay (1958 Act).

120. Survivors' benefits and family allowances were extended under laws enacted in Bulgaria (1957 Pension Act), Cambodia, Czechoslovakia (1957 Social Security Act), Hungary (Legislative Decree 1958), Israel (1959 Act), Federation of Mali, the Netherlands (Survivors Act 1959), Poland (1957 Ordinances) and Portugal (Legislative Decree 1958). Norway adopted two Acts (1957) introducing an insurance scheme to provide a maintenance allowance for children in certain circumstances, and authorizing advance payments of maintenance contributions for children from public funds.

121. Legislation was enacted in Czechoslovakia (Social Security Act 1957), France (1959 Decree), the Netherlands (1957 Act) and Yugoslavia (Pension Insurance Act, 1957 and Invalidity Insurance Act, 1958), and many bilateral agreements were concluded to safeguard the rights of aliens and migrant workers to social security protection.

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122. With respect to social welfare and assistance, legislation was enacted: providing for the establishment of various institutions for destitute persons, assistance to them, and their direction towards productive work in Iraq (Law of Social Institutions and Social Relief Law of 1958); imposing an obligation on local social welfare departments to extend services to any destitute person in Israel (Social Welfare Services Act, 1958); and granting needy persons an enforceable right to social assistance benefits in the Federal Republic of Germany (Social Insurance Act, Hessen, 1957).

Special care and assistance for motherhood and childhood (article 25, paragraph 2)

123. A number of countries enacted legislation granting women workers maternity leave, or extending the amount of leave and benefits already authorized, specifying, in some instances, that full or partial pay would be given during such leave, and that the woman must be protected against termination of employment because of pregnancy (Bulgaria (1957 Act), Cambodia, Ceylon (1958 Act), Iraq (1958 Labour Law), Federation of Mali, United Arab Republic and Yugoslavia (1957 Act)). The Federal Administrative Court of the Federal Republic of Germany ruled (1958) that the employment of an expectant mother could not be terminated except in special circumstances, and such circumstances were subject to review by the courts.

124. Many countries enacted legislation or issued regulations prohibiting or restricting the employment of children and young persons. The new provisions, inter alia, prohibited the employment of children under twelve (Iran, Thailand, and the United Arab Republic), and on vessels (Papua and New Guinea), of children under sixteen in work involving machinery (Federation of Malaya), of children under eighteen in arduous or unhealthy work (Iran and Spain), and in mines (Belgium), and of children under twenty-one in heavy underground work (Belgium); raised the minimum age of employment from twelve to fourteen (Honduras), and from fourteen to fifteen (Yugoslavia) and sixteen (Bulgaria); prohibited night work of young persons (Bulgaria, Dominican Republic, Iraq, Pakistan, Thailand and United Arab Republic); restricted the authorization of exceptions to the prohibition of night work (Central African Republic, Congo (Brazzaville), Madagascar and Viet-Nam), and limited the employment of children twelve to fourteen in light work for not more than two hours a day (Argentina), and of children twelve to sixteen to work that was not detrimental to health or bodily development (Thailand).

125. In France a specialist judge was authorized (1958 Ordinance) to assume a measure of control of a child's welfare if its health, morality or education was threatened, if it was retarded or especially difficult to raise. A national council for the protection of childhood and youth was established in Hungary (1957 Decree). Local authorities in the United Kingdom were given greater powers of control and supervision of the care and well-being of foster children (1958 Act).

Rights relating to work (articles 23 and 24)

126. The Constitutional Court of Austria ruled (1958) that an act of public authorities forbidding, without any legally valid reason, the admission to, or the exercise of a specific trade or profession would constitute a violation of free choice of employment. The Federal Constitutional Court of the Federal Republic of Germany ruled (1958) that restrictions on the right to exercise a profession could be imposed whenever the legislator had reason to believe that they would serve a useful purpose and not create undue hardship, that restrictions on the free choice of a trade or profession were permissible only if essential to safeguard the interests of the community, and that a proper balance must be achieved between the measures calculated to ensure the orderly exercise of occupations and the individual's interest in freely choosing his occupation.

127. Legislation or regulations under which certain forms of compulsory labour had been permitted were repealed in Czechoslovakia, India (state of Bengal), and Papua. In the Netherlands Antilles a Decree (1959) stipulated that prisoners could not be placed against their will at the disposal of private employers. Penal sanctions for breach of contracts of service by indigenous workers were repealed in British Honduras and Tanganyika.

128. Many countries adopted laws or issued regulations aimed at ensuring safer and healthier working conditions for employees and workers (Bulgaria, Cambodia, Finland, Iran, Iraq, Italy, the Netherlands, Papua and New Guinea, Thailand, United States of America and Yugoslavia). New provisions required employers to take measures to protect workers from accidents or injuries to health (Finland, Iraq, Italy) and employees to observe the instructions given them (Finland); stipulated that effective inspection systems must be maintained (Iraq, Thailand,

Yugoslavia); provided for the establishment of maximum periods of employment for certain types of work harmful to health (Bulgaria); and authorized the setting up of commissions to develop rules to prevent unnecessary radiation (United States of America).

29. Several countries provided for the establishment of employment offices and services to assist unemployed persons in finding work (Finland (1959 Act), Gabon (Order of 1957), Guatemala (1957 Decree), Israel (Labour Services Law, 1959), Southern Rhodesia (1958), Togo (1957 Decree), Uruguay (1957 Act)). A vocational guidance committee was to be established in the Togolese Republic (1957 Decree), and a vocational guidance centre to train workers for industry in Iraq (Labour Law, 1958). Vocational guidance services for young persons were extended in Belgium (Royal Order, 1957), and Finland (1957 Act). A free public service for placing seamen was established in Singapore (1957 Ordinance). Fee-charging employment agencies were abolished in Italy (1959 Act) and Spain (1959 Decree).

30. New provisions aimed at protecting the worker against arbitrary dismissal included: the amended (1957) Labour Code of Bulgaria, providing that complaints could be brought before the courts, which could order reinstatement of a worker or employee dismissed without valid reason; a new law enacted in France (1958), requiring notice of dismissal; the Labour Law (1958) of Iraq, providing for notice of dismissal and dismissal indemnities; and Regulations issued in the USSR (1958) specifying that a worker could not be dismissed from an undertaking or institution without the consent of the trade union committee. Special procedures to protect public servants were contained in legislation enacted in Yugoslavia (1957 Act). The Supreme Court of the Philippines held that an employer had no blanket authority to terminate the employment of an employee, and once the employment relationship was established the employee had certain rights which must be protected.

31. Restrictions on the employment of aliens were imposed in Cambodia (Decrees of 1957-59) and Iraq (Labour Law 1958), intended to protect national workers against unemployment. New regulations were issued in the United States of America to ensure migrant workers' housing and working conditions that met approved standards.

132. By 1959 seventeen states in the United States of America had adopted laws prohibiting discrimination in wage payments based on sex. The Act on Employment Relationships (1957) of Yugoslavia contained specific provisions on equal rights relating to work irrespective of sex. New South Wales, Australia, adopted an Act (1958) providing for the progressive introduction of the principle of equal pay for equal work from 1 January 1959 to 1964. Wage differences between men and women in the Netherlands decreased in several branches of industry during 1957-59.
133. New laws or regulations were adopted establishing minimum wages, applicable to all workers (Cambodia, Nyasaland, Seychelles, Tanganyika, and United States of America), or to certain categories of workers (Italy and Venezuela); and setting up machinery for fixing minimum wages (Belgium) and wage rates (India and Iraq). A new system of fixing wages was introduced in the Netherlands, placing responsibility on organized industry and making productivity the criterion for raising wages. The Commonwealth Conciliation and Arbitration Commission of Australia ruled (1957) that the basic wage should be set at the highest wage the capacity of the country as a whole could sustain.
134. The Wages Protection Act (1958) of Israel stipulated that workers must be paid wages directly without delay and in cash. Regulations issued in Thailand (1959) required regular payment of wages to industrial workers.
135. Several new laws were adopted aimed at protecting or strengthening trade union rights (Iraq (1958 Law), Tunisia (1959 Act), United Arab Republic (1959 Act) and United States of America (1959 Act)), and guaranteeing the right to collective bargaining (Honduras (Collective Bargaining Act, 1957) and Venezuela (1958 Act)). Teachers, nurses, engineers, medical workers and journalists were authorized to form trade unions under laws enacted in Iraq (1958 and 1959), and trade union rights were extended to agricultural workers in Morocco (1957 dahir).
136. Laws and regulations adopted in Bulgaria (1958 Order), France (1959 Ordinance), USSR (1958 Regulations and 1959 Statute) and Yugoslavia (Act on Employment Relationships, 1958) provided for varying forms of participation by workers in management, and accorded trade unions new or extended powers in this respect. Laws adopted in France (1957-59) provided for the training of workers through trade unions, with State assistance for trade union centres or universities which established training programmes.

137. Belgium issued a Royal Order (1958) authorizing the establishment of management and labour councils in all undertakings employing over 150 workers. New legislation in Israel provided for the referral of labour disputes to Labour Relations Officers for conciliation, or to arbitral boards or officers for arbitration, and for the establishment of a Labour Relations Council, composed of equal numbers of employers and employees (Settlement of Labour Disputes Act, 1957); and for the compulsory registration of collective agreements with the Minister of Labour, who was authorized, under certain conditions, to extend such agreements to persons not otherwise covered (Collective Agreements Act, 1957). Collective work contracts, negotiated by trade unions and employers, were made compulsory in various branches of industry in Mexico (Decrees of 1957-59). The Factory Act of Nepal provided that Labour disputes should be referred to an arbitration board, composed of representatives of labour and management, and a government nominee, and that decisions of the board were binding. In the USSR extensive powers in examining labour disputes were conferred on trade union committees, including the right to decide on the substance of disputes; decisions of the committees must be put into effect within ten days (Regulations of 1957).

138. Civil and public servants' organizations in Norway were authorized (1958 Act) to request negotiations with the State for collective agreements, and for the settlement of disputes on the interpretation of such agreements; if negotiations failed, both parties could request that the dispute be referred to the Public Mediator for conciliation, or, if both parties agreed, to the National Wages Board for arbitration. Collective stoppage of work by members of the police force was prohibited, but wage and salary demands could be submitted to the National Wages Board for arbitration, and restrictions on organizational rights were repealed (1959 Act). The Supreme Court of Israel ruled (1957) that absence from work on strike of civil servants could be counted as annual leave with pay.

139. The High Court of Australia held (1959) that individual defendants and the trade union were liable in damages for the unlawful expulsion of a trade union member, and for attempting by threat of a strike to prevent him from further employment in the industry; and that picketing to prevent certain workers from presenting themselves for employment in stevedoring operations was unlawful. In the Philippines the Supreme Court ruled that refusal of a company to re-employ



personnel laid off for failing to join a particular union constituted unfair labour practices for which the company could be compelled to reinstate the workers with full pay.

140. Reductions in working hours, effected in several countries, included the establishment for all workers of a working week of forty-five hours (Belgium, Netherlands, Norway), forty-six hours (Bulgaria) and forty-eight hours (Thailand and United Arab Republic); the introduction of a working week of forty hours for workers in certain industries (Ukraine), of forty-five hours for civil servants (Federal Republic of Germany), and of forty-eight hours for workers in urban transport (Dominican Republic). A maximum working day of eight or nine hours was established in Iraq. In the USSR a six to seven-hour working day was introduced, to be achieved for all workers in industry by 1960.

141. New laws or regulations adopted in a number of countries specified that all workers were entitled to annual leave with pay after a certain period of service (Cambodia (1957 Law) and Iraq (Labour Law 1958)); increased the length of vacations permitted (Belgium (1958 Royal Order) and New South Wales, Australia (1958 Act)); reduced the qualifying period of service required (Bulgaria (1957 Act) and United Arab Republic (1959 Labour Act)); authorized periods of sick leave to be counted as periods of continuous service (Argentina (1957 Decree)); restricted the postponement of vacations to the conclusion of the work contract (the Republic of Viet-Nam (1958 Decree)); abrogated provisions which had permitted exceptions in granting annual holidays (Yugoslavia (1957 Act)); and prohibited the replacement of annual holidays by compensation in cash (Bulgaria (1957 Act)). Special provisions applicable to agricultural workers were adopted in Norway, Poland and the United Kingdom.

#### Right to education (article 26)

142. Many countries took legislative or other measures to extend educational facilities, whether at the primary, secondary, technical and vocational, or higher levels and to make education available free of cost.

143. The education reform law of Cuba made education compulsory for children up to the age of twelve and to the sixth grade of primary school, and free when provided by the State, province or municipality. Compulsory primary education was introduced

in Iraq (decision of the Minister of Education) and, in Papua, school attendance of all children of seven to fifteen years was made compulsory at Yule Island (Proclamation of 1959). Primary education became free in all public and private schools in Surinam in 1957-58.

144. Burma reported progress in 1957-59 in extending free primary education, and Chile in implementing the law providing for free and compulsory education. Primary education was extended in Afghanistan under a five-year educational development plan. One-teacher schools were established in mosques in remote villages. A comprehensive programme was undertaken in India to introduce free and compulsory education by 1965-66, implementing the constitutional directive to states to provide free and compulsory education for all children up to fourteen years of age. The Federation of Mali issued a decree (1959) aimed at developing primary education through the organization of short school courses, and the use of local languages. A ten-year plan was initiated in the Upper Volta to bring education, currently reaching only 9 per cent of the population, to 80 per cent of the boys and 20 per cent of the girls.

145. Provision was made for textbooks to be distributed to pupils free of charge in Mexico (1959 Decree) and Romania.

146. The Education Act (1958) of Denmark and the Primary Education Act (1959) of Norway aimed at co-ordinating the educational systems in urban and rural areas. The Norwegian Act also extended the statutory school age to permit the introduction of nine-year schools (instead of seven).

147. The General Act concerning Schools (1958) of Yugoslavia provided for free and compulsory schooling for all children of seven to fifteen years of age without distinction of nationality, sex, social condition or religion.

148. The education systems of the Byelorussian SSR and the USSR were reorganized under Acts of 1958 and 1959 which introduced new developments, especially in secondary education, aimed at establishing a closer correspondence between education and life. Compulsory education was extended from a seven to an eight-year period (i.e. from seven to fifteen or sixteen years of age), covering the first stage of secondary education. New types of specialized secondary schools were established, enabling young persons to continue technical or vocational training for a further three-year period while working. The USSR Act also recognized the need to develop university education, especially in new branches of the sciences.

149. Under the Public School Act (1957) of Finland, education was free and compulsory for all children of seven to fifteen years of age. A new type of secondary school was established as part of the public school system to give technical and vocational training to pupils who did not intend to enter the university. Hungary established free State "re-training schools" in 1959 for pupils who had completed primary school but not continued their studies beyond.

150. In Tunisia the Act relating to Education (1958) stipulated that teaching at all levels must be provided free of charge and that all possible assistance would be provided to gifted students of parents of inadequate means. Provision was made for the development of vocational training.

151. In Cambodia, 1957-59 was a period of reform and development at all education levels, with increasing emphasis placed on technical studies. Twenty new secondary schools were opened and a new university founded. In the Republic of Niger the Government imposed an apprenticeship tax to help finance the creation of new centres for technical and vocational training. In the Republic of Korea a five-year plan was initiated in 1958 for the reconstruction of technical and professional education facilities destroyed during hostilities. Spain adopted an Act (1959) making the State responsible for the protection and development of workers universities, intended to provide vocational and technical training and general education for Spanish workers.

152. Under a 1958 Act in Israel a Council of High Education was established, to be appointed by the President of State to supervise and co-ordinate the activities of institutions of higher education and scientific research.

153. Scholarships for university study were extended in a number of countries. Government loans to talented students of limited means were guaranteed in Finland (1959 Act). Denmark amended its legislation (1958), more than doubling the budgetary appropriations for scholarships to universities and vocational schools. Similar measures were taken in the Netherlands and by federal, state and private authorities in the United States of America. Australia reported that, in 1958, 23 per cent of all university students received payment of all compulsory fees, with additional allowances in some cases. Scholarships for study abroad were increased in Afghanistan and Cambodia. Hungary established "social scholarships", which certain institutions could grant to meritorious workers and their children;

and increased the scholarships awarded for science studies and post-graduate scientific research (Decree of 1959). Special paid leave for workers to continue scientific studies was also authorized.

154. Other facilities for adult education were extended in Hungary, especially through evening and correspondence courses and study vacations for workers. Special classes were instituted for the gypsy population. The USSR reported wide use of evening and correspondence courses for adults, enabling people to combine work with extended training. A 1959 Decree authorized supplementary leave with pay and a reduction in working hours for this purpose. Adult education programmes were expanded in the United States of America and included special opportunities for American Indians to improve their training and enhance their earning power.

155. In the Republic of Viet-Nam a number of adult education courses were initiated, including evening classes to teach reading and writing. Honduras, in 1959, set in operation a substantial plan to overcome illiteracy, and ninety new education centres were established. In Tunisia literacy courses were held for adults through the medium of films.

156. Courts in the Federal Republic of Germany rendered a number of decisions interpreting the constitutional provision that the care and upbringing of children is the right and duty of parents, and the entire educational system is under the supervision of the State.

#### Cultural rights (article 27)

157. Israel, in 1958, adopted an Act which provided for the establishment of a centre for the promotion of culture to bring together national and international artists in various branches of the arts. A "Council of Cultural Co-operation" was founded in Surinam in 1958. Several new museums were opened in the United States of America and two new cultural centres were established in Washington and New York.

158. Japan organized annual festivals of art. In the Republic of Korea a national science exhibition was held in 1957. In a series of decrees of 1957-59 the Government of Argentina sought to encourage national theatrical and film productions. State aid was given to groups performing national plays. Hungary issued an ordinance (1958) instituting a system of premium payments for actors, to encourage

the performance of plays in small towns and rural areas. In the USSR amateur artistic activities, especially theatrical performances, were encouraged and assisted by many outstanding artists and writers.

159. In the Federal Republic of Germany the Employees Inventions Act (1957) established the principle that inventions produced in the course of employment were the employer's property but he must reward the inventor. "Free inventions" were the property of the employee, but he must offer the employer an opportunity of acquiring them.

160. Amended legislation on copyright in Brazil gave the author the exclusive right, during his lifetime, to reproduce any literary, scientific and artistic work, and extended this right to the author's heirs or successors for sixty years after his death (Civil Code as amended by an Act of 1957). In Yugoslavia the Act concerning Authors Rights (1957) accorded the author or his heirs during his lifetime and for fifty years after his death property rights (i.e. the right to utilize his work by publication, adaptation, reproduction, presentation, performance, transmission and translation), and moral rights (i.e. the right to be recognized as the creator of a work, to object to any deformation, mutilation or other modification of it, and to object to any improper use of the work which would be prejudicial to the author's honour or reputation) which continued after property rights had expired. New laws on copyright were also enacted in India and the Republic of Korea.

161. The Court of Final Appeal of Norway ordered (1957) a royalty to be paid to the legal survivor of the last of two French authors of the comedy from which the libretto to "Die Fledermaus" had been adapted. Although the libretto and music had fallen into the public domain, the comedy was considered to be protected until fifty years after the death of the last surviving author, who had died in 1908.

#### Limitations (article 29)

162. Martial law was promulgated in Pakistan in 1958 following a peaceful revolution; the constitution was abrogated, but the ordinary laws remained in force. The Government of Thailand proclaimed martial law to ensure public order; military courts were established to deal with offences except those committed by juveniles, and the guarantees under the Criminal Procedure Act remained in effect.

In the interest of the security of the State, Haiti suspended certain constitutional guarantees for a six months' period under a Decree (1958) which extended full powers to the chief executive.

163. As a consequence of threats to national security in Mauritania, legislation was enacted (1959) empowering the Government to declare a state of emergency which could not exceed eight days without the approval of the Legislative Assembly; and authorizing the Prime Minister to restrict freedom of movement and assembly, and to hold in forced residence persons deemed dangerous to security and to public order. Military courts could deal with certain crimes and offences.

164. The Public Security (amendment) Act (1959) of Ceylon authorized the Prime Minister to call out the armed forces to maintain public order, to impose a curfew whenever he considered it necessary and to declare any service to be essential to the life of the community and to create certain offences in respect thereof. Persons committing offences under the Act could be arrested without warrant. Orders made by the Prime Minister must be reported to Parliament, and the House of Representatives could amend or rescind them.

165. To secure public order, legislation was enacted in certain United Kingdom territories restricting freedom of expression, assembly and association, and, in some cases, liberty of the person and freedom of movement.

166. Hungary reported that the exceptional measures taken as a result of events in that country in 1956 were abrogated by 1959, including the 1957 Decree on Public Security Custody. In Venezuela, in 1958, the Council of Government abolished previous provisions, which had restricted human rights and conferred wide discretionary powers on the President of the Republic.

CHAPTER III

COMMENTS, CONCLUSIONS AND RECOMMENDATIONS

167. There was an exchange of opinion regarding the system of triennial reports. A representative expressed the view that the present system was not so satisfactory as the reporting procedures that would be envisaged in the covenants on civil and political rights and on economic, social and cultural rights, and that it should be considered only as an interim measure pending the adoption of the covenants. The representatives felt that the present system, established under a resolution of the Economic and Social Council, was a very important and useful machinery and some felt that it should be continued even when the covenants entered into force.

168. The Committee was appreciative of the fact that as many as sixty-seven Governments submitted reports for the years 1957-59 while only forty-one Governments had done so for the years 1954-56. It was thought that failure of a Government to report for a given period might simply mean that there were no significant new developments during that period. The hope was expressed, however, that all Governments would be able to report in the future.

169. The Committee was of the opinion that the periodic reports did contain sufficient information to enable it to present draft comments, conclusions and recommendations of an objective and general character.

170. While it was difficult to discern general trends in respect of each right enumerated in the Universal Declaration, the periodic reports contained a wealth of useful information, indicating that some progress was made in protecting human rights during the years under review, especially in certain areas. The Committee noted with interest the incorporation of human rights provisions in a number of new constitutions or basic laws, several of them being based on the Universal Declaration; the measures adopted to combat discrimination; the efforts made to safeguard human rights in the administration of justice; the extension of social security systems; and the extension of educational facilities. While little information was reported relating to the right of peoples to self-determination, the Committee noted that a number of new States came into existence during the period under review, and several of these submitted reports.

171. The Committee observed, however, that the situation in a number of countries and territories with regard to human rights and fundamental freedoms still remained unsatisfactory both in the field of civil and political rights and in the field of social, economic and cultural rights. In particular it was noted that the periodic reports contained little or no information on the human rights situation in Non-Self-Governing and Trust Territories.

172. Furthermore, the Committee thought that the periodic reports did not include much information concerning the events and circumstances which led to the enactment or revision of legislative instruments for the protection of human rights; and that they did not deal with the problems and difficulties which had been encountered in the promotion of human rights. It was hoped that future reports would indicate the background of each legislative measure taken to safeguard human rights and also the difficulties and problems encountered no less than the successes achieved in the promotion of human rights.

173. The Committee endorsed the suggestions (E/3229, para. 96) which were referred to in resolution 4 (XV) of the Commission on Human Rights and resolution 728 B (XXVIII) of the Economic and Social Council. In particular the Committee thought that Governments should concentrate on reporting developments of particular significance and explaining why they were significant, rather than attempting to report developments relating to all the rights enumerated in the Universal Declaration. If each reporting Government were to select and describe only the outstanding events in human rights, the reports as a whole would be of greater value to the Commission and to all Governments.

174. On the basis of the discussions the representatives of Austria, France and Poland submitted a draft resolution in the form of a working paper (E/CN.4/AC.17/L.1). The representatives of Afghanistan and India submitted some amendments orally, which were accepted by the sponsors of the draft resolution. While the substance of the draft met with the general approval of the Committee, a debate took place in connexion with the following operative paragraph:

"Urges all States or all States Members of the United Nations and the specialized agencies/ to submit reports on developments in human rights in their metropolitan areas as well as in all territories which have not yet attained independence including/ Non-Self-Governing and Trust Territories concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence, in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August 1956."



175. The opinion of the Committee was divided as to whether the proposed resolution should be addressed to "all States" or to "all States Members of the United Nations and of the specialized agencies". It was recalled that the Council, in resolution 826 B (XXXII), called upon "Governments of all States" to take measures to eradicate racial prejudice and national and religious intolerance. On the other hand, a representative pointed out that that case was entirely different as it was a question of inviting States to take internal measures, whereas the proposed resolution called on States to submit reports to the United Nations and it was argued that the Council should only request "States Members of the United Nations and of the specialized agencies" to submit periodic reports on human rights, as it did in resolution 624 B (XXII). The Committee agreed not to take a decision on this question, but to submit it to the Commission on Human Rights.

176. It was pointed out that in resolution 624 B (XXII) of the Council, under which the periodic reporting procedure was established, Governments were requested to report on developments in human rights "in their metropolitan areas and Non-Self-Governing and Trust Territories". To use the phrase "in all territories which have not attained independence including Non-Self-Governing and Trust Territories" would clearly go beyond the terms of the Council resolution. On the other hand, a representative argued, there were territories which were neither "Non-Self-Governing" nor "Trust" Territories but which had not yet attained independence. The metropolitan Powers concerned should be requested to report on the human rights situation in such territories. As a compromise the Committee agreed to replace "all territories which have not yet attained independence" by "all dependent territories". One representative stated that the term "dependent territories" should be understood in the spirit of the Charter; some representatives observed that the term did not imply that such territories should remain dependent and added that the Charter was concerned with all dependent territories, that is to say any territories under alien subjugation against the will of the people, including Non-Self-Governing and Trust Territories.

177. At its fifth meeting, the Committee unanimously agreed to submit the following draft resolution to the Commission on Human Rights:

The Commission on Human Rights,

Having considered the report of the Committee on Periodic Reports established by the Commission at its seventeenth session under resolution 3 (XVII),

Bearing in mind that although the submission by Governments of periodic reports on human rights had not yet been sufficiently effective, these reports

/...

are nevertheless of value for the promotion of respect for and observance of human rights and fundamental freedoms,

Takes note of the report of the Committee concerning the developments in human rights during the years 1957-59;

Recommends the following draft resolution for adoption by the Economic and Social Council:

The Economic and Social Council,

Having considered the reports of the Commission on Human Rights and of the Committee on Periodic Reports concerning the developments in human rights during the years 1957-59,

Expresses its appreciation to all Governments and specialized agencies which submitted reports for the years 1957-59;

Notes that, although the situation in a number of countries and territories with regard to human rights and fundamental freedoms still continues to remain unsatisfactory both in the field of civil and political rights and in the field of social, economic and cultural rights, the reports contain useful information indicating that some progress was achieved in the protection of human rights during the years 1957-59, especially with respect to certain of the rights enumerated in the Universal Declaration;

Notes in particular:

(a) that the reports make little or no reference to the situation in respect of human rights and fundamental freedoms in Non-Self-Governing and Trust Territories;

(b) that the several constitutions or basic laws adopted during the period under review included provisions aimed at the protection of human rights;

(c) that the constitutions of several new States affirm the loyalty and attachment of the people to the ideals set forth in the Universal Declaration of Human Rights;

(d) that steps taken in several States towards the elimination of discrimination included the enactment of legislation, the repeal of discriminatory laws, the enforcement of laws through the courts, the establishment of commissions to supervise the application of legislation, and the setting-up of committees or informal conciliatory bodies to promote better relations between different groups;

(e) that in several States a number of laws were adopted to improve the administration of justice, through the reform of judicial organization, the expediting of judicial process, the provision of remedial measures against wrongful administrative decisions, the extension of the rights of the accused in criminal proceedings and the encouragement of the rehabilitation of offenders as useful members of society;

(f) that many social security systems were expanded to cover more categories of persons and to provide greater protection against a variety of contingencies;

(g) that in several States educational facilities, whether at the primary, secondary, technical or vocational, or higher levels, were greatly extended and attempts made through legislative or other measures to make education available free of, or at reduced cost;

Believes that in order to meet the objectives set by the Commission in resolution 1 (XII) and the Council in resolution 624 B (XXII), and to promote respect for and observance of human rights and fundamental freedoms paying special attention to their implementation, a greater number of reports is required and more information should be given therein concerning the problems or difficulties which have been or may be encountered;

Decides to continue, in accordance with Economic and Social Council resolution 624 B (XXII), the submission by Governments of periodic reports on human rights, without prejudice to the adoption and ratification of the Covenants on human rights, including the measures of implementation provided therein;

Urges /all States or all States Members of the United Nations and the specialized agencies/ to submit reports on developments in human rights in their metropolitan areas as well as in all dependent territories including Non-Self-Governing and Trust Territories concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence, in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August 1956;

Invites the Governments to draw up their reports, keeping in mind resolution 728 B (XXVIII) of the Council and the suggestions referred to therein (E/3229, para. 96).

CHAPTER IV

THE PROCEDURE TO BE FOLLOWED WITH RESPECT TO FUTURE REPORTS

178. The Committee had an exchange of views regarding the procedure to be followed with respect to future periodic reports.
179. It was unanimously agreed that the present reporting procedure should be continued and that Governments should be requested to report on significant developments in the field of human rights every three years. A reservation was made by a representative to the effect that, when the Covenants on human rights entered into force, the present reporting procedure should be reconsidered.
180. The next series of periodic reports would cover the years 1960-1962, and Governments would be requested, at the beginning of 1963, to prepare reports. It was urged that Governments should submit reports as soon as possible in 1963 within a time-limit determined by the Commission, so that the Secretary General could prepare and issue a summary at the earliest possible date.
181. It was suggested that the periodic reports should be studied and examined thoroughly by a special body - whether a committee of government representatives or a committee of experts - to be established by the Commission. One representative thought that the Commission should appoint such a body in 1963 in order that it could meet immediately before the 1964 session of the Commission. Another representative felt that the question of appointing any such body should be left entirely to the Commission.
182. It was further suggested that the body appointed to examine periodic reports should have wider terms of reference and should hold a longer session than the present Committee, as the periodic reports deserved and required thorough examination.
183. The question of consulting non-governmental organizations was raised. One suggestion was that the non-governmental organizations might well be a fresh source of information and might be invited to submit comments and observations of an objective and general character.
184. The desirability of publicity being given to the summaries of periodic reports was also discussed in the Committee. The members of the Committee agreed to recommend to the Commission that, in order to create a greater impact in the field of the protection and promotion of human rights, wide-spread publicity should be given, in an appropriate form, to the periodic reports submitted by Governments. The Committee requested the Secretary-General to submit a working paper to the Commission at its eighteenth session on this question.

CHAPTER V

ADOPTION OF THE REPORT

185. At its sixth meeting the Committee considered the draft report of its Chairman-Rapporteur (E/CN.4/AC.17/L.3). The report was adopted unanimously.

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