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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
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Agenda item 9

FUTURE WORK OF THE SUB-COMMISSION

Statement submitted by the International League for the Rights of Man,
a non-governmental organization in consultative status, Category B

The Secretary-General has received the following statement, which is circulated in accordance with paragraphs 28 and 29 of Economic and Social Council resolution 288 B (X).

Dated: 25 January 1962

Received: 29 January 1962

1. The International League for the Rights of Man, a non-governmental organization in Category B, submits the following two suggestions for consideration by the Sub-Commission in addition to those submitted by a group of non-governmental organizations.
2. A study of discrimination under article 10 of the Declaration which provides: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any other criminal charge against him."
3. Comment: "Full equality" in a "fair and public hearing" before an "independent and impartial tribunal" is one of the essential methods for combating discriminatory laws and practices.
4. The courts as the major instruments of government charged with the duty of enforcing the principle of justice are subject in many countries to pressures

which tend to deny full equality to all citizens without discrimination. Issues of race, religion, political views, national origin and social status often colour the administration of justice, reflecting the prejudices of judges, prosecutors, juries and community.

5. The study envisaged would consider the meaning and implication of the concept of "full equality" in relation to the other key concepts of article 10, such as "fair hearing", "public hearing", "independent tribunal", "impartial tribunal", or "determination of rights and obligations".

6. Such exploration would contribute to standards concerning the methods for assuring an independent judiciary without political bias and for those protections of the rights of defendants which avoid or minimize discrimination.

7. The study would deal not only with criminal trials but also with other judicial-type proceedings in which rights and obligations are determined, whether by regular courts or by administrative bodies and agencies or by regulatory commissions; and on all levels of government, whether national, provincial or local.

8. We would assume that a study would yield abundant material showing by court cases and decisions the extent of discrimination and the protections against it, together with critical material in legal publications, and conditions described by non-governmental organizations from the experience of minority groups.

9. We call attention to a previous recommendation of the Sub-Commission to the Human Rights Commission and not adopted by it, to authorize the Secretary-General to organize regional seminars on prejudice and discrimination at selected United Nations centres, provided that no Government requests such a seminar, as none has to date.

10. The usefulness of seminars has been fully demonstrated, but none has been held in the area of discrimination. For quite understandable reasons, Governments may hesitate to invite discussion of such delicate and controversial issues.

But a useful service might be rendered at one or more United Nations centres where the responsibility rests on the initiative and judgement of the Secretary-General.

11. We suggest that the Sub-Commission, in the light of its previous recommendation and the experience since then, may wish to consider renewing the proposal.