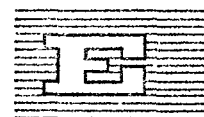


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1302
30 November 1978
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-fifth session
Item 19(b) of the provisional agenda

PERIODIC REPORTS ON HUMAN RIGHTS

Analytical summary of reports and other material on
civil and political rights
for the period 1 July 1971 to 30 June 1977
received under Economic and Social Council resolution 1074 C (XXXIX)

(prepared by the Secretary-General in pursuance of the
Commission on Human Rights resolution 16 (XXIII))

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INTRODUCTION

1. The Economic and Social Council, in resolution 1074 C (XXXIX) of 28 July 1965, invited States Members of the United Nations or members of the specialized agencies to submit reports on developments in human rights in territories under their jurisdiction concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence, within a continuing three-year cycle covering in the first year, civil and political rights, in the second year, economic, social and cultural rights, and in the third year, freedom of information. The resolution provided that for the rights falling in the field of competence of specialized agencies Governments might, if they so elected, confine themselves to reference to the reports they had sent to the specialized agencies concerned.
2. The Council invited the specialized agencies to continue their contributions to the periodic reports on human rights in accordance with the above schedule and with Council resolution 624 B (XXII). It also invited the non-governmental organizations in consultative status to continue their submission of objective information in accordance with the same schedule and with Council resolution 888 B (XXXIV).
3. The Council requested the Secretary-General to forward the information received from Member States and specialized agencies in full, together with a subject and country index, to the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The comments received from non-governmental organizations in consultative status and the comments which might be made on them by the Member States concerned were to be made available by the Secretary-General to these bodies.
4. In resolution 1596 (L) of 21 May 1971, the Council, recognizing that the number of reporting obligations imposed upon Member States might make more difficult the preparation of comprehensive periodic reports on human rights each year, decided that as from 1972 Member States would be asked to submit periodic reports once every two years in a continuing cycle.
5. Pursuant to Council resolution 1074 C (XXXIX), the Commission on Human Rights established an Ad Hoc Committee on Periodic Reports having as its mandate to study and evaluate the periodic reports and other information received under the terms of the resolution and to submit to the Commission comments, conclusions and recommendations of an objective character. The Ad Hoc Committee was also to ensure all necessary co-ordination with any specialized agency in considering any question or matter dealt with in that agency's report. In resolution 1506 (XLVIII) of 17 May 1970, the Council authorized the Ad Hoc Committee, notwithstanding the provisions of resolution 1074 C (XXXIX), to submit its report to the Commission within one year following the receipt of the periodic reports.
6. In its resolution 16 B (XXIII) of 22 March 1967, the Commission on Human Rights requested the Secretary-General, when presenting future periodic reports on human rights for the consideration of the Commission, to prepare an analytical summary with regard to each of the rights under consideration, bearing in mind paragraph 1 of the

resolution, 1/ and including a description of the important trends revealed in the reports, difficulties encountered, methods adopted to overcome them and suggestions for possible further action, and drawing, as appropriate, on such pertinent material as might be available from other United Nations sources. The Secretary-General was further requested to make the analytical summary available to the Ad Hoc Committee on Periodic Reports on Human Rights, together with the material received in accordance with Economic and Social Council resolution 1074 C (XXXIX). The Secretary-General was also requested, when inviting the submission of periodic reports under Economic and Social Council resolution 1074 C (XXXIX), to provide an outline of the headings under which he expected to organize the material received, taking into account pertinent provisions in the United Nations instruments.

7. The Commission on Human Rights, in its resolution 12 (XXXI) of 6 March 1975, recommended that Governments provide more detailed information in their periodic reports on difficulties which they had experienced in ensuring the full enjoyment of human rights and on the methods and measures which were applied to overcome such difficulties. The Commission also recommended to Governments the usefulness of (a) submitting concise and precise reports; and (b) following as closely as possible in their reports the outline of headings furnished by the Secretary-General, and concentrating on information relevant to the reporting period and the provisions of Economic and Social Council resolution 1074 C (XXXIX).

8. As requested in Commission resolution 16 B (XXIII), the Secretary-General drew up an "outline of headings" under which reports on civil and political rights for the period from 1 July 1971 to 30 June 1977, might be presented. This outline was attached to the communication dated 23 December 1977, addressed to States Members of the United Nations and members of the specialized agencies, to the specialized agencies and to non-governmental organizations in consultative status, inviting them to submit reports and comments as appropriate. The Secretary-General indicated that he would be grateful if, in conformity with the schedule established by Economic and Social Council resolution 1596 (L), the reports could reach him not later than 31 March 1978.

1/ In paragraph 1 of its resolution 16 B (XXIII), the Commission on Human Rights stated that the task of the United Nations bodies concerned in identifying important trends in the periodic reports would be facilitated in future by concentrating on material of an objective character revealing characteristics such as the following:

"(a) The influence on Member States of United Nations instruments which contain principles and norms for the protection of human rights and fundamental freedoms and, in particular, measures adopted to implement such instruments;

"(b) The common interest of a number of States in particular aspects of the rights under consideration;

"(c) Experience of difficulties in the field of human rights which may be of interest to other States;

"(d) New developments or methods which may be helpful in overcoming such difficulties;

"(e) The participation of increasing numbers of the population in the enjoyment of human rights."

9. Subsequently, by its resolution 1973/20 of 5 May 1978, the Economic and Social Council, noting that the States Parties to the International Covenant on Civil and Political Rights had undertaken, in accordance with article 40 of that Covenant, to submit reports to the Human Rights Committee on measures they have adopted which give effect to the rights recognized therein and on the progress made in the enjoyment of those rights, decided to exempt States Parties to the Covenant from submitting reports on similar questions under the periodic reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX). 2/

10. In a note dated 20 June 1978, the Secretary-General brought to the attention of States Parties to the International Covenant on Civil and Political Rights resolution 1978/20 of the Economic and Social Council.

11. In a further note, also dated 20 June 1978, the Secretary-General invited Governments of Member States which were not Parties to the International Covenant on Civil and Political Rights, and which had not yet submitted their periodic reports under the relevant Council resolutions, to do so not later than 30 August 1978 in order to allow adequate time for the reports to be translated, reproduced and summarized for submission to the Commission on Human Rights at its thirty-fifth session, and to its Ad Hoc Committee on Periodic Reports.

12. As of 30 August 1978, reports had been received from the following 17 countries: Algeria, Bahamas, Belgium, Cyprus, Federal Republic of Germany, Greece, Israel, Japan, Kuwait, Philippines, Portugal, Seychelles, Thailand, Tunisia, United Republic of Cameroon, Upper Volta and Yugoslavia. Subsequent to 30 August 1978 three more reports were received from the following countries: Austria, France and the Netherlands. These reports are reproduced in documents E/CN.4/1300 and Add.1-2.

13. Reports were also received from the following five specialized agencies: International Labour Organisation (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO) and the Universal Postal Union (UPU). These reports are reproduced in document E/CN.4/1301.

14. In accordance with Council resolution 1074 C (XXXIX) and the Commission resolution 12 (XXII), comments relating to civil and political rights received from non-governmental organizations, as well as comments, if any, made on them by the Member States concerned, will be made available to the Commission on Human Rights and its Ad Hoc Committee on Periodic Reports.

15. The present analytical summary, which is arranged according to the above-mentioned outline of headings, covers information contained in reports received up to 15 November 1978. In addition, pertinent material has been drawn from contributions in the Yearbook on Human Rights concerning those States which are not Parties to the Covenant and from which no periodic report has been received.

2/ For the list of States Parties to the International Covenant on Civil and Political Rights as at 1 January 1979, see document ST/HR/4/Rev.1.

I. INFLUENCE OF UNITED NATIONS INSTRUMENTS CONTAINING PRINCIPLES AND NORMS FOR THE RECOGNITION, PROTECTION AND PROMOTION OF CIVIL AND POLITICAL RIGHTS AND, IN PARTICULAR, MEASURES ADOPTED TO IMPLEMENT SUCH INSTRUMENTS

16. Several States report that their constitutions and legislations are basically in accordance with the principles and norms concerning the recognition, protection and promotion of civil and political rights contained in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments.

17. The Federal Republic of Germany and Tunisia state that those international instruments had a direct influence on the elaboration of the articles of their Constitutions concerning fundamental human rights. Upper Volta states that it recognizes civil and political rights as proclaimed by the Universal Declaration of Human Rights.

18. A particular influence of United Nations instruments on national legislation concerning civil and political rights is reported by Algeria, Bahrain (Yearbook 1973-74, pp. 15-17), Egypt (Yearbook 1971, pp. 83-85), Greece, Philippines, Portugal, Seychelles, Sudan (Yearbook 1973-74, pp. 185-188), United Republic of Cameroon and Yugoslavia, the Constitutions of which were promulgated during the period under review.

19. Several States refer to their signature or ratification of United Nations instruments or other international instruments related to civil and political rights, emphasizing that the elaboration of their national legislation tends to be increasingly inspired by the principles contained in those instruments and to be in conformity with their norms.

20. In this regard, Belgium and Israel refer to their signature, and Cyprus, the Federal Republic of Germany, Portugal, Tunisia and Yugoslavia to their ratification of the International Covenant on Civil and Political Rights.

21. Israel refers to its signature and Austria, Belgium, Cyprus, the Federal Republic of Germany, Tunisia, Upper Volta and Yugoslavia refer to their ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

22. Austria, Belgium, Cyprus, France and the Federal Republic of Germany refer to their ratification and implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

23. Cyprus reports, in particular, that in the hierarchy of its legal norms, the United Nations instruments in the field of human rights stand immediately below the Constitution and prevail over any other municipal law.

24. France reports that although it did not sign the declaration under article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning individual communications it recognizes as compulsory the jurisdiction of the European Court of Human Rights in conformity with its article 46. France reports also that, in 1975, it ratified the Protocol amending the Single Convention on Narcotic Drugs and adhered to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation; legislative amendments to its Penal Code were adopted in implementation of the latter Convention.

25. Israel reports that it is a party to 10 international instruments in the field of human rights and states that, although it has signed, but not ratified the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Reduction of Statelessness, or the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, it respects and provides in practice the human rights embodied in those Conventions.

26. Kuwait reports that it has ratified several conventions directly related to the civil and political rights of individuals such as the ILO Conventions: No. 111 concerning Discrimination in Respect of Employment and Occupation, No. 29 concerning Forced Labour, No. 105 concerning Abolition of Forced Labour, No. 87 concerning Freedom of Association and Protection of the Right to Organize, and No. 117 on Social Policy (Basic Aims and Standards). Kuwait is a party, inter alia, to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

27. Tunisia reports that it is a party to the UNESCO Convention against Discrimination in Education and the Convention on the Prevention and Punishment of the Crime of Genocide; the United Republic of Cameroon reports that it is party to the International Convention on the Suppression and Punishment of the Crime of Apartheid; and Upper Volta reports that it is a party to the Convention and Protocol relating to the Status of Refugees and to the ILO Convention No. 143 on Migrant Workers (Supplementary Provisions).

28. The International Labour Organisation reports that the International Labour Conference adopted, at its sixtieth session (1975), the following instruments aimed at further promoting certain civil and political rights: the Rural Workers' Organisations Convention, 1975 (No. 141) and Rural Workers' Organisations Recommendation, 1975 (No. 149) as regards the right to freedom of association and the right to organize; and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Migrant Workers Recommendation, 1975 (No. 151) concerning the right to equality of opportunity and treatment. At its sixty-first session (1976), the International Labour Conference adopted the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152). These instruments aim at ensuring the operation at the national level of procedures for effective consultation between representatives of the government, of employers and of workers with respect, in particular, to the implementation of ILO Conventions and Recommendations, including those relating to civil and political rights.

II. SIGNIFICANT DEVELOPMENTS WITH REGARD TO THE RECOGNITION,
PROTECTION AND PROMOTION OF CIVIL AND POLITICAL RIGHTS
DURING THE PERIOD FROM 1 JULY 1971 TO 30 JUNE 1977

29. Many States such as Algeria, Bahrain (Yearbook 1973-74, pp.15, 16, 17), Bahamas, Cyprus, Greece, Portugal, Seychelles, Sudan (Yearbook 1973-74, pp.185-188), Thailand, Tunisia and Yugoslavia make reference to or give a description of specific provisions concerning civil and political rights contained in their Constitutions.

30. The Federal Republic of Germany makes reference mostly to what is stated about developments concerning civil and political rights in its initial report submitted to the Human Rights Committee under article 40 of the International Covenant on Civil and Political Rights. 3/

31. A number of States report that significant developments with regard to the recognition, protection and promotion of civil and political rights have been realized through the enactment of specific legislation or through the establishment of special bodies and institutions for legal advice in the field of human rights.

32. Austria reports that its Government has set up a Committee to prepare a revision of the rules relating to basic rights, but this Committee has not yet concluded its work. Special account is taken in its deliberations of the United Nations instruments in the field of human rights. Austria also states that, at present, the protection of civil and political rights is guaranteed by its legal system in which the Constitutional Court is of a special importance.

33. Israel reports that it does not have as yet a comprehensive written constitution but that the Israeli Parliament (the Knesset) has passed a series of Basic Laws defining the rights and duties of the legislative and executive branches of Government. All Basic Laws are expected to be consolidated into a single document within the next two or three years. In the absence of such a document, Israel states that the basic rights and freedoms of the individual have nevertheless always been considered as integral parts of the Israeli common law. Furthermore, the courts, and in particular the High Court of Justice with its wide-ranging powers of judicial review, play a central role in the effective guarantee of the fundamental human freedoms.

34. In Mexico, several decrees were enacted especially in 1974, to supplement the existing legislation concerning the protection of civil and political rights promulgated in accordance with the Political Constitution of the United Mexican States. (Yearbook 1973-74, pp.147-148).

35. The Netherlands states that two significant developments occurred in the country during the period under review. On 2 April 1976 a Bill was presented to the Parliament, proposing the inclusion of a number of basic human rights as part of an overall revision of the Constitution. Some of the provisions proposed contain rights which were already included in the Constitution, but have been reformulated or more precisely defined, while others contain additional rights. On 24 May 1976 a Bill was placed before the Parliament to approve the

3/ Issued in document CCPR/C/1/Add.18.

International Covenants on Human Rights. The Netherlands also reports that in 1975 a National Advisory Committee on Emancipation was established, advising the Government as to its policy on promotion of the equality of women and female values in society.

36. In Turkey, Act No.1439 of 20 September 1971, amended certain articles of the Constitution concerning the protection of civil and political rights. (Yearbook 1971, pp.253-255).

37. The United States reports that in 1974 the Congress amended the Foreign Assistance Act of 1961 in order to deal specifically with the relationship between security assistance and human rights. A new section was added to the 1961 Act enunciating that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of person. (Yearbook 1973-74, p.243).

38. Some States report about the impact on their national legislation caused by political changes, situations of emergency or particular difficulties experienced during the period under review.

39. The Seychelles reports that its Constitution was temporarily suspended on 13 June 1977 with effect from 5 June and came into operation again on 27 June 1977 with certain amendments. The fundamental rights were however preserved during that period and the amendments did not affect them.

40. Thailand reports that the period under review was one of considerable political turmoil for the country which had to face many social, economic and political problems. Various constitutional texts were promulgated during that period and then repealed following changes of government. Although the Interim Constitution (1977) which is in force at present does not contain any provision guaranteeing the fundamental rights of the people, it provides in Section 30 that the customary constitutional practices of Thailand under a democratic form of government shall be applicable, that is to say, the provisions contained in the Constitution of the Kingdom of Thailand of 1974.

41. Upper Volta reports that the Constitution of the Second Republic was suspended by Decree No.74.1 of 8 February 1974, but that civil and political rights retained their value of general principles of law. The major part of those rights, nevertheless, have been formally reaffirmed in the new Constitution adopted by referendum on 27 November 1977 and promulgated by Decree No.77.468 of 13 December 1977.

A. Inviolability of the person

(1) Right to life

42. Many States make reference to their constitutional and other legislative provisions for the guarantee and protection of the right to life.

43. In Algeria, the State, by articles 48 and 71 of its Constitution of 1976, guarantees the inviolability of the person and punishes, in conformity with the law, any violation of rights and freedoms as well as any physical or moral offence against the integrity of the human being. The assistance of the State is guaranteed to the citizen for the defence of his freedom and the inviolability of his person.

44. Israel reports that articles 3 and 4 of the proposed Basic Law entitled "Rights of the Man and Citizen" contain provisions for the safeguard of the life of a person, his honour and his personal liberty. At present these rights are provided and regulated by an extensive body of statutory provisions spread over a number of enactments, the most commonly applied of which are: The Criminal Procedure (Arrest and Searches) Ordinance (New Version), 1969 and The Penal (Modes of Punishment) Law (consolidated version), 1970.

45. The Philippines points out in its report that the State extends the concept of the right to life not only to persons, but even to the unborn. The commitment to population control through contraceptive techniques specifically excludes abortion and provides for voluntary, rather than compulsory, surgical sterilization, not merely as a population control measure but as part of a total maternal and child health care system.

46. UNESCO reports that protection of the right to life is a basic principle for the development of its activities in favour of the human being. Interventions on the subject have been made by its representatives during the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 17 March-10 June 1977) and during the eighteenth International Conference of the Red Cross (Bucharest, 15-20 October 1977).

47. From a number of reporting States it appears that, although they still have legislation providing for the death penalty under certain circumstances, the execution of such penalty tends to be increasingly exceptional. In some reporting States, the death penalty is considered practically obsolete or has been abolished by legislative act.

48. The death penalty was abolished in the Northern Territory of Australia by the Criminal Law Consolidation Ordinance in 1973 and in the mainland and external Territories of Australia by the Death Penalty Abolition Act in 1974. (Yearbook 1973-74, p.4).

49. Article 15 of the Constitution of the Bahamas provides that every person is entitled to the right to life. Article 16 nevertheless, places certain limitations on the enjoyment of this right by an individual to ensure that it does not prejudice the rights and freedoms of others or the public interest. The same article enumerates the circumstances under which a person can be legally deprived of his life.

50. In Cyprus, article 7 of the Constitution contains provisions pertaining to the right to life which correspond to the provisions contained in article 6 of the International Covenant on Civil and Political Rights and article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Although the death sentence for certain cases has not been abolished, no such sentence has been carried out in Cyprus for the last 15 years. Furthermore under the Cyprus Criminal Code (chapter 154) S.27 the death sentence cannot be passed on a pregnant woman or on persons under the age of sixteen.

51. Israel reports that capital punishment was abolished in 1954, except for the crime of treason in war-time and some grave offences connected with the crime of genocide.

52. The Seychelles reports that the right to life is protected by article 13 (1) of its Constitution. Derogation is only allowed in exceptional cases, like for the purpose of suppressing a riot or to prevent the escape of a person lawfully detained.

53. Yugoslavia reports that article 175, paragraph 1, of its Constitution guarantees the inviolability of man's life. Although the Constitution still recognizes the existence of the death penalty, its enforcement is exceptional and in recent years has been invoked only in a small number of cases against the perpetrators of exceptionally cruel and grave criminal offences which caused the loss of many human lives. Legislation and judicial practice increasingly employ and encourage abolitionist policy.

(2) Right to liberty and security of person: freedom from arbitrary arrest, detention or exile

54. Legislative measures have been taken by some reporting States to ensure a better general protection of the right to liberty and security of person, especially with regard to working conditions or against the danger represented by certain aspects of modern criminality.

55. France reports that, besides the legislative amendments to the Penal Code in implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation mentioned above, it enacted, on 6 December 1976, a law concerning the development of the prevention of industrial accidents. This law sets up a certain number of measures aimed at the general improvement of the security of workers.

56. New legislative provisions have been introduced in Italy by Act No.497 of 10 October 1974, to combat crimes which trespass in a particular manner either on the liberty of the person as such (kidnapping) or, through acts directed against the physical person, even on the property of the individual. (Yearbook 1973-74, p.128).

57. As far as the freedom from arbitrary arrest and detention is concerned, several States report about their constitutional provisions or about the enactment of specific new legislation and the adoption of court decisions on the subject.

58. In the Algerian Constitution of 1976, article 51 provides that no one can be prosecuted, arrested or detained except in cases specified by the law and in conformity with its provisions; article 52 provides that with regard to criminal investigation, custody pending trial may not exceed forty-eight hours and may be prolonged, as an exceptional measure, solely under the conditions established by law. On the expiration of the period of custody, a medical examination can be requested by the person who was arrested.

59. In the Bahamas, article 15 of the Constitution states that every person is entitled to the right to liberty and security of person subject to respect for the rights and freedoms of others and for the public interest. A person, however, may be deprived of his personal liberty in cases authorized by law and in accordance with the circumstances enumerated in article 19 (1) of the Constitution.

60. In Cyprus, article 11 of the Constitution, which corresponds to article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and to article 9 of the International Covenant on Civil and Political Rights provides for guarantees of the right to liberty and security of person. The same article enumerates all cases where the arrest or detention of a person is possible under the law. The powers of arrest by the police or by individuals are regulated by the Criminal Procedure Law (chapter 155) in accordance with article 11 of the Constitution.

61. The Seychelles, Thailand, the United Republic of Cameroon and Yugoslavia also report that freedom from arbitrary arrest and detention is guaranteed by the provisions of their Constitutions and that arrest and detention can be permitted only in cases determined by law and in accordance with the constitutional guarantees.

62. In Australia, the Crimes (Powers of Arrest) Act 1972 of Victoria, which amended the Crimes Act 1958, deals with the law relating to arrest without warrant and related matters. New section 457 displaces any common law powers of arrest without warrant and provides that henceforth the only such powers that will be available will be those conferred by the provisions in the Crimes Act or by the provisions of some other act. (Yearbook 1972, p.9).

63. In Belgium the Act of 13 March 1973 modifies the system of custody pending trial. This Act improves the safeguards for the person in custody and makes provision, in certain circumstances, for him to be compensated if he has been deprived of liberty for more than eight days without cause based on his behaviour.

64. Israel reports that, under Section 7 of the Court Law, the Supreme Court sitting as a High Court of Justice is competent to order the release of persons unlawfully detained or imprisoned. On the basis of the case "Degani v Minister of Police" (1976) 30 P.D (1) 337, the Supreme Court interpreted section 3 (3) of the Criminal Procedure (Arrest and Searches) Ordinance (New Version), 1969, authorizing a police officer to arrest without warrant a person who "has committed in his presence, or has recently committed, an offence punishable ... with imprisonment for a period exceeding six months". The Court held that the word "recently" in the above section meant a period counted, not in days, but in hours.

65. The Netherlands makes reference to a number of decisions handed down in 1971 by the Military High Court of Appeal in cases in which articles 5, 6 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been invoked, and to the Act of 26 October 1973 which contains amendments to the provisions governing custody while awaiting trial. Furthermore, the Act of 26 June 1975 extended the right to compensation for wrongful temporary detention; the Act of 10 December 1975 changed the regulations governing release on parole, establishing that when a person sentenced to a term of imprisonment has completed two thirds (minimum nine months) of his sentence, the Minister of Justice may order his release on parole; and the Act of 21 October 1976 amended the 1953 Prison Act in such a way as to improve the legal position of prisoners.

59. In the Bahamas, article 15 of the Constitution states that every person is entitled to the right to liberty and security of person subject to respect for the rights and freedoms of others and for the public interest. A person, however, may be deprived of his personal liberty in cases authorized by law and in accordance with the circumstances enumerated in article 19 (1) of the Constitution.
60. In Cyprus, article 11 of the Constitution, which corresponds to article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and to article 9 of the International Covenant on Civil and Political Rights provides for guarantees of the right to liberty and security of person. The same article enumerates all cases where the arrest or detention of a person is possible under the law. The powers of arrest by the police or by individuals are regulated by the Criminal Procedure Law (chapter 155) in accordance with article 11 of the Constitution.
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63. In Belgium the Act of 13 March 1973 modifies the system of custody pending trial. This Act improves the safeguards for the person in custody and makes provision, in certain circumstances, for him to be compensated if he has been deprived of liberty for more than eight days without cause based on his behaviour.
64. Israel reports that, under Section 7 of the Court Law, the Supreme Court sitting as a High Court of Justice is competent to order the release of persons unlawfully detained or imprisoned. On the basis of the case "Degani v Minister of Police" (1976) 30 P.D (1) 337, the Supreme Court interpreted section 3 (3) of the Criminal Procedure (Arrest and Searches) Ordinance (New Version), 1969, authorizing a police officer to arrest without warrant a person who "has committed in his presence, or has recently committed, an offence punishable ... with imprisonment for a period exceeding six months". The Court held that the word "recently" in the above section meant a period counted, not in days, but in hours.
65. The Netherlands makes reference to a number of decisions handed down in 1971 by the Military High Court of Appeal in cases in which articles 5, 6 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been invoked, and to the Act of 26 October 1973 which contains amendments to the provisions governing custody while awaiting trial. Furthermore, the Act of 26 June 1975 extended the right to compensation for wrongful temporary detention; the Act of 10 December 1975 changed the regulations governing release on parole, establishing that when a person sentenced to a term of imprisonment has completed two thirds (minimum nine months) of his sentence, the Minister of Justice may order his release on parole; and the Act of 21 October 1976 amended the 1953 Prison Act in such a way as to improve the legal position of prisoners.

66. Court decisions have been taken in some of the reporting States, during the period under review, concerning preventive detention of persons on whom a request for extradition is pending.

67. In Israel, a 1975 amendment of the Extradition Law of 1954 deals with the provision permitting detention of a wanted person without warrant pending a request for extradition. Under the 1975 amendment, courts may now extend a warrant for a period not exceeding 30 days unless special circumstances are shown to exist, and even then for not more than 60 days in toto from the date of the original detention.

68. The Netherlands reports that the President of the District Court in The Hague, in a judgment of 13 November 1975, rules that the taking into custody in the interest of maintaining public order, under section 26 of the Aliens Act, of foreigners whose extradition has been ordered does not conflict with article 5 (the right to liberty of person) of the European Convention.

69. As regards freedom from exile, Kuwait states that exile is applied by its authorities only in implementation of a judicial decision passed according to laws. The Bahamas and Yugoslavia make reference to the provisions of their Constitutions or other legislation establishing special cases in which exile can apply.

(3) Freedom from torture or cruel, inhuman or degrading treatment or punishment

70. The Bahamas, Cyprus, Greece, Kuwait, Portugal and Yugoslavia refer to the provisions on the subject contained in their Constitutions.

71. Austria reports that under the overall reform of the substantive penal law by the new Austrian Penal Code, which entered into force on 1 January 1975, the aggravation of certain prison penalties provided in the former Penal Code has been entirely abolished.

72. France reports that, without awaiting the completion of the work of its Commission for the general review of the Penal Code, the Act of 11 July 1975 introduced in French penal law a number of changes and additions which are likely to have great practical consequences. By virtue of that Act, the Correctional Court (Tribunal correctionnel) now has at its disposal a fairly wide range of penalties which may be substituted for imprisonment, especially for periods between 15 days and six months. Furthermore, verdict-rendering courts, sentencing judges and State counsel magistrates (magistrats du parquet) are granted considerable powers to modulate the execution of the sentence by the suspension, division or reduction of the penalty, depending on the situation and behaviour of the offender, and to facilitate his rehabilitation by limiting certain legal consequences of the condemnation. France reports also about Decree No.75/402 of 23 May 1975 modifying certain provisions of the Code of Penal Procedure. This decree represents the principal element in the penitentiary reform undertaken by the Government based on a diversification of sentence execution régimes.

73. Israel reports that the punishment by whipping was abolished in 1950 and the power to impose collective punishments and collective fines was abrogated in 1964. As regards the treatment of prisoners and detainees, preliminary protective measures are provided under the Criminal Procedure (Arrest and Searches) Ordinance (New Version) of 1969; substantive control of penalties is provided in the

Penal Law (Modes of Punishment) (Consolidated Version), 1970 and the control of prisons is regulated by the Prisons Ordinance (New Version), 1971. Israel also reports that as far as complaints by, or about, prisoners are concerned, the Prison Service maintains a special department for dealing with questions from the public regarding prisoners, their treatment and their living conditions. The public Ombudsman also has jurisdiction over prisons and the prisons display notices informing prisoners of their right to complain by sealed writing. Furthermore, it is always possible for a prisoner to petition the High Court of Justice. Prisoners or detainees who are nationals of Arab countries are entitled to be visited by representatives of the International Committee of the Red Cross within two weeks of their arrest. The visit takes place without witnesses and later, periodic visits are admitted at will.

74. Thailand reports that torture is prohibited under the law. Under the Criminal Procedure Code and Section 34 of the Constitution of 1974, the use of excessive force by the police in the questioning of the accused is prohibited. Section 18 of the Penal Code specifies five forms of punishment for crimes: death, imprisonment, confinement, fine and confiscation of property. As for juvenile delinquents, there are in the country correctional, training and rehabilitation centres.

75. The United Republic of Cameroon reports that no corporal punishment is provided for in its legislation. Disciplinary sanctions within the penitentiary system are regulated by article 45 of Decree No.73/774 of 11 December 1973.

76. Upper Volta reports that the existing Code of Criminal Procedure protects prisoners from torture and other cruel, inhuman or degrading treatment or punishment.

(4) Freedom from slavery, the slave trade, servitude and forced or compulsory labour

77. Cyprus, Portugal and Thailand state that slavery and the slave trade were abolished in their countries in the past centuries. Cyprus reports in particular that it is a party to the Slavery Conventions of 1926 and 1955 and has also ratified the ILO Conventions concerning the abolition of forced labour.

78. Algeria refers to the provisions on the subject contained in article 62 of its Constitution which guarantee the right to protection, safety and hygiene at work.

79. Other States like the Bahamas, Cyprus, Kuwait, the Seychelles and Thailand report that their Constitutions guarantee and protect freedom from slavery, the slave trade, servitude and forced labour, but they also indicate situations in which compulsory labour is required under the authority of the law for the needs and in the interest of the national community. The most frequently reported such situations are a period of public emergency and natural disasters. Furthermore, the Bahamas and the Seychelles report that labour can also be required in certain cases as a result of a court sentence.

80. In Cyprus protection against forced or compulsory labour is also provided for by Section 254 of the Criminal Code; in Greece, articles 8 and 323 of the Penal Code provide that slavery is considered a crime; and, in Yugoslavia, article 155 of the Criminal Law contains provisions against any form of slavery and slave trade.

81. In France, Act No.75-624 of 11 July 1975 includes provisions that extend and strengthen the repression of proxenetism.
82. Israel states that slave trade, servitude and forced or compulsory labour never existed in the country and it has therefore no legislation on the subject.
83. The Philippines also reports that slavery, the slave trade, servitude and forced or compulsory labour never existed in the country and therefore no provision on the subject is included in its Constitution. Nevertheless, Section 14 of article IV of the Bill of Rights, provides that "no involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted".
84. Upper Volta reports that, during the period under review, some legislative texts concerning forced and compulsory labour were abrogated by law No.6-73 AN of 5 June 1973. Other legislative texts were also abrogated: law No.6-63 AN of 29 January 1963, concerning the utilization of persons for the economic and social advancement of the nation, and article 14 of law No.25-60 AN of 3 February 1960, under the terms of which certain persons could be compelled to fulfil their fiscal obligations by providing labour.
85. The International Labour Organisation reports that its Governing Body decided at its 201st Session (November 1976) to invite governments to submit in 1978, under article 19 of its Constitution, reports on the effect given to the Forced Labour Convention, 1930 (No.29) and the Abolition of Forced Labour Convention, 1957 (No.105), with a view to their examination by the Committee of Experts on the Application of Conventions and Recommendations.
- (5) Freedom from arbitrary interference with one's privacy, family, home, correspondence and from attacks upon one's honour and reputation
86. Several States, like Algeria, the Bahamas, Bahrain, Cyprus, Greece, Portugal, the Seychelles, Thailand, Tunisia and Yugoslavia refer to the provisions on the subject contained in their Constitutions. It generally appears from their reports that interferences with privacy can be permitted only in exceptional cases provided by law.
87. Algeria reports, in particular, that article 49 of its Constitution of 1976 provides that privacy and honour of citizens are inviolable and protected by the law. The secrecy of correspondence and private communications of any kind is guaranteed. Article 50 states that the inviolability of home is guaranteed. No house search can be held except under the law and only on the basis of a written mandate by the competent judicial authority.
88. In the Bahamas, freedom from arbitrary interference with one's privacy and home is protected by article 21 of the Constitution of 1973. The same article enumerates cases in which a person can be subjected by law to the search of his person or his property or the entry by others on his premises without his consent.
89. Article 25 of the 1973 Constitution of Bahrain states that houses shall not be entered or searched without the consent of their owner, except in cases of great emergency as provided by law, and in a manner prescribed by it. Article 26 states that privacy of postal, telegraphic and telephonic communications shall be well protected; censorship of such communications and their divulgence shall be prohibited except in cases of emergency, as provided by law and according to the measures and guarantees prescribed by it. (Yearbook 1973-74, p.16).

90. In Thailand, Section 38 of the Constitution of 1974 guarantees the right to privacy and security in one's home. House search is prohibited except under the authority of the law. Section 46 states that every person shall enjoy the liberty of communications by post or by other lawful means. The censorship, detention or disclosure of communications of any kind between persons and any other undue act to obtain the contents of communications is prohibited except by virtue of a law specifically enacted for the purpose of maintaining public order, good morals, or security of the State.

91. Yugoslavia reports that article 176 of its Constitution of 1974 guarantees the inviolability of the integrity of the human person, personal and family life. The Constitution guarantees also the inviolability of one's home and the secrecy of mail and other means of communication. These rights are limited only under the conditions provided by law and if it is indispensable for the conduct of criminal proceedings or for the security of the country.

92. Several States report about the reform of their existing legislation or the enactment of new specific legislation concerning the protection of privacy in communications. These legislative initiatives have been taken, in many cases, to prevent the possible arbitrary interference with one's privacy as a result of technological developments.

93. In Australia, the Listening Devices Act 1972 of the State of South Australia, regulates the use of listening devices for the purpose of eavesdropping. It largely prohibits the use of listening devices and imposes a total prohibition on the communication or publication of information obtained by the unlawful use of such devices. (Yearbooks 1972, p.9, and 1973, p.5).

94. Austria reports that, within the framework of the reform of the penal law, the protection of privacy has been increased especially by effective rules for the protection of the privacy of telecommunications, which is now protected by the Constitution. Violations of the privacy of telecommunications are punishable by tribunals, effective from 1 January 1975. Interference with the privacy of telecommunications for the purposes of solving an offence are admissible only if so ordered by a tribunal and under strictly defined circumstances.

95. The Bahamas reports that section 3 (1) of its Listening Devices Act, 1972, makes it an offence for any person to use a listening device to hear, listen to or record a private conversation to which he is not a party. Section 5 of the same Act enumerates cases in which the right to private conversation can be limited for certain public purposes.

96. Belgium reports that the question of the protection of privacy in the face of modern technical means, especially the use of computers, is the subject of a detailed draft law. As far as the correspondence of prisoners is concerned, a circular of 5 March 1975 provides that letters found in cells in the course of inspections may not be read.

97. In Cyprus the Post Office Law and the Telegraphs Law contain provisions against arbitrary interference with one's correspondence.

98. In France, a Decree of 13 May 1975 concerning the organization of the right of reply on the French radio-television networks stated that it is an infringement of the law not to broadcast a reply under the conditions established by the National Commission on the Right of Reply, set up by the Decree itself. Furthermore, a Commission to propose a code of fundamental freedoms was set up by

a Decree of 8 November 1974. Its work has principally taken the form of drafting a bill on the protection of the secrecy of telephone communications and of a bill on police questioning and identity checks. Another Commission was set up under the same Decree to propose to the Government measures intended to guarantee that the development of data processing in the public, semi-public and private sectors shall be consistent with respect of privacy and of individual and public freedoms. The Government submitted to Parliament a draft law based on the report of the Commission. The draft, after amendment, was adopted in January 1978.

99. Israel reports that the proliferation in recent years of the number of businesses and individuals engaged in the collection of personal information and the undertaking of private investigations on a commercial basis had created the danger that such activity may very easily develop to the prejudice of the rights of the individuals in a variety of ways and sometimes contrary to the public good. The Private Investigators and Guard Service Law 5712-1972, is intended to impose some control on such activities by means of a licensing system and professional disciplinary regulations.

100. In Italy, Act No.98 of 8 April 1974 safeguards privacy and the freedom and secrecy of communications. Its main purpose is to establish an organic régime taking account of developments in the means of disseminating information and pictures relating to private affairs. (Yearbook 1973-74, p.131).

101. The Netherlands reports that guidelines concerning the protection of privacy, in connexion with computerized systems for recording personal data in central government departments, have been laid down in accordance with Cabinet Decree No.50 of 12 March 1975. Furthermore, proposed amendments to the Constitution include provisions on the right to privacy.

102. UNESCO reports that the right to privacy, especially in relation to technological developments and in the context of article 17 of the International Covenant on Civil and Political Rights, has been part of its activities for several years. UNESCO has undertaken a series of research and comparative studies that have been published in the International Review of Social Sciences in 1972. Furthermore, the UNESCO Courier of July 1973 was entirely dedicated to the subject: "Threats on privacy".

103. Some States report about their legislation concerning the protection of freedom from attacks upon one's honour and reputation.

104. In the Bahamas, the Prevention of Bribery Act, 1976, contains provisions on the subject; in Cyprus the Civil Wrongs Law contains provisions for the protection of one's honour and reputation and the Criminal Code Law deals with criminal libel; in Thailand, the Penal Code and the Civil and Commercial Code contain provisions to protect a person's reputation from an unjustifiable attack.

B. Protection of the law

(1) Right to recognition as a person before the law

105. In Australia, during the period under review, several Territories and States of Australia passed legislation to reduce the legal age of adulthood to 18 years. (Yearbook 1973-74, p.4).

106. Cyprus refers to article 16 of the International Covenant on Civil and Political Rights on the subject, which forms part of its municipal law.

107. Greece, Portugal, Tunisia, the United Republic of Cameroon and Yugoslavia refer to the provisions on the subject contained in their Constitutions.

(2) Equality before the law and equal protection of the law without any discrimination

108. Algeria, the Bahamas, Cyprus, Greece, Portugal, the Seychelles, Thailand, Tunisia, the United Republic of Cameroon and Yugoslavia refer to the provisions on the subject contained in their Constitutions.

109. The Bahamas reports, in particular, that article 26 of its Constitution prohibits the making of any law which makes any provision discriminatory either in itself or in its effect; the same article enumerates cases in which laws can be made that provide different treatment for different persons. Thailand reports that section 27 of its Constitution of 1974 provides that every person is equal before the law and shall enjoy equal protection of the law; section 28 provides that men and women are equal. In the preamble of the Constitution of the United Republic of Cameroon, it is stated, inter alia, that the human being, without distinction of race, religion, sex or belief, has inalienable and sacred rights and that all individuals are equal in rights and duties.

110. Austria reports about new legislation enacted during the period under review, in implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The Federal Act of 27 April 1977 includes, in particular, a new statutory offence which refers to a general ban of discrimination.

111. Belgium reports that a law of 22 January 1975 amending the Code of Criminal Procedure provides that if the accused does not speak any of the national languages, the judge designates a defence counsel who knows the language of the accused or another language spoken by the latter. An interpreter can be otherwise appointed by the judge, to be at the disposal of the counsel for the preparation of the defence of the accused.

112. In France, Act No.75-625 of 11 July 1975 provides a specific penalty for any agent of public authority who knowingly refuses a person the enjoyment of a right by reason of his or her sex.

113. Israel reports that, according to articles 2 and 15 of the proposed Bill of Rights, all are equal before the law and everyone is entitled to apply to the judicial instances for the protection and active enjoyment of his rights.

114. The Netherlands refers to some judgements passed by its Supreme Court in 1975 concerning non-discrimination on the basis of national origin. It also reports that an amendment has been made to the Civil Code invalidating any clause in a contract of employment which provides for dismissal in the case of marriage, pregnancy or childbirth.

115 In Singapore a Constitutional amendment was passed in 1973 establishing a Presidential Council for Minority Rights. Its specific function is to draw attention to any Bill or to any subsidiary legislation which in its opinion is, or is likely in its practical application to be, disadvantageous to persons of any racial or religious community and not equally disadvantageous to persons of other such communities, either directly by prejudicing persons of that community or indirectly by giving advantage to persons of another community. (Yearbook 1973-74, p.137).

(3) Right to an effective remedy for acts violating the fundamental rights granted by the constitution or by law

116. Several States report that the right to an effective remedy for acts violating the fundamental rights granted by the constitution or by law is protected by their judicial system and that the Supreme Court has, within their system, an important and active role for the protection of that right. Some States report also that the legal protection of that right is reinforced by the institution of the ombudsman or other similar machinery.

117. In Australia, the Parliamentary Commission Act 1971 of Western Australia makes provision for the appointment of an ombudsman who will have the power to investigate any decision or recommendation that has been made or any act or omission relating to a matter of administration. (Yearbook 1972, p.9).

118. Austria reports about its Federal Constitution Amending Act of 15 May 1975, which has provided a considerable extension of the legal protection of individuals by the Administrative and Constitutional Courts. Furthermore, the Federal Act of 24 February 1977 has introduced into the Austrian legal system the "Volksanwaltschaft" on the model of the "ombudsman", who is competent to examine alleged or supposed abuses mainly in the Federal Administration under the circumstances described in Section 1 of the Federal Act.

119. In Portugal, the office of "Provedor de Justiça", a post equivalent to that of ombudsman, was created under article 24 of the Constitution of 1976.

120. Article 28 (1) of the Constitution of the Bahamas states that if a person alleges that any of the fundamental rights provided in the Constitution has been, is being or is likely to be contravened in relation to him, without prejudice to any other action in respect of the same matter which is lawfully available, that person may apply to the Supreme Court for redress. Article 19 (4) of the Constitution states that any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

121. Cyprus reports that article 35 of its Constitution provides that the legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of Part II of the Constitution which deals with fundamental rights and liberties. The Constitution provides also that if the fundamental rights of a person are violated by any administrative act or omission, that person may apply to the administrative authority for redress, and, if he is not satisfied, he may have recourse to the Supreme Court. Furthermore, under article 172 of the Constitution, the Republic of Cyprus is liable to pay damages to any person who suffered damage caused by any wrongful act or omission committed in the course or purported course of the duties of officers or authorities of the Republic. This right of the individual is regulated by the

Civil Wrongs Law (Chapter 148). Remedies in respect of infringements of all rights are given by competent courts established under the provisions of the Constitution and laws 14 of 1960 and 33 of 1964. Execution of civil judgements is regulated by the Civil Procedure Law (Chapter 6) and the Civil Procedure Rules.

122. The Seychelles states that article 26 of its Constitution specifically provides for the enforcement of fundamental rights and freedoms by the Supreme Court.

123. In Thailand, section 50 of the Constitution of 1974 guarantees that the violation suffered by a person of any right granted by the law shall entitle that person to seek remedies in courts of law.

124. Yugoslavia states that the Constitution (article 180) guarantees everyone the right of appeal or other legal remedy against decisions of courts of law, State agencies and other bodies and organizations which make decisions concerning his rights or interests founded on statute.

125. In France, Act No.75-229 of 9 April 1975 authorizes associations recognized as being in the public interest, whose purpose is the suppression of procurement and the granting of social assistance to persons engaged in prostitution or in danger of engaging therein, to bring civil actions before all courts competent to receive such actions in respect of procurement offences as defined in the Penal Code. By law No.77-5 of 3 January 1977, the State guarantees indemnity to certain victims of physical injuries caused by an infringement of law. This law aims at ensuring a duty of national solidarity towards victims of any infringement endangering life or physical integrity.

126. Israel reports that effective remedies for acts violating fundamental human rights are provided for by the different laws assuming these rights, and can duly be enforced by competent national tribunals, subject to an effective supervision of the Supreme Court sitting as a High Court of Justice.

127. The United Republic of Cameroon reports that since 1971, new legislative texts define and regulate judicial remedies, especially as far as violation of rights by administrative authorities is concerned. Decree No.72/6 of 26 August 1972, on the organization of the Supreme Court, as modified by law No.76/28 of 14 December 1976, establishes in its article 9 that the Supreme Court is competent for all administrative disputes vis-à-vis the State, public communities and public establishments. Tribunals of common law are competent for any other judicial remedy regulated by the Civil or Penal Code.

(4) Presumption of innocence; right to a fair and public hearing by an independent and impartial tribunal; guarantees for defence

128. Algeria, the Bahamas, Cyprus, Greece, Portugal, the Seychelles, Thailand, Tunisia and Yugoslavia report that the presumption of innocence of an accused person until he is proved or has pleaded guilty according to law, is guaranteed by specific provisions contained in their Constitutions. Israel states that the presumption of innocence is recognized under its penal system.

129. The right to a fair and public hearing by an independent and impartial tribunal within a reasonable time is also explicitly protected by provisions of the Constitutions of the Bahamas, Cyprus, Greece, Portugal, Thailand and Yugoslavia.

130. The Bahamas, Cyprus and Yugoslavia report in particular that articles of their Constitutions provide for cases in which the court can exclude persons from the proceedings other than the parties and their legal representatives. This measure can be adopted by a court, inter alia, when publicity would prejudice the interests of justice or in the interest of minors, public morality and public order.

131. In France, Act No.72-1226 of 29 December 1972 is aimed at simplifying and supplementing certain provisions concerning the penal procedure and the execution of penalties. Furthermore, Act No.75-701 of 6 August 1975, amending and supplementing certain provisions of penal procedure, gives additional guarantees to those who are under the jurisdiction of the courts, in matters of procedure in flagrante delicto and of judicial investigation procedure. The Act establishes, inter alia, that, where a preliminary investigation has been instituted, it will not be possible to keep a person charged with minor offences under provisional detention for more than six months, provided certain conditions are fulfilled; to this should be added a maximum period of two months between the completion of the investigation and the court hearing.

132. Israel reports that the Supreme Court was called upon several times, during the period in question, to review proceedings, both judicial and administrative, in the light of a claim that a tribunal had not provided a fair and impartial disposition of rights. The approach of the Court was consistent in these cases in applying the principle that not only must justice be done but it must be seen to be done.

133. The Philippines reports that among the additions concerning human rights, brought to article IV of its Bill of Rights, Section 16 provided for a new right to "a speedy disposition of the cases before all judicial, quasi-judicial, or administrative bodies".

134. Several States report about the improvement of the guarantees for defence of accused persons in legal proceedings. In some reporting States this improvement consisted in the establishment of a system of legal assistance to persons in need, financially supported and organized by the State.

135. In Australia, the Attorney-General established in July 1973 a Legal Aid Office, staffed by salaried lawyers, which provides, inter alia, legal advice and assistance on all matters of federal law to everyone in need. (Yearbook 1973-74, p.4).

136. Austria reports that the Legal Aid Act of 8 November 1973 contains provisions to ensure that nobody is debarred from access to tribunals or administrative authorities merely for financial reasons.

137. In the Bahamas, article 20 of the Constitution enumerates the facilities available to the accused to guarantee the full respect of his right to defend himself.

138. Cyprus states that Section 64 of its Criminal Procedure Law (Chapter 155) contains provisions for the legal assistance of the defendant.

139. France reports that under Act No.75-701 of 6 August 1975, a person charged with an offence, from the moment of his interrogation by the Procurator of the Republic or of his being placed under detention by the investigating judge, will be entitled to the assistance of a lawyer of his choice or appointed by the court.

The same Act establishes also a mechanism whereby appeals may be brought before a special commission of the Court of Cassation by officers of the judicial police who have been disqualified or suspended by the Procurator-General of the area.

140. Israel reports that the Criminal Procedure Law of 1965 was amended in 1976 to allow the silence of a defendant (his refraining from testifying in his own defence), except in cases of moral offences involving children. Furthermore, the Criminal Procedure Law No.5725 of 1965 provides that the Court must appoint a defence counsel for any person who has no counsel of his own if he is charged with an offence punishable by death or imprisonment for life or for a term of ten years or more, or if he is under sixteen years of age and is standing trial otherwise than before a juvenile court, or if he is dumb, blind or deaf. In addition, defence counsel may be appointed on application if the accused is destitute or suspected of being mentally ill. In such cases the cost of the defence, including counsel's fees and expenses, are borne by the State. The Ministry of Justice maintains under administrative arrangements three legal aid offices which give legal assistance ex gratia according to directives laid down by the Attorney-General. The Legal Assistance Law No.5737 of 1972 has extended legal assistance also to civil matters. A number of modifications have been introduced, during the period under review, into the Criminal Procedure Law of 1965 concerning the rights of an accused person in cases of a warrant of arrest, contraventions and misdemeanours and preliminary pleadings.

141. In Italy, Act No.773 of 15 December 1972 amending the Code of Criminal Procedure embodies guiding principles and provides greater protection for the defendant's right of defence. (Yearbook 1972, p.168).

142. In the Netherlands, proposed amendments to the Constitution include provisions on the right to legal counsel.

143. The Philippines reports that among the additions concerning human rights, brought to article IV of its Bill of Rights, the right against self-incrimination is expanded in section 20 of that article by specifying that the accused shall have the right to remain silent and to be assisted by counsel, and to be informed of such right; that no force, violence, threat, intimidation, or any other means which violate the free will shall be used against him; and that any confession obtained in violation of section 20 shall be inadmissible in evidence.

144. Article 19 of the Constitution of the Seychelles provides that a person should be given time and facilities to prepare his defence and to be legally represented in court.

145. In Thailand, a system of legal assistance for persons in need has been established by the State under section 34 of the Constitution of 1974. Furthermore, section 35 provides that every person has the right not to make any incriminating statement which may result in criminal prosecution against him. Any statement obtained by torture, threat or coercion shall be inadmissible in evidence. The right to appeal is guaranteed both by the Constitution and the Criminal Procedure Code. Amendment No.8 of November 1974 to that Code provides that the judge who tried a certain case can certify that such case should be submitted to the Court of Appeal for decision. Under section 262 of the Criminal Code of Procedure, a person sentenced to death has the right to petition the King for the exercise of the Royal Prerogative of mercy. Since October 1976 the country has been under martial law and certain offences have been brought under the jurisdiction of the Military Court. To ensure that the trial is conducted fairly and justly, the Act on the Organization of Military Court of 1953 has been amended to give the accused the right to legal representation in the Military Court.

146. In the United Republic of Cameroon, legal assistance in a trial and financial public aid to guarantee, in certain circumstances, such assistance, are regulated by Decree No.76/521 of 9 November 1976.

(5) Non-retroactivity of criminal law

147. The principle of non-retroactivity of criminal law is reported to be recognized by Algeria, the Bahamas, Cyprus, Greece, Portugal, Thailand, Tunisia, the United Republic of Cameroon and Yugoslavia. That principle, it is stated, is guaranteed by provisions of their Constitutions and applied in their legal systems.

148. Israel states in particular that its penal system is based on the non-retroactivity of criminal law and article 18 of the proposed Bill of Human Rights contains provisions on the subject. Those provisions, however, as stated in article 18, will not apply in case of punishment of Nazis and Nazi collaborators or the punishment of crimes against humanity, against the Jewish nation, war crimes, genocide or crimes according to the general legal principles recognized by the civilized nations.

C. Freedom of movement

- (1) Freedom to travel; freedom to choose a residence
- (2) Right to leave any country and to return to one's country

149. Several States, namely: Algeria, the Bahamas, Cyprus, Greece, Kuwait, Portugal, the Seychelles, Thailand, Tunisia and Yugoslavia report that freedom to travel and to choose a residence and the right to leave the country and to return to it are generally guaranteed by provisions contained in their Constitutions.

150. In Australia, the Parliament amended the Crimes Act in 1973 by repealing the power to deport persons born outside Australia who had been convicted of certain offences or who were members of an unlawful association. The Migration Act was also amended in 1973 by removing the restriction imposed on the right of certain Aborigines to freely leave and return to Australia. (Yearbook 1973-74, p. 5).

151. The Bahamas reports that the freedoms and rights in question can be restricted by law under certain circumstances. Under section 3 of the Emergency Powers Act 1974, the Governor-General, whenever a proclamation of emergency is in force, may make regulations providing for the detention of persons or the restriction of their movements and for the deportation and exclusion from the Bahamas of persons who are not citizens of the Bahamas.

152. Belgium reports that a Royal Decree concerning the status of nomads was issued on 14 January 1975 in conformity with recommendation No. 563 of the Consultative Assembly of the Council of Europe on the status of gypsies and other nomadic peoples in Europe. By that decree, nomads are now authorized to have a residence in Belgium and their status has been assimilated to that of artists, pedlars and boatmen without a fixed residence. The nomad has to register in the list of foreigners of the municipality that he chooses as an official address and receives a residence permit of one year which can be renewed for the same period of time. A draft law concerning the access to the territory of Belgium, the stay and settlement of foreigners, which was introduced on 6 October 1975, increases the possibilities of appeal against measures of expulsion provided for foreigners in certain cases.

153. Israel reports that article 5 of the proposed Bill of Rights under consideration by its Parliament (the Knesset) provides that everyone has the right to freely move within the country, to choose his place of residence and to leave it. This right can be restricted only by law. Every citizen who is outside Israel has the right to return to it.

154. Thailand reports that during the period 1971-1974, the Government prohibited travelling to and doing business with certain countries, mainly the countries with which Thailand had no diplomatic relationships. The prohibition has now been lifted. Thailand reports also that after the coup d'etat of 6 October 1976 the National Administrative Reform Council imposed a curfew in many areas of the country including the Bangkok metropolis for the purposes of maintaining law and order and suppressing terrorism.

155. Yugoslavia states that restrictions to freedom of movement and residence can be imposed by law, but only in order to ensure the conduct of criminal proceedings, to prevent the spread of contagious diseases, to protect public order or, when so required, the defence interests of the country (article 183 of the Constitution).

(3) Right to seek and to enjoy asylum from persecution

156. Bahrain (Yearbook 1973-74, p.16), the Federal Republic of Germany, Greece, Kuwait, Portugal, Sudan (Yearbook 1973-74, p.187) and Yugoslavia report that their Constitutions contain provisions for the protection of the right to seek and to enjoy asylum from persecution.

157. The Federal Republic of Germany reports that this right, which is not guaranteed by the International Covenant on Civil and Political Rights, is nevertheless guaranteed by the Basic Law of the Republic. Article 16, paragraph 2, of the Basic Law states that persons persecuted for political reasons enjoy the right of asylum in the Federal Republic of Germany. An authority especially instituted to this effect, the Federal Office of Zirndorf (near Nuremberg) for the recognition of foreign refugees, takes decisions on the requests for asylum in accordance with the Law on Foreigners.

158. Israel reports that it does not have special legal provisions regulating the granting of asylum. However, the Extradition Ordinance of 1954, provides that a fugitive offender in Israel should not be surrendered if the offence in respect of which extradition is requested is one of a political character. This provision applies to all persons.

159. Japan reports that the Government follows and applies the principle of "non-refoulement" about the right to seek and to enjoy asylum from persecution and gives favourable consideration to those persons who intend to seek asylum in a third state by way of Japan in order to help them to accomplish their objective.

160. The Philippines reports that although its Constitution does not contain provisions concerning the right to seek and to enjoy asylum from persecution; in fact, asylum was granted for humanitarian purposes to over 2,000 Vietnamese refugees until July 1975 when they transferred to Belgium, Canada, France and the United States of America. 674 refugees are reported to be still in the country.

161. In Sudan, the right of asylum is guaranteed by article 44 of the Constitution and regulated by the Regulation of Asylum Act, 1974. (Yearbook 1973-74, p.187).

162. Thailand reports that there are nearly 100,000 refugees from neighbouring countries on its territory, who are allowed to stay for humanitarian reasons.

163. Upper Volta reports that it is a party to the Convention and to the Protocol relating to the Status of Refugees and that it ratified on 19 March 1974 the Convention of the Organization of African Unity Governing Specific Aspects of the Problems of Refugees in Africa.

164. Yugoslavia, which is a party to the Convention and to the Protocol relating to the Status of Refugees, states that its Constitution guarantees the right of asylum to foreign citizens and stateless persons who are persecuted for supporting democratic views and movements, social and national emancipation, the freedom and rights of the human person or the freedom of scientific and artistic creative endeavour.

D. Personal status

(1) Right to a nationality

165. In Australia, the Citizenship Act was amended in 1973 to prevent persons from becoming stateless, wherever it is possible. A new section of the Act also provides that a migrant may make a declaration of intention to apply for citizenship one year after arrival in Australia. (Year book 1973-74, p. 5).
166. The Bahamas reports that the right to a nationality is protected by Chapter II of its Constitution which enumerates the categories of persons who are entitled to be registered as citizens of the Bahamas according to their status in relation to the date of independence of the country, 10 July 1973. The exercise of this right and the limitations to it are regulated by the Bahamas Nationality Act 1973.
167. Cyprus states that under the Citizenship of the Republic Law 43/67, all children acquire automatically the nationality of the father at the time of birth.
168. Greece refers to article 4, paragraph 3, and Portugal to articles 4 and 30, paragraph 4, of their Constitutions on the matter.
169. Israel reports that under the Law of Return of 1950, any Jewish person who comes to Israel and expresses his desire to settle, is entitled to receive Israeli nationality. An amendment to the Nationality Law of 1952 now enables nationality to be granted upon application even when the person is still outside the country.
170. Seychelles reports that its immigration laws and rules are under review at present.
171. Thailand reports that the Nationality Act of 1965 guarantees that every person born in Thailand or born to parents of Thai nationality shall be entitled to the citizenship of the country. Aliens may obtain Thai citizenship through naturalization. The Ministry of Interior, in 1976, by virtue of section 29 of the Immigration Act of 1950, limited the number of aliens who would be permitted to reside in Thailand as immigrants each year to 100 nationals of each country and 50 aliens without nationality. The Announcement of the National Executive Council, No. 337, of 13 December 1972 which contains provisions revoking Thai nationality of children of refugees from Indo-China also affects children born to non-refugee parents. This problem has been overcome by considering application for Thai nationality from this group individually.
172. Upper Volta reports that it has a Code of the Nationality of Upper Volta which was modified in 1974.
173. In Yugoslavia, article 170 of the Constitution states that citizens shall be guaranteed the right to opt for a nation or national minority and to express their national culture, and also the right to the free use of their language and alphabet. No citizen shall be obliged to state to which nation or national minority he belongs, nor to opt for any one of the nations or national minorities. Article 171 provides that members of national minorities shall, in conformity with the Constitution and statute, have the right to use their language and alphabet in the exercise of their rights and duties, and in proceedings before state agencies and organizations exercising public powers. Members of the Nations and national minorities of Yugoslavia shall, on the territory of each Republic or Autonomous Province, have the right to instruction in their own language in conformity with statute.

(2) Right to marry and found a family; equal rights of spouses as to marriage, during marriage and at its dissolution

174. A number of legislative measures have been taken by several reporting States to ensure full equality of spouses in their rights and duties as to marriage, during marriage and at its dissolution.

175. New legislation of some reporting States aims, in particular, at an equal increase of the responsibility of spouses towards their children and at a more equal participation of both spouses in the administration of family property.

176. Austria reports that the Federal Act of 1 July 1975, Reforming the Legal Effects of Marriage upon the Person, has taken into account the principle of equality and partnership of spouses during marriage and has amended the rules of the General Civil Code that were discriminatory, especially against the wife.

177. In Belgium, a law of 1 July 1974 modified articles 221, 373 and 399 and repealed article 374 of the Civil Code. According to that law, the father or the mother during marriage exercises authority over minor children and administers their assets, subject to the right of the other spouse to appeal before the Juvenile Court, solely in the interests of the children. In case of dissolution of marriage, rights and duties mentioned above fall to whichever spouse has physical custody of the minor children, subject to the right of the other spouse to appeal before the Juvenile Court, solely in the interests of the children. Before that law, rights and duties concerning minor children were attributed to the father and mother jointly. In the case of disagreement the wishes of the father prevailed; the mother could, nevertheless, appeal before the Juvenile Court. A law of 14 July 1976 relating to the respective rights and duties of spouses and to marriage contract systems tends to establish between spouses complete equality of rights and powers in all matters.

178. Cyprus states that the right to marry and found a family is guaranteed by article 22 (1) of its Constitution which corresponds to article 23 (2) and (3) of the International Covenant on Civil and Political Rights.

179. France reports that Act No. 75-617 of 11 July 1975 concerning divorce reform abrogated articles 336 to 339 of the Penal Code, in order to establish full equality of both spouses in judgements and penalties concerning the crime of adultery.

180. Greece reports that there is no discrimination among men and women in marriage and divorce. Even though the Civil Code still provides paternal authority and some other distinctions, the new Constitution of 1975 establishes, by its article 4, paragraph 2, equality between spouses and all distinctions will therefore be abolished as soon as possible and not later than 31 December 1982, in accordance with article 116 of the Constitution.

181. Israel reports that article 181A of its Criminal Code Ordinance of 1936 contains provisions sanctioning the husband who dissolves the marriage against the will of his wife without a court decision to that effect. The Maintenance (Assurance of Payment) Law 5731 adopted in 1972 provides that any person who has secured judgement from a competent court in respect of maintenance, is entitled to claim from the National Insurance Institute, subject to subrogation of rights, monthly payments of the amount awarded up to a prescribed maximum, instead of having to institute execution proceedings. Israel reports also that the Penal Law Amendment (Abortion Law) of 1977 regulates abortions and contains provisions concerning cases in which abortion no longer involves criminal liability, as was the case in the Criminal Code Ordinance of 1936. Furthermore, the Spouses Property Relations Law of 1973 introduces statutory equality between spouses in their property relations in the absence of any agreement to the contrary.

182. Japan reports that, in order to achieve substantial improvements in the legal status of the wife and to ensure full equality of both sexes, the Law for Partial Amendments to the Civil Code has been enacted in 1976. It provides that premarital or marital surnames can be recovered after divorce upon one's choice. Furthermore, the exercise of court jurisdiction over a suit for divorce has been rationalized and the system of notification of the birth of a legitimate child has been improved by establishing that such notification can be made either by the father or by the mother.

183. Luxembourg reports that the Act of 4 February 1974 amended the existing national legislation governing property in marriage. The purpose of this Act is to abolish the incapacity of the married woman with regard to property rights and thus to establish equality between husband and wife with respect to such matters. (Yearbook 1973-74, p.141).

184. Thailand reports that section 27 of its Constitution of 1974 contains provisions concerning equality between men and women. The Civil and Commercial Code was consequently amended: the provisions which restrict the right of the wife in the choice of domicile and freedom of occupation were repealed; the minimum age for the betrothal of a girl was raised from 15 to 17 years, matrimonial properties, except those which were set aside as one's own property, became the property of both husband and wife; and, the provisions relating to parenthood were revised.

185. Upper Volta reports that a certain number of draft laws, which together could constitute a Personal Status Code for Upper Volta, have been elaborated during the period 1971 to 1974 by the National Codification Commission. These preliminary drafts deal with marriage, divorce, family relations in general and the relevant rights and obligations.

186. Yugoslavia states that the basic relations within the family are arranged by statute. The equal rights of spouses during marriage and at its dissolution are also regulated by law.

(3) Protection of the family by society and the State, protection of the child

187. Algeria, Greece, Portugal and the United Republic of Cameroon refer to the provisions on the subject contained in their Constitutions.

188. In Australia, the State of Queensland amended the Registration of Births, Deaths and Marriages Act in 1974 to ensure that all children born out of wedlock in that State received a surname. (Yearbook 1973-4, p.4).

189. Austria reports that the Federal Act of 30 June 1976, Reforming the Law of Filiation has amended the respective legislation, having regard to the aspects of equality and partnership of the parents and the child's need of protection. The Federal Act of 20 May 1976 concerning the Granting of Advances against the Maintenance of Children states, in particular, that if the legal representative of the child is unable to obtain maintenance in full from the person liable to provide it, such maintenance is advanced by the Federal Government.

190. The Bahamas reports that financial protection is given to the family by the Fatal Accidents Act, 1976. This Act imposes liability on a person who has caused the death of any person by wrongful act, neglect or default, to an action for damages brought for the benefit of any person who is the wife, husband, parent, child of the deceased or in other degrees of relationship with him.

191. Belgium reports that a draft law has been prepared with a view to establishing complete equality among children, irrespective of the nature of their filiation.

192. Cyprus reports that article 15 (1) of its Constitution provides that every person has the right to respect for his private and family life. It also reports about a number of laws for the protection of the child by the State.

193. In France, Act No. 75-625 of 11 July 1975 contains provisions aimed at improving the protection at work of a female wage earner who is expecting a child or has just given birth.

194. Several Central and State Acts have been enacted in India in pursuance of article 24 of the Constitution, which provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. The employment of children below specified ages in shops and establishments has also been prohibited under different State legislation. Legislation has been enacted in most of the States for taking charge of and providing the necessary services to children who have become delinquent or have been forced to take to begging. (Yearbook 1973-4, p.116).

195. Israel reports that the Youth (Trial, Punishment and Modes of Treatment) Law of 1971 has the purpose of replacing the Juvenile Offenders Ordinance of 1937 by improved arrangements for the treatment of young people in trouble, from the stage of preliminary investigations and proceedings to after-care treatment, the purpose being to create conditions which answer the needs of young offenders and are directed to their civic rehabilitation. Furthermore, the Probation Ordinance (New Version) of 1969 has undergone a number of amendments. The court must now have regard to ensuring the physical and mental welfare of the person under probation and his social rehabilitation. In connexion with the prevention of the traffic of children an amendment to the Criminal Code Ordinance of 1936 makes it an offence, punishable with three years imprisonment, to offer or give consideration in money or money's worth to keep a child under 14 years of age, or to seek or receive consideration therefor. An amendment to the Youth (Care and Supervision) Law empowers a court to refrain from summoning a minor as a witness in proceedings under the law or stop him giving evidence in court, if it is of the opinion that it may harm him. The rights and interests of young persons have been further strengthened by adding to the Youth Labour Law 5713 of 1953, a new chapter dealing with compulsory study periods for working youths between the ages of 15 and 18. Finally, protection of juvenile workers generally assured by the Youth Labour Law of 1953, is now extended by the Shipping (Seamen) Law of 1973, which prohibits the employment of children under 16 years as crew members. Adolescents between 16 and 18 years may only be engaged with the written consent of one of their parents.

196. In accordance with the principle of protection of mother and child enshrined in article 37 of its Constitution, two legislative measures have been promulgated in Italy to complement the extensive legislation already existing on the subject. Act No. 1044 of 6 December 1971 makes provision for a five-year plan for the establishment of communal crèches with the assistance of the State. Act No. 1024 of 30 December 1971 contains new regulations for the protection of working mothers. (Yearbook 1971, pp. 128-129).

197. The Netherlands reports about the law of 6 July 1972 which lays down regulations on the indexation of maintenance payments. By virtue of this law, the level of maintenance payments as determined by decision of the court or by agreement is adjusted in accordance with changes in average income. It also reports about legislative initiatives in 1976 providing for grants for the educational activities of political youth organizations and for aid to projects and activities carried out by volunteers in the field of youth work. Furthermore, the Government subsidizes preventive work in the field of child care and protection, and centres dealing with sexual problems and birth control.

198. In Thailand, the Announcement of the National Executive Council No. 103 of 16 March 1972 in specifying basic conditions of employment, prohibited the use of child labour and the use of women labour in certain industries.

199. In the preamble of the 1972 Constitution of the United Republic of Cameroon it is stated that the nation protects and encourages the family, as the natural base of human society.

200. Upper Volta reports that in the field of family protection, especially for wage-earners, a law was promulgated on 23 December 1972 establishing the Social Security Code.

201. Yugoslavia reports about several laws protecting, directly or indirectly, the family and the child. Some basic principles are reflected in the provisions of these laws: parents have the right and duty to raise and educate their children; children born out of wedlock have the same rights and duties as children born in wedlock; minors without parental care enjoy special social protection.

(4) Right to own property

202. Algeria, Cyprus, Greece, Portugal and Tunisia report that the right to own property is guaranteed by provisions of their Constitutions. Limitations to this right are provided for by the Constitutions or other legislation of some of the reporting States.

203. The Bahamas reports that protection of property is ensured by article 27 of its Constitution and enumerates cases in which limitations to the right to own property can be provided by law. The Emergency Powers Act, 1974, gives the Governor-General power, when a proclamation of emergency is in force, to make regulations which authorize the taking possession of or control on behalf of the Government, of any property or undertaking, and the acquisition on behalf of the Government of any property other than land.

204. Cyprus reports that the right to own property is guaranteed by article 23 of its Constitution. The same article contains provisions concerning deprivation, restriction or limitation of this right that might be necessary in the public interest. Deprivation of the right to property and modalities of compensation are regulated by ordinary legislation.

205. The Federal Republic of Germany reports about the basic constitutional provisions concerning the right to own property which are contained in articles 14 and 15 of its Fundamental Law. It states that, according to its constitutional system, property is not a means serving exclusively personal profits; its use must contribute, at the same time, to the public welfare. The legislation concerning property is inspired by this principle. Laws have, therefore, been enacted during the period under review, which tend to keep a certain balance in the economic competition and to avoid excessive concentration of economic power.

206. Thailand reports that section 39 of its Constitution of 1974 guarantees legal protection to the ownership of legally-acquired property. The same section also contains provisions concerning the expropriation of properties for the purpose of realizing social justice. This commitment is reiterated in section 78 to 82 of the same Constitution especially with regard to the government's policy for the modernization of agriculture and promotion of economic justice.

207. In the United Republic of Cameroon, the preamble of the Constitution contains provisions for the protection of the right to own property. It is stated that no one can be deprived of his own property except in case of public necessity and subject to an indemnity, the modalities of which are established by law. Decree No. 74/1 of 6 July 1974 regulates in particular land property.

208. Yugoslavia reports that articles 64 and 78 of its Constitution deal with the right to own property and explains the concept attributed to this right in the context of the socio-economic order of the country.

E. Freedom of thought and expression; freedom of assembly
and association

(1) Right to freedom of thought, conscience and religion

209. Freedom of thought, conscience and religion are generally guaranteed by the provisions of the Constitutions of Algeria, Greece, Portugal, the Seychelles, Thailand and Tunisia.

210. The Bahamas reports that the right to freedom of thought, conscience and religion is guaranteed by article 22 (1) of its Constitution. Limitations on this right can be imposed by law in the interest of defence, public safety, public order, public morality, public health or for the purpose of protecting the rights and freedoms of other persons.

211. In Belgium, a law of 27 May 1974, provides for a new wording of oath which does not include the invocation to a divinity that could be interpreted as an infringement of freedom of conscience.

212. Cyprus reports that the right to freedom of thought, conscience and religion is guaranteed by article 18 of its Constitution which corresponds to article 18 of the International Covenant on Civil and Political Rights and which further provides for equality of all religions before the law and the prohibition of any discrimination against any religious institution or religion.

213. Israel reports that it has no state religion. Article 14 of the proposed Bill of Human Rights states that everyone has the freedom of worship of God. Israeli law declares freedom of access to places of religious devotion and freedom of worship. Under the protection of Holy Places Law of 1967, any interference with the freedom of religious worship has been declared a criminal offence.

214. In Italy, Act No. 722 of 15 December 1972 grants recognition in the country, for the first time, to conscientious objectors. (Yearbook 1972, p.168). The Act was subsequently amended by Act No. 695 of 24 December 1974. (Yearbook 1973-74, p.132).

215. Yugoslavia explains in its report that it considers freedom of thought, directly connected with freedom of opinion. Freedoms of thought and opinion, which are guaranteed by article 166 of the Constitution, incorporate also freedom of religion.

(2) Right to freedom of opinion and expression

216. Some States report that they have adopted legislative and financial measures to guarantee the independence and plurality of the sources of information in order to contribute to a full enjoyment of the right to freedom of opinion and expression.

217. Austria refers to what is stated on the matter in its periodic report on freedom of information (E/CN.4/1214/Add.1). It was reported, among other things, that the Austrian Broadcasting Corporation set up under a federal law in 1974 has to take due account, in performing its functions, of the multiplicity of opinions

represented in public life. Freedom of expression is safeguarded by the Constitution and its exercise is provided for by law. A commission set up by the Federal Government to review the country's provisions on fundamental rights deals, among other things, with proposals concerning freedom of expression.

218. Belgium reports that, in order to guarantee independence and diversity of the sources of information, a Royal Decree of 20 January 1975 has established modalities for implementing the law of 27 December 1974 which, by means of subsidies, aims at maintaining a balanced daily press.

219. In September 1974, the Government of the Netherlands established the Press Fund, the board of which advises the minister concerned with regard to applications from the press for financial support. The Fund's aim is to guarantee as far as possible the diversity of opinion expressed and information provided through the press.

220. Mention is made by Tunisia of a law of 28 April 1975 which establishes a Press Code.

221. Algeria, the Bahamas, Cyprus, Greece, Kuwait, Portugal, the Seychelles, Sudan (Yearbook 1973-74, p.107), Thailand, Tunisia and Yugoslavia report that the right to freedom of opinion and expression is safeguarded by provisions of their Constitutions. Most of these States report also that their national legislation provides for the limitations of that right under certain circumstances.

222. Cyprus reports that under article 19 of its Constitution the seizure of newspapers is allowed with the permission of the Attorney-General of the Republic, subject to confirmation by an order of a competent court.

223. Thailand reports that after the seizure of power on 6 October 1976, the National Administrative Reform Council deemed it expedient to regulate the exercise of freedom of opinion and expression for national security. New legislation was enacted which, among other things, provided for the establishment of a Board of Censorship. This Board was later abolished after the coup d'etat of 20 October 1977.

224. Other States report about their specific legislation or other measures aimed at regulating the right to freedom of opinion and expression.

225. In France, by a decree of 24 January 1975, the Council of State established its right to investigate the grounds on which the Ministry of Information had imposed a general ban on the showing of a film in the country, in order to reconcile the general interests for which the Ministry was responsible with the respect due for public liberties and, in particular, freedom of expression.

226. Israel reports that freedom of expression prevails in the country, restrained only by the provisions of the law of libel and the rules of contempt of Court. Israel reports also that military censorship has been introduced because of the existing state of war, but this is confined to information of military value. Freedom of expression and of criticism of the authorities have been described by the Supreme Court as basic safeguards of the democratic system. Cinema shows and stage performances still require, under British Mandatory Law, the prior approval

of a board composed of members of the public, appointed by the Minister of Interior, but such procedure tends to be regarded outdated and unnecessary by the courts.

227. In the Netherlands, the Prime Minister, by Decree of 21 July 1972, laid down rules concerning the freedom of expression of civil servants when they are speaking unofficially. The rules do not apply to military personnel. Since the rules are designed to apply to a large group of people working in all sorts of different situations, they do not contain any legal norms but only a number of desiderata deserving serious consideration in specific situations. (Yearbook 1972, p.196).

228. In Sudan, sections 105 and 106 of the Penal Code, 1974, provide that any person who does or attempts to do, or conspires with any person to do, any act with a seditious intention, shall be guilty of an offence. Seditious intention means to provoke hatred or contempt or incite disaffection against the Government or attempt to overthrow it by force, to stir up discontent among the inhabitants of the Sudan or to promote hostility between different classes of the population. Article 4 of the Constitution and the State Security Act, 1973, also regulate freedom of expression. (Yearbook 1973-74, p.187).

(3) Right to freedom of peaceful assembly

(4) Right to freedom of association including the right to form and join trade unions

229. Algeria, the Bahamas, Cyprus, Greece, Portugal, the Seychelles, Thailand and Yugoslavia report that the right to freedom of peaceful assembly and the right to freedom of association are generally guaranteed by provisions contained in their Constitutions and that the exercise of these rights is regulated or limited under certain circumstances by law. Israel reports that articles 12 and 13 of the proposed Bill of Human Rights contain provisions concerning freedom of assembly and association.

230. Some States report the enactment of new legislation aimed at improving the exercise of the right to freedom of association including the right to form and join trade unions.

231. Austria refers to what is stated on that matter in its periodic report on freedom of information (E/CN.4/1214/Add.1) and in particular to the Federal Law of 2 July 1975 on the Functions, Finance and Electoral Campaigning of Political Parties (Parties Act) which gives the political parties a legal right to receive financial assistance for public information activities.

232. Belgium reports that a law of 14 January 1975 concerning disciplinary rules of the armed forces establishes that soldiers enjoy the same rights as any other citizen and that they can become members of a party of their choice or recognized trade unions.

233. France reports that in application of the Act of 13 July 1972 on the status of members of the armed forces, an Ordinance of the Council of State of 19 March 1975 established that conscientious objectors directed, under the provisions of the National Service Code, to complete their national service in civilian units have the right to exercise a political or trade-union activity and to join a political party when they are candidates for elective public office.

234. In New Zealand, sections 104 and 163 of the Industrial Relations Act 1973 contain provisions for the guarantee and regulation of the right to form and join trade unions. (Yearbook 1973-74, p.159).

235. Togo reports that a new Labour Code governing occupational relations between employers and workers was adopted in 1974. Chapter II of the Code deals with trade unions and, in particular, with freedom to establish a trade union, civil capacity of trade unions, special mutual assistance and pension funds, and freedom to form trade union associations. (Yearbook 1973-74, p.204).

236. Some States report certain restrictions on the rights to freedom of assembly and association because of difficult situations experienced by them during the period under review.

237. Israel reports that the Police Ordinance (New Version) 1971 gives the authorities powers to control processions and political meetings of fifty persons or more and to prohibit them in certain circumstances.

238. The Seychelles reports that freedom of assembly and association, including the right to form or belong to political parties, trade unions or other associations had to be restricted for a certain time in the interest of public safety and public order.

239. Thailand reports that when the National Administrative Reform Council seized power on 6 October 1976, any political meeting of more than five persons was prohibited. After the coup d'état of 20 October 1977, a Commission was set up for the drafting of a new constitution; moreover, an Election Bill and a Political Parties Bill are being considered. These measures are aimed at ensuring political freedom and the right to participate in government.

240. The International Labour Organisation reports that at its March 1973 Session, the Committee of Experts on the Application of Conventions and Recommendations made a survey of the situation regarding the effect given to the Conventions on Freedom of Association and on the Right to Organize and Collective Bargaining. This survey was based on reports from ratifying States under the ILO's regular reporting procedures and on reports from States which had not ratified these Conventions. It deals inter alia with the recognition of the right to organise, the right to establish organizations, trade union rights and civil liberties, protection against acts of anti-union discrimination and acts of interference. Under the special ILO procedures for the examination of complaints of infringements of trade union rights, cases concerning countries in various parts of the world were examined by the Committee on Freedom of Association of the Governing Body during the period under review.

F. Right to take part in the government of one's country,
directly or through freely chosen representatives

(1) Right to vote and be elected in periodic and genuine elections

241. In Algeria, article 58 of the Constitution of 1976 provides that any citizen fulfilling the legal requirements is elector and eligible. Furthermore, articles 128 and 129 of the Constitution provide that members of the National People's Assembly are elected by direct and secret universal suffrage on the proposal of the leadership of the Party. The Assembly is elected for a period of five years. Members of Municipal Assemblies are elected by universal suffrage for a period of four years. In 1976, the Algerian people adopted the national charter as well as the new Constitution, and elected the President of the Republic. In 1977 the National People's Assembly was elected by universal suffrage.

242. In the Bahamas, the Representation of the People Act, 1969, as amended in 1975, establishes that a person has the right to vote on condition that he is a citizen of the Bahamas of full age and not subject to any legal incapacity.

243. Belgium reports that a law of 19 July 1976 grants a special leave for persons who work in the private sector in order to fulfil a part-time political mandate. The same law provides for an additional protection against dismissal in relation to the exercise of a political mandate.

244. Cyprus reports that the rights to vote and to be elected are guaranteed by articles 31, 63 and 64 of its Constitution which correspond to article 3 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms and article 25 of the International Covenant on Civil and Political Rights.

245. Greece reports that the rights to vote and to be elected are guaranteed by article 51, paragraphs 3.5 and article 51, paragraph 1 of its Constitution. A special law provides all guarantees for free elections. Moreover, articles 157 to 166 of the Penal Code contain provisions against any violation of free elections which is considered as a crime.

246. Israel reports that, according to section 5 of its Basic Law: The Knesset 1958, every Israeli national of, or over, the age of eighteen years has the right to vote in elections to the Knesset (Parliament) unless a Court has deprived him of that right by virtue of law. Every national of or over the age of twenty-one years has the right to be elected under the same legal conditions. According to section 8 of the Basic Law, the term of office of the Knesset is four years.

247. Portugal states that the rights in question are guaranteed by article 48 of its Constitution.

248. Yugoslavia states that its citizens have the right to elect and be elected members of delegations in basic self-managing organizations and communities and as delegates in the assemblies of all socio-political communities. This right proceeds from the constitutional principle that working people exercise power and manage social affairs of the country.

249. From a number of reports it appears that there is a trend in several States to lower the minimum voting age. In many States, 18 years has been established by legislation as the minimum voting age.

250. In Ireland an amendment to the Constitution approved during the period under review, reduced the minimum voting age at Dail (House of Representatives) and Presidential elections and at referenda from 21 to 18 years. Following a referendum held on 7 December 1972, the voting age at Parliamentary elections was reduced from 21 to 18 years. (Yearbook 1973-74, p.124).

251. In Liberia, section 11 of article 1 of the Constitution was amended by Presidential Proclamation on 29 April 1972. It reads as follows: "All election shall be by ballot, and every citizen (male and female) of eighteen years of age possessing real estate shall have the right of suffrage. Possessing real estate shall be construed to include possessing a hut on which he or she pays the hut tax". (Yearbook 1972, p.182).

252. The Netherlands reports that an amendment to the Constitution and to the Franchise Act in 1972 made it possible to lower the age at which people are entitled to vote to 18 years. Another amendment made at the same time extended the possibility of voting by proxy.

253. The Philippines reports that article VI of its Bill of Rights provides for a radical change in the voting qualifications by reducing the minimum age from 21 to 18 years and stating that no literacy, property or other substantive requirements shall be imposed on the exercise of suffrage.

254. In the United States of America, an amendment to the Constitution was ratified by the requisite number of States on 5 July 1971. This amendment lowers the voting age from 21 to 18 years. (Yearbook 1971, p.286).

255. Some States report about the difficulties they have experienced during the period under review in ensuring the enjoyment of the right to vote and be elected in genuine elections.

256. The Seychelles reports that its National Assembly was abolished in 1977 and laws are at present made by Presidential decrees. It states also that a new Constitution will soon be drafted and the question of representation and the people's participation in the government of the country will be examined for the purpose of choosing the form of participation best adapted to the Seychelles.

257. Thailand reports that no general election has been held since the National Administration Reform Council took over power on 6 October 1976. The present Interim Constitution nevertheless requires that a general election be held in 1978 or in any case not later than 120 days after the end of 1978.

(2) Right of equal access to public service in one's own country

258. Cyprus reports that, by virtue of article 124 (1) of its Constitution there exists in the country a Public Service Commission. The Public Service Law No. 33/67 makes provision for the functioning of the Public Service Commission, for the appointment, promotion and retirement of public officers, and for conditions of service, disciplinary proceedings and other matters relating to the public service. Under article 28 of the Constitution and Section 33 of the said law, any citizen of the Republic, without distinction, is entitled to compete for a position in the public service, provided he or she has the necessary qualifications. All the decisions of the Public Service Commission are subject to judicial review by means of a recourse to the Supreme Court by the party aggrieved.

259. Israel reports that participation in local government affairs is open to all residents whether or not they possess Israeli nationality. According to the State Service (Appointments) Law, 1959, State Service is equally open to all nationals. Equal access to local government service is also open to permanent residents.

260. The right to equal access to public service is guaranteed by article 4, paragraphs 1 and 4, of the Constitution of Greece and by article 48, paragraph 4, of the Constitution of Portugal.

261. In Yugoslavia article 160 of the Constitution states in general that every citizen shall have access, on equal terms, to every job and every function in society.

- G. Action with a view to ensuring that the rights and freedoms mentioned above are enjoyed by increasing numbers of persons without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

262. Cyprus reports that article 28 (2) of its Constitution guarantees the enjoyment of the rights and freedoms provided for in the Constitution to every person without discrimination of any kind. According to article 35, the legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of these provisions. Cyprus states that discrimination on the grounds of ethnic origin and religion is nevertheless practised in that part of the country which is not under its jurisdiction at present.

263. The Federal Republic of Germany states that a significant action taken during the period under review was its ratification of the International Covenant on Civil and Political Rights and its declaration recognizing the competence of the Human Rights Committee to receive and consider communications under the provisions of article 41 of the Covenant. The Federal Republic of Germany also recalls that it is a party to the International Convention for the Elimination of All Forms of Racial Discrimination.

264. Greece states that articles 5, paragraph 2, and 25 of its Constitution guarantee the enjoyment of rights and freedoms in question by all persons living on Greek territory without discrimination of any kind.

265. Israel states that it guarantees the equal rights of all of its citizens without any discrimination and that this principle is enshrined in Section 2 (b) of its Draft Basic Law of Human Rights.

266. Portugal reports that the creation, under article 24 of its Constitution of the Office of "Provedor de Justiça", a post equivalent to that of Ombudsman, is a move designed to foster the enjoyment of the rights under review by an increasing number of persons. Moreover, the principle of equality is stressed in many other articles of the Constitution.

267. In the Seychelles, which is a multi-racial society, article 12 of the Constitution excludes discrimination on the grounds of sex, religion, race, colour or place of origin.

268. As regards specific legislative measures, Belgium reports that a draft law for the repression of actions inspired by racism and xenophobia is under consideration in the Parliament. Dissemination of information to the public on fundamental rights is developed in the country through the media, non-governmental organizations and a liaison office of the United Nations.

269. In France, an act concerning action against racism was adopted on 1 July 1972. It establishes penalties for abuses which may have been committed for racist reasons by persons vested with public authority, and for acts such as refusal to employ a person for racial reasons. Furthermore, the Act of 7 June 1977 supplements certain articles of the Penal Code by introducing provisions aimed at repressing economic boycott motivated by national, ethnic, racial or religious discrimination.

270. The Netherlands reports that, during the period under review, it experienced an influx of immigrants from Suriname prior to that country's independence on 25 November 1975, and from various Mediterranean countries. The population of foreign origin increased in the period 1971-1977 from 207,000 to about 450,000 persons including a certain number of refugees from different areas of the world. As it became clear that the settlement of migrant workers was to be of a more permanent nature and as the settlement of immigrants especially from Suriname began to increase in 1973, special measures were adopted in order to give immigrants greater equality and improve their situation as regards housing, education, employment, legal status and social welfare. A number of committees were set up for the various categories of immigrants in order to co-ordinate policy concerning each of these different groups.

271. The Director-General of the International Labour Organisation has continued, during the period under review, to submit yearly reports to the International Labour Conference on the application of the Declaration concerning the Policy of Apartheid of the Republic of South Africa.

272. UNESCO contributed to the struggle against racism, colonialism and Apartheid by taking a normative and operative action. Many resolutions were adopted by the General Conference of UNESCO, during the period under review, concerning the elimination of racism and racial discrimination and the text of a draft Declaration on race and racial prejudices will be submitted for adoption to the General Conference at its twentieth session in 1978. UNESCO has also continued, in collaboration with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to develop education and training programmes for Palestinian refugees.

273. As regards legislative measures with a view to ensuring that civil and political rights are enjoyed without distinction based on sex, Algeria reports that article 42 of its Constitution provides for the guarantee of all the political, economic, social and cultural rights of the Algerian woman, and Belgium reports that action has been taken, during the period under review, in regard to the emancipation of women and equality between husband and wife.

274. Israel states that having due regard to the demographic character of the country and the uneven cultural development of large sections of the population, Israel attributes special importance to the equal treatment of sexes. Legal provisions on the subject are contained mainly in the Woman's Equal Rights Law of 1951.

275. The International Labour Organisation reports that at its March 1975 session, the Committee of Experts on the Application of Conventions and Recommendations made a survey of the situation regarding the effect given to the Equal Remuneration Convention (No. 100) and the Equal Remuneration Recommendation (No. 90), 1951. Furthermore, the International Labour Organisation General Conference at its sixtieth session in 1975 adopted the Declaration on Equality of Opportunity and Treatment for Women Workers as well as the Plan of Action with a View of Promoting Equality of Opportunity and Treatment for Women Workers.

276. Action has also been taken by the International Labour Organisation concerning distinctions in the enjoyment of civil and political rights based on political or other opinions. A Commission of Inquiry which was appointed to examine the implementation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in Chile, submitted its report in May 1975. The International Labour Organisation also reports that in 1975 a practical guide was published on Special National Procedures concerning Non-Discrimination in Employment.

277. A variety of measures, including educational programmes, aimed at ensuring the enjoyment of civil and political rights without distinctions as to social or national origin have been adopted by some reporting States.

278. Algeria reports that measures have been taken and financial support has been provided in the field of education and training in order to raise the cultural level of its citizens and consequently to enable them to exercise their civil and political rights in the most responsible way. All the citizens have freely participated in 1976 in the debate held at different levels on the draft of a national charter containing the main political, economic, social and cultural orientations of the country. The right of all citizens to participate in the management of their production units has been established by the Charter concerning the socialist management of enterprises, adopted in 1971.

279. In France, Act No. 76-1288 of 31 December 1976 modifying and supplementing certain provisions of the Public Health Code relating to the exercise of the medical professions provides for the application of two directives of the Council of the European Communities of 16 June 1975: one concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and the freedom to provide services, and the other concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors.

280. Thailand reports that legislative measures have been adopted especially in the field of education and the dissemination of news and information in order to ensure that the rights and freedoms under review are enjoyed by an increasing number of its citizens.

281. Upper Volta reports that its action during the period under review, consisted mainly in the ratification in 1976 of the Convention on Social Security of Migrant Workers and the ratification in 1977 of the ILO Convention No. 143 [Migrant workers (supplementary provisions) Convention, 1975].

282. Yugoslavia states that the basic guarantee that the rights and freedoms under review will expand to an increasing number of people in the country, is the socialist system of self-management democracy which constitutes the basis of the Yugoslav socio-political order.

283. UNESCO reports that a Plan of Action has been developed by the Organization on the basis of its resolution 1.142 concerning the protection of migrant workers and their families, adopted by its General Conference in 1972. Studies, research, seminars and publications have been made in co-operation with national commissions and associations of migrant workers concerning especially the education of the migrant workers and their children.

H. Derogations in time of public emergencies
which threaten the life of the nation

284. According to article 73 of the Algerian Constitution, the law shall establish the conditions for forfeiture of the fundamental rights and freedoms of anyone who uses them to injure the constitution, the essential interests of the national community, the unity of the people and of national territory, the internal and external security of the State, or the socialist revolution.

285. Under article 183 of the Constitution of Cyprus, in case of war or other public danger threatening the life of the Republic, the Government has power to declare by proclamation a state of emergency and suspend certain articles of the Constitution to the same effect as the provisions of article 4 of the International Covenant on Civil and Political Rights. Cyprus states that any restriction or limitation of the human rights guaranteed under the Constitution has to be provided by law only in the interests of the security of the Republic, the constitutional order, public safety, public order, public health, public morals or for the protection of the rights guaranteed by the Constitution to any person.

286. The Greek Constitution provides in article 48 that in special circumstances of emergency, the suspension of certain articles of the Constitution is permitted by a decree issued by the President of the Republic and co-signed by the Government, in case of war or external danger, or by the Prime Minister, in case of serious internal disturbance which puts in danger the public order.

287. Israel reports that persons convicted or detained with regard to offences connected with the state of emergency or war are entitled to the same privileges as other prisoners during their prison sentences or detention. In limited circumstances preventive administrative detention is applied for persons who are thought to be dangerous but who might not be convictable under the conventional criminal law. The power to detain is vested in the military by the law which also provides effective measures of control.

288. In Portugal, article 19 of the Constitution establishes that the organs of sovereignty may jointly or separately suspend the exercise of rights, freedoms and safeguards in case of a state of siege or emergency declared in the form laid down in the Constitution. Such a declaration must specify the rights, freedoms or safeguards, the exercise of which is suspended. The declaration shall not in any case affect the right to life and integrity of person and shall, at the most, entail the partial suspension of rights, freedoms and safeguards.

289. The Seychelles reports that article 25 of its Constitution allows administrative detention under emergency laws passed subsequent to the proclamation of an emergency by the President of the Republic under article 28. The detention is subject to revision by an independent tribunal. The right to defence is guaranteed to the detainee who, under article 26 of the Constitution, can have access to the Supreme Court for the purposes of enforcing his fundamental rights.

290. In Thailand, section 27 of the present Interim Constitution (1977) grants wide discretionary power to the Prime Minister, to be exercised in matters concerning public emergency. Such power requires, nevertheless, the approval of the Council of Ministers and the National Legislative Assembly.

291. Yugoslavia reports that its presidential authority, during a state of war or in the event of an immediate danger of war, has the power to pass on its own initiative or at the instance of the Federal Executive Council, decrees with the force of law on questions falling within the competence of the Assembly of the Republic. Rights and freedoms may exceptionally be suspended by those decrees.

III. SIGNIFICANT DEVELOPMENTS CONCERNING THE RIGHT TO SELF-DETERMINATION
DURING THE PERIOD FROM 1 JULY 1971 TO 30 JUNE 1977

292. The Bahamas and the Seychelles recall that they attained their complete independence respectively on 10 July 1973 and 29 June 1976.

293. Cyprus states that it respects the right of peoples to self-determination in conformity with article 1 of the International Covenant on Civil and Political Rights. It states also that the occupation of 40 per cent of its territory infringes upon the right of the people of Cyprus to self-determination.

294. Portugal recalls that the independence of its overseas territories: Angola, Cape Verde Islands, Guinea-Bissau, Mozambique and Sao Tome and Principe Islands, was recognized and proclaimed during the period under review.

295. Thailand reports that there are some minorities existing in the country, mainly the mountain tribes living in the northern part of its territory; the Government's policy towards these minorities is to provide them with financial and technical assistance and to assist them in their integration into the Thai society while retaining fully their cultural heritage.

296. Yugoslavia reports that its Constitution of 1974 includes, among its basic principles, the right of people to self-determination and ensures full equality of all nations and national minorities of Yugoslavia. The equality has been reflected in new relations between the Federation, the Republics and the Autonomous Provinces. Since the Federation has been defined as a common function of the Republics and the Autonomous Provinces, the decision-making in the Federation is based on agreement among the Republics and the Autonomous Provinces, on their responsibility for their own development and for the development of the whole federal community.

297. Action undertaken by the International Labour Organisation in regard to the right to self-determination includes assistance in the field of vocational training to liberation movements recognized by the Organization of African Unity and countries in southern Africa, and a project which began in 1976, for planned migration in southern Africa.

298. UNESCO reports about its activities in support of liberation movements of southern Africa. In accordance with resolution 8 of its General Conference (sixteenth session, 1970) and in co-operation with the United Nations Development Programme, a first regional plan was established in 1972 to assist various African Governments in their aid to African liberation movements recognized by the Organization of African Unity. Other wider plans were established for the same purpose, starting from 1975. The participation of UNESCO in these regional plans consisted mainly in financial aid to educational programmes.

299. The Food and Agriculture Organization and the Universal Postal Union state that their activities concerning the right of self-determination for the period under review have been reported at regular intervals to the United Nations and subsequently included by the Secretary-General in his annual reports to the General Assembly on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Specialized Agencies and the international institutions associated with the United Nations.

300. The Universal Postal Union further reports that several resolutions of the General Assembly of the United Nations concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, have been brought to the attention of its Executive Council. A study concerning the problem of decolonization and in particular the question of the representation in the UPU of non-self-governing territories is under consideration by the Executive Council. Several countries which attained their independence during the period under review have become members of the UPU and a certain number of projects have been established to assist them in different ways.

301. The International Civil Aviation Organization states that it has confirmed, during the period under review, its continued readiness to co-operate with the United Nations Council for Namibia in the discharge of its mandate.