



**UNITED NATIONS**

**COMMISSION ON HUMAN RIGHTS**

**REPORT of the FOURTEENTH SESSION**

(10 MARCH - 3 APRIL 1958)

**ECONOMIC AND SOCIAL COUNCIL**

**OFFICIAL RECORDS: TWENTY-SIXTH SESSION**

**SUPPLEMENT No. 8**

**NEW YORK**

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### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/3088  
E/CN.4/769



UNITED NATIONS  
ECONOMIC AND SOCIAL COUNCIL  
OFFICIAL RECORDS

TWENTY-SIXTH SESSION

SUPPLEMENT No. 8

COMMISSION ON HUMAN RIGHTS  
Report of the fourteenth session (10 March - 3 April 1958)

I. — ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Commission on Human Rights held its fourteenth session at the Headquarters of the United Nations, New York. The session commenced on 10 March 1958 and ended on 3 April 1958.

2. Mr. Ratnakirti S. S. Gunewardene (Ceylon), Second Vice-Chairman of the Commission at its thirteenth session, opened the session (577th meeting).

3. The representative of the Philippines made a statement expressing regret at the inability of Mr. F. M. Serrano (Philippines), Chairman of the Commission at its thirteenth session, to be present. The Chairman, speaking on behalf of the Commission, paid a tribute to Mr. Serrano for his excellent work at the previous session. A message from Mr. Serrano to the Commission was read at the 580th meeting.

4. Mr. W. Martin Hill, Deputy Under-Secretary for Economic and Social Affairs, made a statement on behalf of the Secretary-General at the opening meeting.

Attendance

5. A list of the persons attending the session is given below.

MEMBERS

*Argentina*

*Member:* Mr. Carlos A. Bertomeu  
*Adviser:* Mr. Raúl A. J. Quijano

*Belgium*

*Member:* Mr. Jules Wolf

*Ceylon*

*Member:* Mr. Ratnakirti S. S. Gunewardene  
*Alternate:* Mr. Y. Duraiswamy<sup>1</sup>

*China*

*Member:* Mr. Cheng Paonan  
*Alternate:* Mr. Hu Chun<sup>2</sup>

*France*

*Member:* Mr. René Cassin  
*Alternate:* Mr. Pierre Juvigny<sup>2</sup>

*India*

*Member:* Mr. Arthur S. Lall<sup>3</sup>  
*Alternates:* Mr. T. J. Natarajan,<sup>2</sup> Mr. V. R. Bhatt<sup>2</sup>  
*Adviser:* Mr. P. N. Kaul

*Iran*

*Member:* Mr. Djalal Abdoh  
*Alternate:* Mr. Majid Rahnema<sup>2</sup>  
*Adviser:* Mr. Jafar Nadim

*Iraq*

*Member:* Mr. Ismat T. Kittani<sup>3</sup>

*Israel*

*Member:* Mr. Haim Cohn  
*Alternate:* Mrs. Tamar Shoham-Sharon<sup>2</sup>

*Italy*

*Member:* Mr. Francisco Maria Dominedo<sup>4</sup>  
*Alternate:* Mr. Luciano Giretti<sup>5</sup>  
*Adviser:* Mr. Vincenzo Tornetta

*Lebanon*

*Member:* Mr. Karim Azkoul

*Mexico*

*Member:* Mr. Pablo Campo Ortiz<sup>4</sup>  
*Alternates:* Mr. Rafael de la Colina,<sup>5</sup> Mr. Eduardo Espinosa y Prieto<sup>2</sup>  
*Adviser:* Miss Alicia Merino

<sup>1</sup> In accordance with rule 13, para. 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Duraiswamy represented Ceylon during the session.

<sup>2</sup> Designated as alternate for various parts of the session.

<sup>3</sup> Nomination to be confirmed by the Economic and Social Council.

<sup>4</sup> Did not attend the session.

<sup>5</sup> Designated as alternate for the whole session.

*Philippines*

Member: Mr. Hortencio J. Brillantes<sup>3 6</sup>

Adviser: Mr. I. D. Quiambao

*Poland*

Member: Mrs. Zofia Wasilkowska

Alternate: Mr. Antoni Czarkowski<sup>2</sup>

*Ukrainian Soviet Socialist Republic*

Member: Mr. P. E. Nedbazhlo<sup>3</sup>

Adviser: Mr. J. F. Grishchenko

*Union of Soviet Socialist Republics*

Member: Mr. P. D. Morozov<sup>4</sup>

Alternate: Mr. A. A. Fomin<sup>5</sup>

Advisers: Mr. B. P. Pisarev, Mr. N. Talarov

*United Kingdom of Great Britain  
and Northern Ireland*

Member: Sir Samuel Hoare

Alternate: Mr. P. W. J. Buxton<sup>2</sup>

*United States of America*

Member: Mrs. Oswald B. Lord

Alternates: Mrs. Caroline K. Simon,<sup>2</sup> Mr. Warren Hewitt<sup>2</sup>

Advisers: Mrs. Caroline K. Simon, Mr. Thomas Bartlett,  
Mr. Seymour M. Finger, Mr. Warren Hewitt,  
Mr. Chauncey Parker

OBSERVERS

Chile: Mr. Oscar Pinochet

Dominican Republic: Mr. Enrique de Marchena

Hungary: Mr. Péter Mód, Mr. János Szábo

Netherlands: Miss J. D. Pelt

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. R. A. Métall, Mr. Philippe Blamont, Mr. Roberto Payró

United Nations Educational, Scientific and Cultural Organization (UNESCO): Mr. René Maheu, Mr. A. F. Gagliotti, Mr. A. Salsamendi

World Health Organization (WHO): Dr. Rodolphe L. Coigny, Mrs. Sylvia Meagher

OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR REFUGEES

Miss A. Cohn

NON-GOVERNMENTAL ORGANIZATIONS

CATEGORY A

International Chamber of Commerce: Mrs. Roberta Lusardi

*International Confederation of Free Trade Unions:*

Mr. W. Kemsley

*International Co-operative Alliance:* Mrs. C. Long,  
Mr. L. Woodcock

*International Federation of Christian Trade Unions:*  
Mr. G. Thormann

*World Federation of Trade Unions:* Miss Elinor Kahn

*World Federation of United Nations Associations:* Mr.  
Hilary Barrett-Brown, Mrs. O. Weerasinghe

*World Veterans Federation:* Mrs. C. Rogger

CATEGORY B

*Agudas Israel World Organization:* Mr. Isaac Lewin

*Catholic International Union for Social Service:* Mrs. Carmen Giroux, Mrs. A. D. Vergara

*Chamber of Commerce of the United States of America:*  
Mr. Earl F. Cruickshank

*Commission of the Churches on International Affairs, The:*  
Mr. A. Dominique Micheli, Mr. O. Frederick Nolde

*Consultative Council of Jewish Organization:* Mr. Moses Moskowitz

*Co-ordinating Board of Jewish Organizations:* Mr. Saul E. Joftes

*Friends World Committee for Consultation:* Mrs. Caroline Malin

*International Catholic Child Bureau:* Miss Margaret M. Bedard

*International Commission of Jurists:* Mr. Edward S. Kozera, Mr. Norman S. Marsh

*International Conference of Catholic Charities:* Mr. Louis Longarzo

*International Council of Women:* Mrs. Eunice H. Carter

*International Federation of Business and Professional Women:* Mrs. Esther W. Hymer, Miss Hazel Palmer, Mrs. Margery Pewtress, Miss Rachel L. Smiley, Mrs. Dorothy Titchener

*International Federation of Women Lawyers:* Mrs. Rose Korn Hirschman, Mrs. Raymonde Paul, Miss Lillian D. Rock, Miss Rose Rothenberg, Miss A. Viola Smith

*International League for the Rights of Man:* Mr. Roger Baldwin, Mr. Max Beer, Miss Frances R. Grant, Mrs. Dora D. Roitburd, Mrs. Rita Rosenthal

*International Movement for Fraternal Union among Races and Peoples:* Miss Elizabeth Reid

*International Union of Family Organizations:* Mrs. Peter Lawton Collins

*International Union of Socialist Youth:* Miss Susan Gyarmati

*Liaison Committee of Women's International Organizations:* Miss Janet Robb

*Pan Pacific South-East Asia Women's Association:*  
Mrs. Henry G. Fowler

*Women's International League for Peace and Freedom:*  
Miss Adelaide N. Baker

*World Federation of Catholic Young Women and Girls:*  
Mrs. Peter J. Cass

<sup>6</sup> Mr. Octavio L. Maloles, Acting Permanent Representative of the Philippines to the United Nations, represented the Philippines at the 577th meeting.

*World Jewish Congress:* Mr. Gerhard Jacoby, Mr. Maurice L. Perlzweig  
*World Union for Progressive Judaism:* Mrs. Victor Polstein  
*World Union of Catholic Women's Organizations:* Miss Catherine Schaefer  
*World's Young Women's Christian Association:* Mrs. Jane D. Britt, Miss Elsie D. Harper  
*Young Christian Workers:* Mr. Douglas Cocklin, Miss Caroline Pezzulo

#### REGISTER

*International Association for Liberal Christianity and Religious Freedom:* Miss Grace Spofford  
*St. Joan's International Social and Political Alliance:* Miss Frances McGillicuddy  
*World Association of Girl Guides and Girl Scouts:* Miss Eloise M. Centoz, Mrs. Harvey N. Davis, Mrs. Edward F. Johnson  
*World Federation for Mental Health:* Mrs. Helen S. Ascher

6. Mr. W. Martin Hill, Deputy Under-Secretary for Economic and Social Affairs, attended the opening meeting. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General at other meetings of the Commission. Mr. Kamleshwar Das acted as Secretary of the Commission.

#### Election of officers

7. The Commission at its 577th meeting elected by acclamation the following officers:  
Mr. Ratnakirti S. S. Gunewardene (Ceylon), *Chairman*  
Mr. Karim Azkoul (Lebanon), *First Vice-Chairman*  
Mrs. Zofia Wasilkowska (Poland), *Second Vice-Chairman*  
Mr. Carlos A. Bertomeu (Argentina), *Rapporteur*

#### Representation of China

8. At the 577th meeting, the representative of the USSR, speaking on a point of order, made a statement on the representation of China in the Commission. It was agreed that his statement, together with those made by the representatives of India, the United States of America, China, Poland, the Ukrainian SSR and Belgium on the matter, would be reported in the summary record of the meeting.

#### Meetings, resolutions and documentation

9. The Commission held thirty-three plenary meetings. The views expressed at those meetings are summarized in the records of the 577th to 609th meeting.

10. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings at various meetings (581st to 586th, 588th, 589th, 599th,

601st, 602nd, 604th, 606th, 607th and 609th) to representatives of the following non-governmental organizations: *Category A:* International Federation of Christian Trade Unions (Mr. G. Thormann), World Federation of Trade Unions (Miss Elinor Kahn); *Category B:* Agudas Israel World Organization (Mr. Isaac Lewin), Consultative Council of Jewish Organizations (Mr. Moses Moskowitz), International Federation of Business and Professional Women (Miss Rachel L. Smiley), International Federation of Women Lawyers (Mrs. Rose K. Hirschman), International League for the Rights of Man (Mr. Roger Baldwin, Mr. Max Beer and Miss Frances R. Grant), Women's International League for Peace and Freedom (Miss Adelaide N. Baker), World Jewish Congress (Mr. Gerhard Jacoby and Mr. Maurice L. Perlzweig).

11. The resolutions and decisions of the Commission appear under the subject-matters to which they relate. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XIV of the present report.

12. The documents before the Commission at its fourteenth session are listed in the annex to the present report.

#### Agenda

13. At the 577th meeting the Commission considered the provisional agenda (E/CN.4/754) prepared by the Secretary-General in consultation with the Chairman of the thirteenth session of the Commission.

14. The Commission agreed to defer to its fifteenth session items 13 and 14 of its provisional agenda relating to the draft Declaration on the Rights of the Child and to the right of asylum, respectively, as suggested by the Secretary-General in the light of Economic and Social Council resolutions 651 E and F (XXIV), which provided for consideration of those items by the Commission at its 1959 session.

15. With that change the Commission adopted the provisional agenda without objection. The agenda for the fourteenth session was as follows:

1. Election of officers
2. Adoption of agenda
3. Periodic reports on human rights (Economic and Social Council resolution 624 B (XXII); E/2844, <sup>7</sup> para. 23)
4. Study on discrimination in education (Economic and Social Council resolution 651 G (XXIV); E/2970/Rev.1, <sup>8</sup> para. 189)
5. Report of the tenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/764)
6. Freedom of information (General Assembly resolution 1189 (XII); Economic and Social Council resolution 643 (XXIII); E/2970/Rev.1, para. 205)
7. Yearbook on Human Rights: report of the Committee (Economic and Social Council resolutions 665 D I (XXIV) and 664 (XXIV), annex, para. 7 (a); E/2970/Rev.1, para. 223)
8. Study of the right of everyone to be free from arbitrary arrest, detention and exile: progress report of the Committee (Econo-

<sup>7</sup> *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3.*

<sup>8</sup> *Ibid.*, *Twenty-fourth Session, Supplement No. 4.*

- mic and Social Council resolution 624 B II (XXII); E/2844, para. 49; E/2970/Rev.1, para. 122)
9. Advisory services in the field of human rights (General Assembly resolution 926 (X); Economic and Social Council resolutions 605 (XXI), 651 C (XXIV), 665 D I (XXIV) and 664 (XXIV), annex, para. 7 (d); E/2970/Rev.1, para. 153)
  10. Communications (Economic and Social Council resolutions 74 (V), 192 A (VIII), 275 (X) and 454 (XIV))
  11. Periodicity of sessions of the Commission on Human Rights (Economic and Social Council resolution 665 D (XXIV))
  12. Review of programme and priorities (Economic and Social Council resolution 664 (XXIV), annex, para. 3, and resolution 665 D (XXIV))
  13. Report of the fourteenth session of the Commission on Human Rights to the Economic and Social Council

## II. — PERIODIC REPORTS ON HUMAN RIGHTS

16. In 1956 the Commission and the Economic and Social Council initiated a system of periodic reporting by Governments.<sup>9</sup>

17. States Members of the United Nations and of the specialized agencies were asked to transmit to the Secretary-General, every three years, a report describing developments and the progress achieved during the preceding three years in the field of human rights and measures taken to safeguard human liberty in their metropolitan areas and Non-Self-Governing Territories, the first series to cover the years 1954 to 1956. The reports were to deal with the rights enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination.

18. The Secretary-General was requested to prepare and forward to Governments suggestions which might serve as a guide for the preparation by them of the reports on a topical basis, and to submit a brief summary of the reports on a topical basis to the Commission at its fourteenth session. The specialized agencies were invited, in respect of rights coming within their purview, to submit, every three years, reports summarizing the information which they received from their member States.

19. In initiating the system of periodic reporting, the Commission decided that the purpose of considering the reports was to transmit to the Council "comments, conclusions and recommendations of an objective and general character in accordance with the Charter of the United Nations".

20. In considering this item at its 607th and 608th meetings, the Commission had before it the summary prepared by the Secretary-General (E/CN.4/757 and Add. 1 to 4). It had before it also the replies of the World Health Organization (WHO), the International Telecommunication Union (ITU) and the Universal Postal Union (UPU) (E/CN.4/758) and the summaries submitted by the International Labour Office (E/CN.4/758/Add.1) and by the United Nations Educational, Scientific and Cultural Organization (UNESCO) (E/CN.4/758/Add.2). The representative of WHO made an oral statement (607th meeting) supplementing the reply of that agency.

21. At the time the item was taken up, the Secretary-General had received a total of thirty-five reports from Governments, five of them too late to be included in the summary. The Governments reporting were: Australia,

Austria, Brazil, Cambodia, Ceylon, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Federal Republic of Germany, Finland, France, Hungary, Indonesia,<sup>10</sup> Israel, Japan, Luxembourg, Mexico, Morocco, Nepal, Norway, Pakistan, Panama, the Philippines, Poland, Portugal, Romania,<sup>10</sup> Spain,<sup>10</sup> Sudan,<sup>10</sup> Sweden, the Ukrainian SSR, the USSR,<sup>10</sup> the United Kingdom and the United States of America.

22. Two draft resolutions were proposed with regard to this item. The representative of Belgium proposed that a committee be set up to study the periodic reports and make such recommendations and observations to the Commission as it considered useful. This proposal (E/CN.4/L.509) was subsequently withdrawn. A second draft resolution (E/CN.4/L.510) was submitted by the representatives of Ceylon, France, Iran, the Philippines, United Kingdom of Great Britain and Northern Ireland and the United States of America (see paragraph 30 below).

23. The Commission concentrated its discussion mainly on questions of procedure, agreeing that it would discuss the item further at its fifteenth session after having had more time to study the relevant documents, and hoping that other Governments would have reported by then.

24. Several members emphasized the importance of the reporting procedure which the Commission was then considering for the first time. One expressed reservations on this point. It was said that the fact that Governments reported on human rights was in itself most useful, since, in drawing them up, Governments were obliged to review the situation with respect to human rights. It was also said that the three-year period gave Governments a better opportunity to survey conditions and note progress or difficulties that they had when making the annual contributions to the *Yearbook on Human Rights*. A number of representatives stressed that the legal situation and the actual situation in any country might be very different. It was most important that Governments should report objectively not only the laws enacted, but also the practice followed. It was pointed out that in the first series Governments had tended to concentrate mainly on the progress achieved rather than on any difficulties encountered: it was hoped that as they became more confident that the Commission would consider their reports objectively they would be less hesitant to

<sup>9</sup> *Ibid.*, Twenty-second Session, Supplement No. 3, paras. 21-46; and *ibid.*, Supplement No. 1, resolution 624 B (XXII).

<sup>10</sup> Not included in the summary prepared by the Secretary-General.

report difficulties. Countries should know to what extent they could take into account the experience of other countries.

25. In the three-year period under review (1954 to 1956) certain trends and developments were mentioned which, on the whole, indicated that progress was being made. It was noted, in particular, that the Universal Declaration of Human Rights had been adopted as a pattern or embodied in new constitutions and in constitutions of countries which had recently attained their independence.

26. Reference was made to the long experience of the International Labour Organisation (ILO) in the matter of reporting. The Commission might benefit from that experience although the purpose of the Commission's examination of periodic reports was different. The report of the ILO, which was based on numerous conventions and recommendations of many years' standing, and arranged under articles of the Declaration, clearly showed the variety of rights covered by the Declaration. The report by UNESCO indicated in particular that considerable progress had been made in overcoming illiteracy throughout the world. It was also said that the Commission was very interested in the work of WHO and that a more comprehensive report from that agency in future series would be helpful.

27. It was said that the question of duplication between the summary prepared by the Secretary-General and the reports of the specialized agencies with respect to certain articles of the Declaration required study.

28. Members of the Commission endorsed the suggestion of the Secretary-General that a more detailed plan was needed to guide Governments in preparing future series of reports. The hope was expressed that the next series would concentrate mainly on the developments during the three-year period under review.

29. Some members were of the opinion that in preparing the plan it was important to bear in mind that information on legislation was not sufficient and that information on its application and on practices was also required. If the plan was sufficiently detailed, it might

help Governments to report with greater accuracy and objectivity. The general practice of States with respect to human rights should be reported; that meant that, for each particular right, a full picture of the situation, including acts and omissions, should be given. The background of a new law should be explained, and, especially, the need which had given rise to its enactment should be indicated.

30. The Commission unanimously adopted the joint draft resolution (E/CN.4/L.510). The text of the resolution is as follows:

#### *Resolution 1 (XIV)*

##### PERIODIC REPORTS ON HUMAN RIGHTS

###### *The Commission on Human Rights,*

*Having considered* the summary of reports on human rights for the period 1954 to 1956 prepared by the Secretary-General (E/CN.4/757 and Add.1 to 4) and the reports submitted by the specialized agencies (E/CN.4/758 and Add.1 and 2), in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August 1957,

*Noting* that only thirty-five Governments have so far transmitted reports, and that a number of these reports have only recently been received,

1. *Commends* the Secretary-General and the specialized agencies for their work on the reports;

2. *Expresses the hope* that Governments which have not yet done so will transmit reports before the fifteenth session of the Commission;

3. *Decides* to consider the matter further at its fifteenth session;

4. *Requests* the Secretary-General, in consultation with the specialized agencies, to submit to the Commission at its fifteenth session suggestions for a more detailed plan to guide Governments in preparing future triennial reports, and also for the avoidance of duplication between his summary of the reports of Governments and the reports of the specialized agencies.

### III. — STUDY OF DISCRIMINATION IN EDUCATION

31. It will be recalled that at its thirteenth session, the Commission considered chapter IV of the report of the ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/740), in connexion with the *Study of Discrimination in Education* prepared by Mr. Charles D. Ammoun, the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/181/Rev.1).<sup>12</sup> The Commission requested the Secretary-General to send chapter IV of the Sub-Commission's report, the summary records of the Commission's discussion of that chapter, and the *Study of Discrimination in Education* to States members of the United Nations and of the specialized agencies with the request that they formulate their comments and suggestions

with regard to the proposals made by the Sub-Commission in its resolutions B and C, with particular reference to the principles suggested, and their views as to the possibility of adopting one or more international instruments for the prevention of discrimination in education.<sup>12</sup>

32. As requested by the Economic and Social Council in its resolution 651 G (XXIV), the Secretary-General submitted direct to the Commission the comments and suggestions of Governments, as follows: Brazil, Finland, India, Libya, Luxembourg, Norway and Peru (E/CN.4/760); Cambodia (E/CN.4/760/Corr.1); France (E/CN.4/760/Add.1); Israel, United Kingdom, United States of America (E/CN.4/760/Add.2); Australia, Austria, Ceylon

<sup>12</sup> See *Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4, chap. VI, sect. 7.*

<sup>11</sup> United Nations publication, Sales No.: 1957.XIV.3.

(E/CN.4/760/Add.3); Poland (E/CN.4/760/Add.4); Netherlands (E/CN.4/760/Add.5); and Greece (E/CN.4/760/Add.6).

33. In addition, the Commission had before it the comments of UNESCO (E/CN.4/766).

34. This item was discussed during the 588th to 598th meetings. The Commission began its consideration of the item with a general debate, in which all members participated. The general debate dealt mainly with the questions raised in resolution B adopted by the Sub-Commission at its ninth session (E/CN.4/740, para. 161) concerning the form of the instrument or instruments for the prevention of discrimination in education to be adopted. The Commission then proceeded to a first reading of resolution C adopted by the Sub-Commission at its ninth session (E/CN.4/740, para. 162), taking into account the comments which had been received. The first reading proceeded only as far as operative paragraph 4 (I) of resolution C. At that point, having exhausted the time allotted to the item, the Commission considered and adopted three resolutions and agreed to postpone further consideration of the item to its fifteenth session.

#### General debate

35. In the general debate, statements were made by all members of the Commission, by the representatives of the ILO and UNESCO, and by the representatives of the International Federation of Christian Trade Unions and the World Federation of Trade Unions. These statements are summarized in the records of the 589th and 590th meetings of the Commission.

36. There was general agreement in the Commission that a series of fundamental principles, as regards the eradication of discrimination in education, should be prepared. There was also general agreement that those principles should not be drafted until the Commission's fifteenth session, at which time the Commission would be able to take advantage of further comments received from Governments.

37. With regard to the eventual form in which the principles should be adopted, as well as other documents which might be adopted, there were, however, differences of opinion, some members favouring an international convention, others a declaration, still others a recommendation, and some a combination of these.

38. All members welcomed the decision of the Executive Board of UNESCO to consider at its fiftieth session, in April 1958, the question of the possible inclusion in the agenda of the UNESCO General Conference (November 1958) of an item relating to the advisability of preparing one or more international instruments designed to eliminate or prevent discrimination in the field of education, and agreed to postpone further examination of the question in the Commission until the fifteenth session, when it could be resumed in the light of the comments of Governments and of whatever position was taken up by UNESCO during 1958.

#### First reading of resolution C adopted by the Sub-Commission at its ninth session

39. At its thirteenth session the Commission had already dealt with the first three operative paragraphs of resolution C adopted by the Sub-Commission at its ninth session and had adopted resolution VIII with regard to it (E/2970/Rev.1, para. 189). By that resolution the Commission, *inter alia*, had requested the Secretary-General to print and give wide circulation to the Special Rapporteur's study, and UNESCO to prepare, in collaboration with the Special Rapporteur, a brief popular summary of the study, to the end that the summary might be published and used, particularly in universities, schools, and other educational institutions, to combat discrimination in education.

40. The representative of the Secretary-General stated at the Commission's 589th meeting that the study was being published in English, French and Spanish. The English edition of 5,000 copies had already been issued, and the French edition of 1,125 copies and the Spanish edition of 825 copies were to be issued shortly. The majority of those copies were available for purchase by the public, and if the first edition of the study were sold out, the Secretariat would consider the possibility of reprinting it.

41. At the same meeting the representative of UNESCO stated that its first printing of Mr. Ammoun's study, in summary form, would consist of 10,000 copies in English and 8,000 copies in French. If the study was well received, the possibility of reprinting it, or of issuing it in other languages, would be considered.

42. The Commission devoted a number of meetings (591st to 595th meetings) to a detailed examination of operative paragraph 4 (I) of resolution C. The paragraph reads:

"*Desiring* to elaborate further the principles enunciated in the Universal Declaration of Human Rights,

"1. *Declares* that with a view to eliminating discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, all legislative provisions or administrative measures should be abolished, and all practices opposed which for the purpose of discriminating against any group:

"(a) Deprive any person or distinct group of persons of access to education at any level or of any type;

"(b) Irrevocably limit any person or distinct group of persons to education of an inferior standard;

"(c) Establish or maintain separate educational systems or institutions for persons or distinct groups of persons."

The main issues raised in the course of the debate are summarized below.

#### FORM OF ACTION TO BE TAKEN

43. While some members of the Commission agreed with the Sub-Commission that the action proposed in paragraph 4 (I) should take the form of a declaration,

others said they would prefer it to be a recommendation. Some of those who favoured a declaration envisaged the eventual proclamation by the General Assembly of a series of general principles relating to the eradication of discrimination in education. Some of those who favoured a recommendation were of the view that since the Universal Declaration of Human Rights dealt with discrimination in education, it was not for the Commission to elaborate its principles further but to concentrate on working out practical measures for the implementation of those principles.

#### DEFINITION OF "DISCRIMINATION IN EDUCATION"

44. Some members of the Commission agreed in general with the Sub-Commission's proposal that all legislative provisions or administrative measures should be abolished, and all practices opposed, which were "for the purpose of discriminating against any group", while others suggested that the introduction of the subjective criterion of intent was unnecessary.

45. On the other hand, there was a sharp difference of opinion on the suggestion put forward by the representative of the United States of America and by UNESCO, that measures and practices having the effect of discrimination should also be abolished or opposed.

46. In favour of the suggestion, it was argued that those guilty of discrimination never admitted that they intended to discriminate; short of admission, there was no reliable way to determine an intent to discriminate. Therefore, if the definition of discrimination were limited to that by intent it would be incomplete. Moreover, the Commission was not attempting to produce a legal text, but endeavouring to state a goal towards which States should strive. Its main objective should be to combat any discrimination which led to unjust political, social, economic or racial relationships. It should be concerned not with the intentions of those who controlled the school systems but with the effect upon those who were being educated. Its purpose in seeking to eliminate discrimination was not to prevent deliberate wrongdoing but to prevent wrong from being done for any reason whatsoever.

47. Against the suggestion, various arguments were put forward. It was stated that unavoidable inequalities in education due to natural conditions or existing circumstances should not be confused with intentional discrimination. It was also pointed out that if the phrase "for the purpose of discriminating against" were deleted or revised, measures embodying legitimate distinctions—such as the establishment of different schools for boys and girls, of denominational schools, or of special schools for handicapped or specially-gifted persons—might be considered as discriminatory. It was also contended that intention could often be deduced from the facts.

#### USE OF THE TERM "DISTINCT GROUP OF PERSONS"

48. While some members of the Commission agreed with the use of the term "distinct group of persons", which appeared in sub-paragraphs (a), (b), and (c) of operative paragraph 4 (I), others felt that the word

"distinct" was too limiting and at the same time not sufficiently precise. The suggestion was made that the term "any person or group" was both stronger and clearer than the term used by the Sub-Commission.

49. Some members pointed out, on the one hand, that the Sub-Commission had carefully chosen the word "distinct" to convey the idea of groups which had voluntarily chosen to maintain special characteristics, such as racial, religious, or linguistic characteristics. On the other hand, the view was expressed that it was clear from the context of the paragraph that racial, religious and linguistic groups were meant, and that therefore the word "distinct" was unnecessary.

#### SUB-PARAGRAPH (c)

50. While sub-paragraphs (a) and (b) did not give rise to much comment, sub-paragraph (c) was criticized by several members of the Commission as being too rigid and not sufficiently clear. While obviously intended to deal with the problem of segregation on the basis of race or colour, it appeared to go much further and to prohibit separate schools for boys and girls and for students belonging to different religious denominations, and even separate facilities for children speaking different languages. The hope was expressed that a better wording could be found for the sub-paragraph. It was pointed out that the sub-paragraph was not included in the proposals of the Special Rapporteur. On the other hand, other members of the Commission considered the sub-paragraph to be satisfactory.

#### Consideration of amendments to operative paragraph 4 (I) of resolution C

51. A number of amendments to the text of operative paragraph 4 (I) were submitted by various members of the Commission, including written amendments proposed by the representatives of Belgium (E/CN.4/L.480); the United Kingdom (E/CN.4/L.481); the Philippines (E/CN.4/L.482); the United States of America (E/CN.4/L.483); India (E/CN.4/L.485); and France (E/CN.4/L.486).

52. After these amendments had been introduced, the authors, as well as other interested members of the Commission, were requested to meet informally with a view to reaching agreement on a common text. As a result of the informal meeting, the representative of Iraq presented to the Commission, at its 594th meeting, a working paper (E/CN.4/L.487) containing a wording which was almost unanimously acceptable. The working paper disposed of amendments to operative paragraph 4 (I) which had been submitted by Belgium, France, India, the Philippines and the United Kingdom. In the working paper it was proposed that the preambular paragraph and section I of paragraph 4 should be revised to read as follows:

"*Desiring* to elaborate further, in the spirit of the Universal Declaration of Human Rights, the principles enunciated in that Declaration with respect to the right to education, with particular reference to articles 2 and 26:

" I. *Declares* that, with a view to eliminating discrimination in education, all legislative provisions and regulations, or administrative measures, should be abolished, and all practices opposed which for the purpose of... discriminating against any group on such grounds as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status... *inter alia*:

" (a) Deprive any person or (distinct) group of persons of access to education at any level or of any type;

" (b) (Irrevocably) limit any person or (distinct) group of persons to education of an inferior standard;

" (c) Establish or maintain separate educational systems or institutions for persons or (distinct) groups of persons."

53. Amendments to the working paper were submitted by the representatives of the United States of America (E/CN.4/L.489) and of China (E/CN.4/L.490). The former proposed that the words "or effect" should be inserted after the word "purpose"; the latter proposed that the word "*Declares*" should be replaced by the word "*Recommends*".

54. At the 595th meeting the representative of France submitted a draft resolution (E/CN.4/L.492) to the effect that the drafting of the declaration of basic principles on the eradication of discrimination in education be postponed until its next regular session in order to take advantage of further comments received from Governments during the interim period, in particular with regard to the definition of discrimination. It was pointed out in that connexion that the work which the ILO was doing with regard to the eradication of discrimination in the field of employment and occupation might also have an influence on the definition of discrimination in education.

55. A vote was first taken, however, on the French proposal under rule 61, paragraph 3, of the rules of procedure of the functional commissions that the Commission should not take a decision on the substance of proposals relating to paragraph 4 (I) at the fourteenth session. The proposal was adopted by 8 votes to 1, with 9 abstentions.

56. During the discussion of the French proposal, a counter-proposal was submitted by the representative of Iraq (E/CN.4/L.493), who suggested the appointment of a committee which would receive additional comments from Governments and UNESCO, consult with UNESCO, study the deliberations of the Commission at its fourteenth session, and prepare a draft of fundamental principles on discrimination in education for the consideration of the Commission at its fifteenth session.

57. The proposal of the representative of Iraq was opposed by several members of the Commission on various grounds. It was considered unlikely that a committee could succeed where the Commission had failed. The proposals which had been advanced appeared to be too numerous and complex for a committee to hope to reconcile without clear directives. Moreover, the establishment of such a committee would necessarily have financial implications. The representative of Iraq with-

drew his amendment when it became apparent that the Commission was prepared to accept the French proposal.

58. Several oral amendments to the French proposal, suggested by various members of the Commission, were accepted by the representative of France. The proposal was adopted by 17 votes to none, with 1 abstention. It appears as part A of resolution 2 (XIV) (see paragraph 62 below).

59. At the 596th meeting, the Commission agreed to postpone consideration of the remainder of resolution C of the Sub-Commission to its fifteenth session.

#### **Consideration of draft resolution concerning resolution B adopted by the Sub-Commission at its ninth session**

60. At the 596th meeting a draft resolution concerning resolution B, which had been adopted by the Sub-Commission at its ninth session, was submitted jointly by the representatives of France and Poland (E/CN.4/L.488). The draft resolution dealt with the procedure to be followed by the Commission at its fifteenth session when it resumed consideration of the question of the instrument or instruments to be prepared for the purpose of eradicating discrimination in education.

61. After the representatives of France and Poland had accepted oral amendments suggested by various members of the Commission, the draft resolution as amended was adopted unanimously. The text appears as part B of resolution 2 (XIV) (see paragraph 62 below).

62. The Commission decided that the two resolutions which it had adopted at its 596th meeting would form parts A and B respectively of a single resolution. The text of the resolution reads as follows:

#### *Resolution 2 (XIV)*

##### DISCRIMINATION IN EDUCATION

###### A

###### *The Commission on Human Rights,*

*Having postponed consideration* of paragraph 4 of resolution C adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its ninth session (E/CN.4/740), and being in favour of the drafting of fundamental principles on the eradication of discrimination in education,

*Decides* to postpone this drafting until its next regular session, in order to take advantage of further comments received from Governments during the interim period.

###### B

###### *The Commission on Human Rights,*

*Having considered* resolution B adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its ninth session (E/CN.4/740),

*Bearing in mind* the communication of the Director General of the United Nations Educational, Scientific and Cultural Organization concerning the contribution of UNESCO to the struggle against discrimination in the field of education (E/CN.4/766),

1. *Notes* the decision of the Executive Board of UNESCO to consider at its fiftieth session (April 1958)

the question of the possible inclusion in the agenda of the tenth session of the UNESCO General Conference (November 1958) of an item relating to the advisability of preparing one or more international instruments designed to eliminate or prevent discrimination in the field of education;

2. *Invites* Member States which have not yet done so, as well as UNESCO, the International Labour Organisation and non-governmental organizations in consultative status with the Economic and Social Council, to communicate to the Secretary-General their views on the questions raised in the above-mentioned resolution of the Sub-Commission;

3. *Decides* to resume, at its fifteenth session, its discussion of the advisability and nature of, and the procedures for preparing, one or more possible international instruments either to eliminate or to prevent discrimination in the field of education in the light of the comments of Member States and of whatever position is taken up by the directing bodies of UNESCO during 1958 with regard to the action which that organization proposes to take in the matter.

#### **Consideration of draft resolution on the teaching of the Universal Declaration of Human Rights as a means of combating discrimination in education**

63. At the 596th meeting the representative of Belgium submitted a draft resolution (E/CN.4/L.474), on the teaching of the Universal Declaration of Human Rights as a means of combating discrimination in education.

64. The draft resolution, after referring to a number of earlier decisions by United Nations bodies concerning the teaching of the Declaration, put forward the view that the Declaration (and in particular everything in it which condemns discrimination) should be a required course of study in all schools and universities, particularly military schools, and that it should be the subject of an especially thorough course in institutions for the training of teachers and civil servants—especially administrative and judicial officials of Non-Self-Governing Territories. The Secretary-General would be requested to transmit the resolution, if adopted, to Governments for their comments.

65. Some members of the Commission questioned the relevance of the draft resolution to the agenda item under discussion—that is, the study of discrimination in education. The representative of Belgium explained that his proposal was intended to facilitate the work of the Commission in eradicating discrimination in education. It was a logical corollary to the recommendations in paragraph 4 of resolution C, which the Commission had just considered, and was intended to implement the suggestion of the Sub-Commission that action should be taken to influence world public opinion against discrimination in education.

66. Several members of the Commission, while approving the draft resolution in principle, found it too long and too detailed; other members, on the contrary, did not consider it explicit enough. Some members felt that discussion of the proposal should be deferred until the Commission gave further consideration, at its fifteenth

session, to the principles contained in resolution C of the Sub-Commission, while another expressed the view that the subject of the proposal was mainly within the purview of UNESCO. The representative of Lebanon, while expressing the hope that action could be taken on the proposal immediately, suggested a number of changes which in his view would render the text more acceptable. The Belgian and Lebanese representatives subsequently submitted jointly a revised text of the draft resolution.

67. At the 597th meeting the Commission considered the revised text submitted by the representatives of Belgium and Lebanon (E/CN.4/L.474/Rev.1). While the text was found to be a considerable improvement over the original version in that it was more precise and eliminated many points of disagreement, it still was not fully acceptable to a number of members. In particular, the suggestion in it that the teaching of the Universal Declaration of Human Rights should be made compulsory was criticized; it was pointed out that some Governments had no authority to prescribe school curricula and that in a number of countries there were no compulsory courses. Further, objection was raised to the use of a number of terms which were considered somewhat categorical, especially to the phrase “all schools”, and to others which were obsolete as not sufficiently precise.

68. The co-sponsors presented a revised draft (E/CN.4/L.474/Rev.2) to the Commission at the 598th meeting. The representative of Belgium pointed out that in its final form the draft resolution retained two basic ideas which he considered to be of special significance: first the desirability of introducing compulsory teaching of the principles of the Universal Declaration of Human Rights into the schools, and secondly, the special need for such teaching in military schools and in schools for the training of administrative and judicial officers. These ideas were in line with recommendations put forward by the Sub-Commission with regard to the education of world public opinion as a means of combating discrimination in education. The representative of India proposed an oral amendment, the object of which was to place special emphasis, as the original draft resolution submitted by Belgium had done, on the application of the resolution to Trust and Non-Self-Governing Territories. He withdrew the amendment on the assurance that that emphasis was implicit in the revised draft resolution. The representatives of Mexico and Poland explained that they could not support the revised draft in view of its essential difference from the first revised draft (E/CN.4/L.474/Rev.1), which they would have supported.

69. Separate votes were taken on the preamble and operative paragraphs of the revised draft resolution. The preamble was adopted by 9 votes to none, with 9 abstentions. Operative paragraphs 2 and 3 were adopted by 10 votes to none, with 8 abstentions. The draft resolution as a whole (in the form of a draft resolution for consideration by the Economic and Social Council) was adopted by 9 votes to none, with 9 abstentions.

70. The Commission therefore submits to the Economic and Social Council for adoption draft resolution A in chapter XIV of the present report.

#### IV. — REPORT OF THE TENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

71. At the 583rd to 586th, 588th and 597th to 598th meetings, the Commission examined the report of the tenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/764), by chapters, in the following order:

Chapter VI: Study of discrimination in the matter of religious rights and practices;

Chapter VII: Study of discrimination in the matter of political rights;

Chapter VIII: Further studies in the field of discrimination;

Chapter IX: Consultation regarding the convening of a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination;

Chapter V: Study of discrimination in the field of employment and occupation.

72. The Commission examined chapter IV, on communications relating to the prevention of discrimination and the protection of minorities, in connexion with item 10 of the agenda (see chapter IX of the present report).

##### **Study of discrimination in the matter of religious rights and practices**

73. At its tenth session, the Sub-Commission had examined a draft report on discrimination in the matter of religious rights and practices submitted by its Special Rapporteur, Mr. Arcot Krishnaswami (E/CN.4/Sub.2/L.123). In resolution B (E/CN.4/764, para. 129) the Sub-Commission had expressed its warm appreciation to Mr. Krishnaswami for his work, which in its view had already made a substantial contribution to combating discrimination in the matter of religious rights and practices throughout the world. The Sub-Commission had also joined with the Special Rapporteur in thanking the Secretary-General and the non-governmental organizations for their assistance, and in thanking the Governments which had responded to the Special Rapporteur's request for information. It had expressed the hope that those Governments which had not yet replied would do so at an early date. Further, it had expressed the hope that Mr. Krishnaswami, taking into account the exchange of views on his draft report, would, if possible, complete his final report in time for it to be considered by the Sub-Commission at its eleventh session. It had requested the Secretary-General to furnish the assistance necessary to enable him to accomplish that task.

74. With regard to the substance of the draft report prepared by Mr. Krishnaswami, only a few members of the Commission expressed their views. Those who spoke indicated their satisfaction with the report and with the procedure which had been adopted by the Special Rapporteur and the Sub-Commission. Statements along those lines were also made by the representatives of the Agudas Israel World Organization and the International

Federation of Business and Professional Women (584th and 588th meetings).

75. There was, however, some discussion (585th and 586th meetings) on the method to be followed in completing the study. In his draft report Mr. Krishnaswami had drawn attention to the rule laid down by the Economic and Social Council in paragraph 7 (b) of the annex to its resolution 664 (XXIV), to the effect:

“That with regard to the programme of studies of discrimination in which the Sub-Commission... is engaged, the country reports utilized in the preparation of these studies be not normally issued as documents.”

The Special Rapporteur had expressed the hope that the Council might be requested to reconsider its decision, or that in any event the Secretary-General might find it possible to make an exception in the case of the study of discrimination in the matter of religious rights and practices, and to arrange for the country studies to be issued as documents. At the tenth session of the Sub-Commission a representative of the Secretary-General had suggested (E/CN.4/764, para. 122) that the country studies might be issued as conference room papers, and distributed to members of the Sub-Commission, to members of the Commission on Human Rights, to delegations at Headquarters, to non-governmental organizations, and to the United Nations press room for consultation by journalists. He had also agreed that copies of the conference room papers might also be made available upon request to bodies and persons interested in the preparation of the study, it being understood that the requests would not be unduly numerous. The Sub-Commission had noted those efforts with appreciation, but in its resolution B had stated that a reconsideration by the Secretary-General of his decision regarding the publication of the country studies would be appreciated by the Sub-Commission as a highly important and positive contribution to the success of its work. Further, in resolution D, it had requested the Commission to recommend to the Economic and Social Council that a reasonable degree of flexibility should be allowed to the Sub-Commission in deciding on the form which the studies and their ancillary material should take, in order that the Special Rapporteurs might carry out their delicate tasks in the objective, non-controversial and constructive fashion which would be best designed to achieve the purposes with which the Sub-Commission has been charged.

76. On that question the Commission agreed, at its 586th meeting, to include the following observations in its report:

“The Commission gave consideration to the request made in paragraph 3 of resolution D that it should recommend to the Economic and Social Council that a reasonable amount of flexibility should be allowed to the Sub-Commission in deciding on the form which studies and their ancillary material should take. It was generally agreed that the Sub-Commission and its Special

Rapporteurs should be afforded every possible assistance in carrying out these very valuable studies. Doubts were, however, felt as to the meaning of this paragraph of the Sub-Commission's resolution, and as to the extent and purpose of the flexibility which the Sub-Commission suggested should be allowed to them. Reference was also made to General Assembly resolution 1203 (XI) on control and limitation of documentation and to paragraph 7 of the Secretary-General's memorandum on review of the programme and priorities (E/CN.4/759).

"In the light of all these considerations, the Commission expressed the hope that arrangements of the nature proposed by the Secretary-General and summarized in paragraph 122 of the Sub-Commission's report would prove adequate to meet the needs of the Sub-Commission and its Special Rapporteurs."

### **Study of discrimination in the matter of political rights**

77. At its tenth session, the Sub-Commission had examined an interim report on the study of discrimination in the matter of political rights (E/CN.4/Sub.2/L.124). In resolution C (E/CN.4/764, para. 160) the Sub-Commission had congratulated its Special Rapporteur, Mr. Hernán Santa Cruz, and thanked him for having presented to it a precise and complete work programme in so wide and complicated a field, and for having defined the spirit in which the study should be carried out. The Sub-Commission had further expressed its conviction that in conducting such an important study constant care should be taken to make a constructive contribution towards the drawing up of objective and general recommendations in accordance with the United Nations Charter, and towards the educating of world public opinion. A study so conducted, the Sub-Commission felt, could be extremely useful in bringing the situation as regards political rights in all countries more and more into line with the provisions of the Charter and the Universal Declaration of Human Rights. The Sub-Commission had decided to undertake a detailed examination of the question at its eleventh session, on the basis of a draft report to be prepared by the Special Rapporteur, which would as far as possible be similar in scope to the final report.

78. With regard to the study of discrimination in the matter of political rights, only a few members of the Commission expressed a view (585th meeting). Those who did so were generally of the opinion that the work was progressing satisfactorily, and that no action on the part of the Commission was called for at that stage.

### **Further studies in the field of discrimination**

79. At its tenth session the Sub-Commission had adopted three resolutions relating to further studies in the field of discrimination (E/CN.4/764, paras. 173, 182 and 188), as follows: resolution D, on the methods of work of the Sub-Commission; resolution E, on the study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the

Universal Declaration of Human Rights; and resolution F, on the future work of the Sub-Commission. The resolutions were discussed at the 585th and 586th meetings.

### **Methods of work of the Sub-Commission**

80. One of the issues raised by the Sub-Commission in resolution D, the issuance as documents of the "country studies" prepared by the Special Rapporteurs, has been dealt with in paragraphs 75 and 76 above. A second issue discussed in the Sub-Commission related to the assistance which could be provided to the Special Rapporteurs by the Secretariat.

81. In reply to questions put during the tenth session of the Sub-Commission, a representative of the Secretary-General had indicated (E/CN.4/764, paras. 157-158) that with the staff available to assist the Special Rapporteurs, forty country studies could be prepared in 1958. Even if all forty related to the study of discrimination in the matter of religious rights and practices, the Special Rapporteur would not be in a position to complete the study in 1958. It was therefore suggested that, in the course of 1958, twenty country studies should be prepared for the study on religious rights and practices and twenty for the study on political rights. Thus Mr. Santa Cruz would be able to prepare for the Sub-Commission's eleventh session, in 1959, a draft report similar in scope to that which had been submitted by Mr. Krishnaswami at the tenth session, and Mr. Krishnaswami would be in a position to submit his final study to the Sub-Commission at its twelfth session in 1960. Further, it was stated that the Secretary-General would endeavour to supplement the existing staff of the Division of Human Rights in the course of 1958 by three additional officers, in accordance with the policy of flexibility of staff, subject to over-all programme priorities within the Secretariat. If that should prove feasible, the production of country studies for both Special Rapporteurs would be accelerated accordingly.

82. The Sub-Commission, in its resolution D, had noted this statement with appreciation.

83. No comments were made by members of the Commission on this question.

### **NEXT STUDY TO BE UNDERTAKEN BY THE SUB-COMMISSION**

84. In resolution E, the Sub-Commission had decided to include the following item in the agenda of its eleventh session: "Study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the Universal Declaration of Human Rights". This topic, it was pointed out, was the only one remaining on the approved work programme of the Sub-Commission upon which a full study had not yet been initiated. A preliminary study, dealing in part with the topic, had been prepared by Mr. José D. Inglés (E/CN.4/Sub.2/167) and submitted at the Sub-Commission at its seventh session. The subject for study had been formulated by the Economic and Social Council in resolutions 545 D (XVIII) and 586 B (XX). The Sub-Commission had requested

Mr. Inglés to prepare, for submission to the Sub-Commission at the eleventh session, a preliminary study, supplementary to the study previously prepared by him, including a discussion and analysis of the history and meaning of the relevant articles of the Universal Declaration of Human Rights, the nature of the concepts involved, the scope and nature of the study, and the methods and procedure by which it might be carried out.

85. Several members of the Commission commented on the scope of the proposed study. They were not convinced that the right proclaimed in paragraph 2 of article 13 could be dealt with separately from that proclaimed in paragraph 1 of that article; nor did they consider discrimination with respect to the right proclaimed in article 13, paragraph 2, to be as important a subject for study by the Sub-Commission as discrimination in other fields, in particular the legal, social, economic, cultural, scientific and health fields.

86. Other members felt that the subject-matter covered by paragraph 2 of article 13 was so extensive, and so essentially different from that covered by paragraph 1 of the article, as to warrant a separate study. They pointed out that the decision to give priority to the study of discrimination in the matter of the right proclaimed in article 13, paragraph 2, had already been taken by the Economic and Social Council in resolution 586 B (XX).

87. Several members of the Commission expressed the view that the Sub-Commission's decision to begin work on the study would have the effect of diverting its attention from other studies which were already under way, and that the study should not therefore be undertaken.

#### FUTURE WORK OF THE SUB-COMMISSION

88. In resolution F the Sub-Commission had requested the Secretary-General:

“(a) To present to the Sub-Commission at its eleventh session a list of specific studies of particular rights set forth in the Universal Declaration of Human Rights which have been or are being made by various organs of the United Nations and of the specialized agencies;

“(b) To submit to the Sub-Commission at the same session a list of those rights set forth in the Universal Declaration of Human Rights which could usefully be studied from the point of view of prevention of discrimination with a view to assisting the Sub-Commission to select those rights which, subject to the approval of the Commission on Human Rights and the Economic and Social Council, would form the subject of its future work programme....”

89. Members of the Commission did not object to that request, although some felt that the Sub-Commission was attempting to proceed too rapidly. It was pointed out that if the question of its future work were not considered in 1959, the Sub-Commission would find itself without guidance as to its work programme from 1960 onwards.

90. The hope was expressed that the Secretary-General would be able to comply with the request, and that both

the Sub-Commission and the Commission would be able to give the question of future work detailed consideration at their 1959 sessions.

91. With regard to the substance of the Sub-Commission's future work, some members of the Commission expressed the hope that the Secretary-General would include, in the list of rights which could usefully be studied from the point of view of discrimination which he had been requested to submit to the Sub-Commission, rights in the legal, social, economic, cultural, scientific and health fields.

#### Consultation regarding the convening of a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination

92. At its tenth session the Sub-Commission had considered a report by the Secretary-General (E/CN.4/Sub.2/191) on his consultation with non-governmental organizations regarding the convening of a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination. Noting that forty-eight organizations were prepared to participate in such a conference and that eleven more would consider the possibility of participating if the conference were to be convened, the Sub-Commission, in resolution G, had recommended that the conference be held in 1959. It had suggested that the Secretary-General consult with the non-governmental organizations concerned on the provisional agenda and the arrangements to be made for convening the conference.

93. A written statement on the proposed conference was submitted to the Commission by the World Veterans Federation (E/CN.4/NGO/78). Oral statements by the representatives of the International Federation of Business and Professional Women, the Women's International League for Peace and Freedom, the World Federation of Trade Unions and the World Jewish Congress (584th, 585th, 586th and 588th meetings) indicated that there was general agreement among the non-governmental organizations concerned regarding the need for such a conference and the desirability of holding it under the auspices of the United Nations.

94. Several members of the Commission concurred in the view (586th meeting) that the conference should be convened in 1959. They stressed the importance of adequate preparation and documentation. It was suggested that, in the assumption that the Economic and Social Council would approve the holding of the conference, the Secretary-General should be requested to approach the non-governmental organizations concerned at once, with a view to making tentative preparations without delay. A draft resolution to that effect was submitted by the representative of the United Kingdom (see paragraph 100 below); the representative of the Philippines later joined as a co-sponsor.

#### Study of discrimination in the field of employment and occupation

95. At its tenth session the Sub-Commission had examined report IV (1), on *Discrimination in the Field*

of *Employment and Occupation*, prepared by the International Labour Office for the forty-second session of the International Labour Conference. Members of the Sub-Commission had expressed their views on the report individually and collectively, and the Sub-Commission, in resolution A (E/CN.4/764, para. 80), had requested the Commission:

“(i) To recommend that the Economic and Social Council express to the International Labour Organisation its appreciation of the work it has done in this field;

“(ii) To transmit to the International Labour Organisation the views expressed in the Sub-Commission on the matter, as they appear in its records and reports, sufficiently early to permit their consideration by the International Labour Conference at its session in 1958, drawing attention to the exchange of views which took place regarding the draft convention and recommendations during the Sub-Commission’s detailed consideration of those documents; and, if the Commission on Human Rights deems it appropriate, to request the Economic and Social Council at its twenty-fifth session to give the necessary authorization;

“(iii) To recommend that the Economic and Social Council should authorize, and the Secretary-General should take appropriate measures to enable, the results of the work of the International Labour Conference to be transmitted direct to the Sub-Commission....”

96. The Commission, in examining this matter (598th meeting) had before it report IV (2), on *Discrimination in the Field of Employment and Occupation*, prepared by the International Labour Office. Report IV (2) contained a summary and analysis of the replies received from forty-seven Governments on the subject of the proposed texts of a convention and a recommendation concerning discrimination in respect of employment and occupation. In addition, it contained texts of the proposed convention; the proposed recommendation, submitted as a basis for the second discussion at the forty-second session of the International Labour Conference in 1958 on the question of discrimination in the field of employment and occupation; and a draft resolution concerning application of the proposed convention in non-metropolitan territories.

97. In introducing report IV (2), the representative of the ILO pointed out that the International Labour Conference in 1958 would reach the final stage in the preparation of international standards relating to discrimination in the field of employment and occupation, and would take final decisions on the texts which appear in the report. The texts had been prepared by the International Labour Office on the basis of the conclusions adopted by the International Labour Conference at its fortieth session in 1957, revised in the light of comments received from Governments. Neither the comments of Governments nor the revised texts had been available to the Sub-Commission in report IV (1). The texts proposed in report IV (2) took into account the difficulties which would confront Governments in implementing the convention. For that and other reasons it had not been possible to incorporate in the proposed convention

the suggestions made by the Sub-Commission which had already been put forward and rejected at the International Labour Conference in 1957.

98. Only a few members of the Commission expressed views on the study of discrimination in the field of employment and occupation. One of them felt that the definition of the term “discrimination” for the purpose of an international instrument in that field should be left to the ILO and that the criticism in that regard in the Sub-Commission’s report was unjustified. Some stated that the proposed convention, in spite of certain inadequacies, was generally satisfactory, and expressed the hope that the ILO would concentrate its efforts upon the preparation of that instrument. Some other members pointed out that the existing draft convention needed much improvement and, in that connexion, they supported the suggestions made by the Sub-Commission.

99. It was generally agreed that the views expressed in the Commission, as well as the relevant records and reports of the Sub-Commission, should be transmitted to the ILO sufficiently early to permit their consideration by the International Labour Conference at its 1958 session, and a draft resolution to that effect was submitted by the representative of the United Kingdom (see paragraph 101 below). It was agreed that authorization for the transmission of those views had already been given to the Secretary-General in operative paragraph 2 of resolution 545 E (XVIII).

#### Consideration of draft resolutions

100. A draft resolution of the representatives of the Philippines and the United Kingdom on the proposed second conference of non-governmental organizations interested in the eradication of prejudice and discrimination (E/CN.4/L.491) was considered by the Commission at the 597th meeting and adopted unanimously. The text of the resolution reads as follows:

#### *Resolution 3 (XIV)*

SECOND CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS INTERESTED IN THE ERADICATION OF PREJUDICE AND DISCRIMINATION

*The Commission on Human Rights,*

*Noting Economic and Social Council resolution 651 D (XXIV) of 24 July 1957,*

*Having considered chapter IX of the report of the tenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/764), and resolution G of the Sub-Commission contained therein,*

1. *Endorses* the view of the Sub-Commission that a second conference of non-governmental organizations in consultative status with the Economic and Social Council, interested in the eradication of prejudice and discrimination, should be held in 1959;

2. *Requests* the Secretary-General to initiate consultations with the non-governmental organizations concerned, in order that there may be adequate and early preparation of the provisional agenda and of the arrangements for convening the conference.

101. A draft resolution submitted by the representative of the United Kingdom, on the study of discrimination in the field of employment and occupation (E/CN.4/L.497), was considered by the Commission at the 598th meeting and adopted unanimously. The text of the resolution reads as follows:

*Resolution 4 (XIV)*

STUDY OF DISCRIMINATION IN THE FIELD  
OF EMPLOYMENT AND OCCUPATION

*The Commission on Human Rights,*

*Having considered* chapter V of the report of the tenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/764), in which the Sub-Commission expresses its view on report IV (1) on *Discrimination in the Field of Employment and Occupation*, prepared by the International Labour Organisation for the forty-second session of the International Labour Conference,

*Having considered* also report IV (2) of the ILO on the same subject prepared for the forty-second session of the International Labour Conference,

*Requests* the Secretary-General, as authorized by Economic and Social Council resolution 545 E (XVIII) of 29 July 1954:

(a) To express to the International Labour Organisation its appreciation of the work it has done in this field;

(b) To transmit to the International Labour Organisation the exchange of views on this subject in the Sub-Commission and in the Commission, as they appear in their records and reports<sup>13</sup> sufficiently early to permit

their consideration by the International Labour Conference at its session in 1958.

102. In a third draft resolution (E/CN.4/L.475), submitted by the representative of Belgium, it was proposed that the Commission should suggest to the Sub-Commission that it take into consideration, as part of its regular activities, under its terms of reference and independently of the other sources of information already provided for, all information gathered by press agencies. Some members of the Commission stated that the Sub-Commission was already free to use press agencies as a source of information. The view was also expressed that the adoption of a special resolution on that subject might have unfortunate effects upon the Sub-Commission's work. Thereupon, the representative of Belgium withdrew his draft resolution.

103. A draft resolution on the report of the tenth session of the Sub-Commission, submitted by the representative of Iraq, was considered at the 600th meeting of the Commission and adopted unanimously. The text of the resolution reads as follows:

*Resolution 5 (XIV)*

REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES  
(TENTH SESSION)

*The Commission on Human Rights*

*Takes note* of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (tenth session) (E/CN.4/764).

<sup>13</sup> E/CN.4/Sub.2/SR.222-228; E/CN.4/764, chap. V; E/CN.4/SR.598; and E/3088.

## V. — FREEDOM OF INFORMATION

104. At its thirteenth session, the Commission, by its resolution IX (E/2970/Rev.1, para. 205) appointed a committee composed of the representatives of France, India, Lebanon, Mexico and Poland to meet at United Nations Headquarters between the thirteenth and fourteenth sessions of the Commission for the purpose of reviewing the work on freedom of information already done in the various organs of the United Nations, including the specialized agencies, recommending where necessary the steps that should be taken to bring that work to the attention of Members of the United Nations and reporting to the Commission at its fourteenth session on the action that should be undertaken to develop information media and improve their utilization and to promote the widest possible implementation of the recommendations and decisions of the United Nations in that field.

105. The Committee held a series of meetings in 1957 and 1958 and submitted a report (E/CN.4/762 and Corr. 1) to the Commission. The report was introduced by the Committee's Vice-Chairman and Rapporteur, Mr. Eduardo Espinosa y Prieto (Mexico), and was

discussed at the 600th to 605th meetings of the Commission.

106. The Commission had before it a note by the Secretary-General (E/CN.4/761) concerning the action taken by the General Assembly on freedom of information in resolution 1189 B (XII). In that resolution, which was transmitted to the Commission by the Economic and Social Council at its resumed twenty-fourth session (998th meeting), the Council was requested to invite the Commission to consider, at its fourteenth session, procedures by which a constant review of problems of freedom of information might be ensured, *inter alia*, by including such problems in the agenda of future sessions and examining means of providing for the continuing study of such problems. The Council was further requested to invite the Commission, when examining the report of its Committee on Freedom of Information, to give special consideration to the problem of developing media of information in under-developed countries, and to transmit to the General Assembly at its thirteenth session the report of the Commission on the matter, together with the Council's recommendations

thereon. The Commission also had before it a written statement by the International League for the Rights of Man (E/CN.4/NGO/80).

107. The representatives of Ceylon, India, Iran and Poland proposed (E/CN.4/L.500/Rev.1) that the Commission, following consideration of the report of its Committee on Freedom of Information, should express appreciation of the Committee's work and request the Economic and Social Council, and through it, UNESCO and the other specialized agencies concerned, to initiate action to consider and implement the suggestions of the Committee concerning under-developed countries, wherever possible and as expeditiously as possible, with the object of assisting them to build up adequate media of information and their use for the free flow of accurate and undistorted news and information. The Commission would also request that reports from UNESCO and other specialized agencies on the work undertaken in pursuance of the former request and on problems which have arisen in the process be transmitted to the Commission for consideration at its fifteenth session. The Commission would further decide to consider the other suggestions made by the Committee on Freedom of Information at its fifteenth session, in compliance with such decisions as the General Assembly might take at its thirteenth session in the light of the replies received from Governments in response to Assembly resolution 1189 A (XII).

108. The representative of France proposed three amendments (E/CN.4/L.502) to the draft resolution of Ceylon, India, Iran and Poland (E/CN.4/L.500/Rev.1).

(a) The effect of the first amendment was that the words "with satisfaction" should be inserted in the reference, in the four-Power draft resolution, to the Commission having considered the report of its Committee on Freedom of Information. At the Commission's 604th meeting, the sponsors of the four-Power draft resolution accepted the amendment;

(b) The second amendment called for the addition of two preambular paragraphs after the last preambular paragraph of the four-Power draft resolution. By the first additional paragraph of the preamble, the Commission would note that the proposals in the report of the Committee on Freedom of Information were of a preliminary character and required detailed study and, in particular, consultation with the specialized agencies concerned. The second additional paragraph of the preamble would express the conviction that the views of States members of the United Nations and of the specialized agencies, as well as of the non-governmental organizations concerned, on the Committee's report and the suggestions contained in it, would be most valuable;

(c) The third amendment called for the deletion of the last operative paragraph of the four-Power draft resolution, relating to the Commission's taking up the other suggestions of the Committee on Freedom of Information at its fifteenth session, and the addition of two operative paragraphs. In the first such additional operative paragraph the Commission would request the Committee on Freedom of Information to continue its work in the interval between the fourteenth and fifteenth

sessions of the Commission on Human Rights, in consultation with UNESCO and other specialized agencies concerned, and in the light of observations by Governments and the non-governmental organizations concerned, and to submit a supplementary report to the Commission at its fifteenth session. In the second additional operative paragraph the Commission would request the Secretary-General to transmit the report of the Committee on Freedom of Information to Member States and to the non-governmental organizations concerned for their observations.

109. The representative of the Philippines submitted an amendment (E/CN.4/L.503) to the joint draft resolution, calling for the addition of an operative paragraph by which the Commission would decide to continue the Committee on Freedom of Information for another year for the purpose of pursuing further study of the various points and suggestions contained in the preliminary studies which the Committee had incorporated in its report, making specific recommendations thereon and reporting to the Commission at its fifteenth session.

110. At the Commission's 603rd meeting, the representative of the Philippines withdrew his amendment (E/CN.4/L.503), in response to appeals made by several members of the Commission.

111. The representative of Israel submitted an amendment (E/CN.4/L.501) to the four-Power draft resolution by which an operative paragraph would be added, in which the Committee on Freedom of Information would be requested to engage in a general study of the right, as laid down in article 19 of the Universal Declaration of Human Rights, in such form and manner as the Committee might think fit, and to report thereon to the Commission at its fifteenth or any subsequent session.

112. The representatives of Belgium, Italy and Lebanon also submitted an amendment (E/CN.4/L.504) to the four-Power draft resolution, consisting in the addition of an operative paragraph by which the Committee on Freedom of Information would be requested, in consultation with UNESCO and the other specialized agencies concerned and in the light of the observations of Governments and the non-governmental organizations concerned, to proceed with the study of freedom of information, taking account of suggestions made at the Commission's fourteenth session, and particularly to proceed with the study of (a) factors which, in general, impeded the exercise of the right laid down in article 19 of the Universal Declaration of Human Rights, and (b) the problem of developing information media in under-developed countries. The Committee would be requested to report to the Commission at its fifteenth session or any subsequent session.

113. At the Commission's 603rd meeting, the representative of Israel withdrew his amendment (E/CN.4/L.501), stating that he considered his position was covered adequately by the three-Power amendment (E/CN.4/L.504).

114. The Secretary-General submitted a statement (E/CN.4/L.504/Add.1) concerning the financial implications of the studies proposed by the representatives of Belgium, Italy and Lebanon.

115. Both the general discussion of the report of the Committee on Freedom of Information and the debate on the various proposals and amendments placed before the Commission provided an opportunity for members to range widely over a human rights problem which was generally conceded to have many facets and not to be easily susceptible of solution. The representative of UNESCO participated in the discussions. Statements were also made by a representative of the International League for the Rights of Man. Quite apart from general problems which had engaged various organs of the United Nations since 1946, it was noted that the existing situation was distinguished by a number of inter-acting characteristics arising from such factors as:

(a) The action which the Commission had taken in setting up the Committee on Freedom of Information, and the terms of reference given the Committee;

(b) The emphasis which the General Assembly, the Economic and Social Council and the Commission itself had placed on the development of information media in under-developed countries;

(c) The invitation which the General Assembly in its resolution 1189 B (XII), had conveyed through the Council to the Commission, to consider procedures by which a constant review might be ensured of problems of freedom of information;

(d) The interest of many Members of the United Nations in continuing work on the draft Convention on Freedom of Information, which some members of the Commission described as being of overriding importance.

116. Varying opinions were expressed concerning the report which the Committee on Freedom of Information had presented. Some members, while noting with interest the range and scope of the suggestions, summarized from the studies prepared by individual members of the Committee, and transmitted to the Commission for its consideration, felt that the report was preliminary in character and that the next stage might be for the Committee to proceed with a further evaluation of the proposals and perhaps to submit to the Commission at its fifteenth session more specific recommendations, and possibly suggestions as to priorities. Other members felt that the work of the Committee had been completed. In explanation of the methods of work which the Committee had employed, it was pointed out that the mandate which the Commission itself had given the Committee, as spelled out in resolution IX and the accompanying section of the report of the Commission's thirteenth session (E/29701 Rev.1, paras. 193-205), had created difficulties and imposed limitations. In reply to those who had expressed regret that certain fundamental aspects of freedom of information, such as censorship, had not received the treatment they deserved, it was pointed out that such problems had not been included in the terms of reference of the Committee, that they had proved difficult of solution in several higher organs of the United Nations, and that it was unreasonable to expect a five-member committee of the Commission to come up with ready-made solutions. In any event, some of those fundamental problems would shortly be taken up in

connexion with the General Assembly's consideration of the draft Convention on Freedom of Information. At the same time, other members pointed out that some of the questions mentioned above, in particular the question of censorship, did not come within the competence of the United Nations and their discussion would be a violation of the United Nations Charter.

117. It was generally agreed that the development of media of information in under-developed countries constituted one of the most important activities of the United Nations in that general field. Some members, however, stressed the importance of other conditions in every country for the exercise of freedom of information. The discussion of the draft resolution submitted by Ceylon, India, Iran and Poland (E/CN.4/L.500/Rev.1), together with the various amendments submitted to the proposal, underlined the anxiety of many members of the Commission to comply with the invitation of the General Assembly, expressed in resolution 1189 B (XII), to give special consideration to the development of media of information in under-developed countries, and to press forward urgently with that work. Several members considered that the proposed amendments would change the nature and character of the joint draft resolution and appealed to the sponsors of the amendments to withdraw them and to reintroduce them in the form of a separate draft resolution or resolutions.

118. As to the General Assembly's invitation to consider how freedom of information might be kept under constant review, some members of the Commission thought that the action taken on the four-Power draft resolution, in pursuance of which freedom of information would be on the agenda of the Commission's next session, sufficiently demonstrated the Commission's intention to comply with the General Assembly's wishes. It was also pointed out that, in any event, the Commission should await the result of the discussion of the question of freedom of information at the thirteenth session of the General Assembly and not take any decision which might hinder that discussion in the Assembly. However, a majority felt that the Commission should go on record with its intention to comply with the Assembly's wishes at its fifteenth session; that feeling was reflected in the action taken on the Philippine proposal (E/CN.4/L.505).

119. The differences of opinion concerning the draft Convention on Freedom of Information which have been apparent for many years in other United Nations bodies found expression in the Commission also. Some members stressed the paramount importance of the General Assembly's forthcoming study of the draft Convention at its thirteenth session, and insisted that the Commission should do nothing which might compromise that study. Others, while not hopeful as to the outcome of the General Assembly's study, felt merely that there was no point in the Commission expressing an opinion at that stage.

120. A special aspect of freedom of information touched on in the discussion was the desirability of ensuring the widest possible dissemination by Member States of information concerning the work of the United Nations and the specialized agencies. It was noted that the General Assembly, in resolution 636 (VII), had urged

Governments to make every effort to disseminate the resolutions of the principal organs of the United Nations dealing with substance, and the suggestion was made that a study might be carried out of ways and means of strengthening and broadening the scope of that recommendation.

121. At its 605th meeting, when it proceeded to a vote, the Commission had before it the following proposals:

(a) A draft resolution (E/CN.4/L.500/Rev.1) submitted by the representatives of Ceylon, India, Iran and Poland (see paragraph 107 above);

(b) Amendments by the representative of France (E/CN.4/L.502) to the four-Power draft resolution (see paragraph 108 above);

(c) An amendment proposed by the representatives of Belgium, Italy and Lebanon (E/CN.4/L.504) to the four-Power draft resolution (see paragraph 112 above).

122. The Commission voted as follows upon the above-mentioned proposals:

(a) The seven paragraphs of the preamble to the four-Power draft resolution (E/CN.4/L.500/Rev.1) were adopted without objection. The seventh paragraph of the preamble, which referred to consideration of the report of the Committee on Freedom of Information, included the words "with satisfaction", the addition of which had been proposed by the representative of France (E/CN.4/L.502) and accepted by the sponsors.

(b) The representative of the United Kingdom requested that a separate vote be taken on the two additional paragraphs of the preamble proposed by the representative of France (E/CN.4/L.502).

(c) The first additional paragraph of the preamble proposed by the representative of France (E/CN.4/L.502) was rejected by 7 votes to 7, with 3 abstentions.

(d) The second additional paragraph of the preamble proposed by the representative of France (E/CN.4/L.502) was adopted by 7 votes to 4, with 5 abstentions.

(e) Operative paragraphs 1, 2 and 3 of the four-Power draft resolution (E/CN.4/L.500/Rev.1) were approved without objection.

(f) The representative of the USSR requested a roll-call on the amendment proposed by the representatives of Belgium, Italy and Lebanon (E/CN.4/L.504). The amendment was rejected by 4 votes to 11, with 2 abstentions. The voting was as follows:

*In favour:* Belgium, France, Israel, Italy.

*Against:* Argentina, Ceylon, China, India, Iran, Iraq, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Mexico, Philippines.

(g) The representative of France stated that his third amendment (E/CN.4/L.502) to the four-Power draft resolution (E/CN.4/L.500/Rev.1) should be considered in two parts. The first part would consist in the deletion of the last operative paragraph of the four-Power draft resolution and its replacement by a paragraph requesting the Committee on Freedom of Information to continue its work between the fourteenth and fifteenth sessions

of the Commission (see paragraph 108 (c) above). The second part would consist in the addition of a paragraph requesting the Secretary-General to transmit the Committee's report to Member States and the non-governmental organizations concerned, for their observations (see paragraph 108 (c) above).

(h) The representatives of Iran and of the United Kingdom requested that a separate vote be taken on the two parts of the third amendment by France;

(i) The first part of the amendment was rejected by 6 votes to 7, with 4 abstentions;

(j) The second part of the amendment, including an oral drafting amendment by the representative of France, was accepted by the sponsors of the draft resolution and approved without objection;

(k) Operative paragraph 4 of the four-Power draft resolution was approved without objection;

(l) The draft resolution proposed by Ceylon, India, Iran and Poland (E/CN.4/L.500/Rev.1), as amended, was adopted by 16 votes to none, with 1 abstention.

123. The text of the resolution reads as follows:

#### *Resolution 6 (XIV)*

#### FREEDOM OF INFORMATION

*The Commission on Human Rights,*

*Taking note* of General Assembly resolution 1189 B (XII) of 11 December 1957,

*Mindful* of the recommendations contained in General Assembly resolution 1189 A (XII) of 11 December 1957,

*Taking into account* Economic and Social Council resolution 643 (XXIII) of 25 April 1957,

*Recognizing* that the full exercise of the fundamental right of freedom of information is contingent, among other things, on the availability of adequate media of information, and their use for the free flow of accurate and undistorted news and information,

*Recognizing* that special consideration should be given to the problem of developing national and regional media of information in under-developed countries,

*Expressing* the hope that countries which are in a position to do so will co-operate with under-developed countries, with a view to assisting them to develop adequate media of information,

*Having considered* with satisfaction the report of the Committee on Freedom of Information (E/CN.4/762 and Corr. 1),

*Convinced* that the views of States Members of the United Nations and members of the specialized agencies, as well as the views of the non-governmental organizations concerned, on the aforementioned report and the suggestions contained therein, would be most valuable,

1. *Expresses* appreciation of the work done by the Committee on Freedom of Information;

2. *Requests* the Economic and Social Council and, through it, the United Nations Educational, Scientific and Cultural Organization and other specialized agencies concerned to initiate action to consider and implement the suggestions of the Committee concerning under-developed

countries wherever possible and as expeditiously as possible, with the object of assisting them to build up adequate media of information and their use for the free flow of accurate and undistorted news and information;

3. *Requests* that reports from UNESCO and other specialized agencies on the work undertaken in pursuance of the above clause and on the problems which may arise in the process be transmitted to the Commission on Human Rights for consideration at its fifteenth session;

4. *Decides* to consider the other suggestions of the Committee on Freedom of Information at the fifteenth session of the Commission on Human Rights, in compliance with such decisions as the General Assembly may take at its thirteenth session in the light of the replies received from Governments in response to General Assembly resolution 1189 A (XII);

5. *Requests* the Secretary-General to transmit the Committee's report (E/CN.4/762 and Corr.1) to Member States and to the non-governmental organizations concerned, requesting them to submit their observations on the report.

124. After the voting, the representative of the Philippines stated that he wished to submit a proposal relating to the invitation to the Commission contained in sub-paragraph (a) of the operative paragraph of General Assembly resolution 1189 B (XII).

125. Following a discussion as to whether or not it was appropriate for the Commission to entertain new proposals after the voting had been concluded, the Chairman stated that he would request the Commission itself to decide whether it wished to consider the Philippine proposal.

126. At the request of the representative of the Philippines, a roll-call vote was taken on that question. The Commission decided by 12 votes to 3, with 2 abstentions, to reopen its discussion of the item and to consider the Philippines proposal. The voting was as follows:

*In favour:* Argentina, Belgium, China, France, Iran, Iraq, Israel, Italy, Mexico, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Against:* Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Ceylon, India.

127. The draft resolution submitted by the representative of the Philippines (E/CN.4/L.505) was as follows:

*"The Commission on Human Rights,*

*Having considered* sub-paragraph (b) of the operative paragraph of General Assembly resolution 1189 B (XII) of 11 December 1957,

*Considering* that in resolution 1189 B (XII), in particular in sub-paragraph (a) of the operative paragraph, the Commission is invited to consider, at its fourteenth session, procedures by which such constant review may be ensured, *inter alia*, by including problems of freedom of information in the agenda of its

future sessions and examining means of providing for the continuing study of such problems,

*"Mindful* of General Assembly resolution 1189 A (XII) of 11 December 1957,

*"Decides* to consider further at its fifteenth session such procedures as might be necessary to ensure constant review of problems of freedom of information."

128. The representative of the Philippines accepted an oral amendment by the representative of Israel to the effect that the third paragraph of the preamble be deleted. He also accepted drafting changes to the second paragraph of the preamble proposed by the representatives of Iraq and Mexico and oral amendments suggested by the representatives of Iran and Israel to the effect that the operative paragraph of the resolution would read:

*"Decides* to consider at its fifteenth session, in the light of discussion and such decisions as the General Assembly may take during its thirteenth session, such procedures as might be expedient to ensure constant review of problems of freedom of information".

129. The representative of the Philippines requested that a roll-call vote be taken on his amended draft resolution. The Philippine draft resolution (E/CN.4/L.505), as orally amended, was adopted by 11 votes to 2, with 4 abstentions. The voting was as follows:

*In favour:* Argentina, Belgium, China, France, Iran, Iraq, Israel, Italy, Mexico, Philippines, United States of America.

*Against:* Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Ceylon, India, Poland, United Kingdom of Great Britain and Northern Ireland.

130. The text of the resolution as adopted is as follows:

#### *Resolution 7 (XIV)*

#### FREEDOM OF INFORMATION

*The Commission on Human Rights,*

*Having considered* sub-paragraph (b) of the operative paragraph of General Assembly resolution 1189 B (XII) of 11 December 1957,

*Considering* that in resolution 1189 B (XII), in particular in sub-paragraph (a) of the operative part, the Commission is invited to consider at its fourteenth session procedures by which such constant review as therein referred to may be ensured, *inter alia*, by including problems of freedom of information in the agenda of its future sessions and examining means of providing for the continuing study of such problems,

*Decides* to consider at its fifteenth session, in the light of discussions and such decisions as the General Assembly may take during its thirteenth session, such procedures as might be expedient to ensure constant review of problems of freedom of information.

## VI. — YEARBOOK ON HUMAN RIGHTS

131. In resolution XI adopted at its thirteenth session (E/2970/Rev.1, paras. 223-224) the Commission appointed a committee, consisting of the representatives of France, India, Israel, Mexico and the United Kingdom, to meet at Headquarters and to consider, in the light of the memoranda of the Secretary-General on the *Yearbook on Human Rights* (E/CN.4/737 and Add.1) and on the review of the programme and establishment of priorities (E/CN.4/742, paras. 3-6), "what measures should be taken to keep the *Yearbook* within reasonable proportions, with particular regard to the possibility of relating the *Yearbook* to the triennial reports and studies under Economic and Social Council resolution 624 B (XXII), and to report to the Commission at its fourteenth session".

132. At the same time the Commission decided not to reconsider resolution I adopted at its eleventh session (E/2731 and Corr.1,<sup>14</sup> para. 28), according to which the *Yearbook on Human Rights* for 1955 was to include statements of Governments concerning the application and, so far as necessary, the evolution of the right set forth in article 9 of the Universal Declaration of Human Rights:

"No one shall be subject to arbitrary arrest, detention or exile."

133. On 2 August 1957, at its twenty-fourth session, the Economic and Social Council decided, in resolution 665 D I (XXIV), read with paragraph 7(a) of the annex to resolution 664 (XXIV), "that the 1955 *Yearbook on Human Rights* be issued without a separate section on arbitrary arrest, detention and exile, and that the inclusion of a section in the *Yearbook* on a specific project be not initiated until the Commission on Human Rights has completed its review of the scope and content of the *Yearbook*".

134. The Committee on the Yearbook on Human Rights met during the months of October-December 1957, with Mr. P. W. J. Buxton (United Kingdom) as its Chairman-Rapporteur, and submitted a report (E/CN.4/756) to the Commission. The Committee found itself in agreement on the following points: that it was essential to retain the present network of contracts with government-appointed correspondents and the existing Secretariat practice of editing contributions to the *Yearbook*, where desirable, and carrying out supplementary research, when necessary, each in consultation with Governments or government-appointed correspondents; that the application of certain standards in the matter of the size and content of the *Yearbook* could only be ensured by giving a measure of editorial responsibility to the Secretariat and by enlisting the co-operation of Governments in that regard; that, in the interests of clearer and more uniform presentation, reports on national court decisions published in the *Yearbook* should set out the facts of the case, the decision and the court's reasoning, in the order stated; that part III of the *Yearbook* should be restricted to

international treaties and agreements in the strict sense of instruments capable of becoming binding on Governments together with a tabulation of ratifications of, or accessions to, such treaties and agreements; and that it would be useful to include in the *Yearbook* introductions, along the lines of that included in the *Yearbook* for 1954, which would draw attention to significant trends and the development of legal techniques for the solution of human rights problems. On other aspects of the problem before it the Committee considered two main alternative approaches, which it discussed in its report (E/CN.4/756, paras. 5-10). The Committee recommended that the Commission submit the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recognizing the value of the *Yearbook on Human Rights* both as an annual record of developments in human rights and as a vehicle of international technical co-operation in this field,

"Recalling its resolution 303 H (XI) of 9 August 1950, concerning the *Yearbook*, resolution 624 B (XXII) of 1 August 1956, concerning triennial reports and studies, and resolution I adopted by the Commission on Human Rights at its eleventh session (E/2731 and Corr.1, para. 28), concerning statements on specific rights or groups of rights; and desiring to settle the relationship between the arrangements following from these resolutions,

"Recalling its decision in resolution 665 D I (XXIV) of 2 August 1957 that the *Yearbook on Human Rights* for 1955 should be issued without a separate section on arbitrary arrest, detention and exile, and that the inclusion of a section in the *Yearbook* on a specific project should not be initiated until the Commission on Human Rights had completed its review of the scope and contents of the *Yearbook*,

"Recalling General Assembly resolution 1203 (XII) of 13 December 1957 on the control and limitation of documentation,

"A

"1. Decides to limit the size of the *Yearbook on Human Rights* for 1957 and future annual volumes to about 330 pages in the English edition;

"2. Draws the attention of Governments and government-appointed correspondents to the desirability of having their contributions to the *Yearbook* consist of texts of, or extracts from, new constitutions, constitutional amendments, and legislation and reports on important national court decisions, relating to human rights as defined in the Universal Declaration of Human Rights, and such introductory and explanatory comments as may be necessary to describe trends and to state results obtained;

"3. Requests the Secretary-General:

"(a) to publish in the *Yearbook* the following: texts of, or extracts from new constitutions, constitutional amendments and legislation and reports on important national court decisions, relating to human

<sup>14</sup> Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6.

rights as defined in the Universal Declaration of Human Rights, and such introductory and explanatory comments as may be considered necessary to describe trends and to state results obtained, this information to cover metropolitan areas and Trust and Non-Self-Governing Territories; texts of or extracts from international agreements, in the strict sense, bearing on human rights; a table of ratifications of and accessions to such agreements; documentary references on United Nations action in relation to human rights; an introduction and an index;

“(b) In editing the *Yearbook*, to co-operate with Governments in achieving the aims of General Assembly resolution 1203 (XII) and the aims of the present resolution in the matter of the size and content of the *Yearbook*;

“(c) To consider ways of making the *Yearbook* more generally known;

#### “ B

##### “ 4. *Decides*:

“(a) That statements on specific rights or groups of rights prepared in accordance with resolution 303 H (XI) be published from time to time in the form of a supplementary volume to the *Yearbook on Human Rights*, the first of such supplementary volumes to contain the statements regarding the right set forth in article 9 of the Universal Declaration of Human Rights;

“(b) That the publication of further statements, including those on the right set forth in article 25, paragraph 2, of the Universal Declaration of Human Rights, should be related in time to the studies carried out by the Commission on Human Rights;

“(c) That the size of these supplementary volumes be limited to about 250 pages in the English edition;

#### “ C

“ 5. *Recommends* to Governments that, when in reports under Council resolution 624 B (XXII) they describe ‘developments and the progress achieved during the preceding three years in the field of human rights, and measures taken to safeguard human liberty in their metropolitan area and Non-Self-Governing and Trust Territories’, they avail themselves of the opportunity to evaluate and interpret events, to indicate difficulties encountered and to discuss techniques found to be of particular value; and that in preparing their triennial reports they refer, where desirable, to the factual information furnished for, or published in, the *Yearbook*.

135. The Commission discussed the Committee’s report at its 578th to 581st meetings.

136. On the relationship between the *Yearbook* and the triennial reports under Economic and Social Council resolution 624 B (XXII), it was suggested in the debate in the Commission that, while the *Yearbook* should publish basic facts, the reports offered the opportunity to describe trends and that the latter could more suitably be done in respect of a three-year than of a one-year period. On the other hand it was observed that the publication of texts in the *Yearbook* without comment

was not always helpful to the reader. That was held to be the value of the reference in paragraphs 2 and 3 (a) of part A of the draft resolution to “such introductory and explanatory comments as may be necessary to describe trends and to state the results obtained”. Some speakers expressed their understanding that these words signified comments by Governments.

137. Some felt that the relationship between the *Yearbook* and triennial reports could best be settled by discontinuing the annual publication in the *Yearbook* of information on human rights in general; that the importance of the *Yearbook* was not to be judged by the frequency of its appearance; that not all States had significant developments to report every year; that the space needed for the publication of triennial reports should be appreciably less than that needed at present for the publication of three volumes of the *Yearbook*; and that while there would admittedly be an increased delay in the publication of some information there would not be a serious increase.

138. The speakers who favoured maintaining an annual publication drew attention to the wealth of developments to be reported on, to the need of the public to be informed at least annually on those developments and the unfortunate effects which the discontinuance of that annual publication of information would have on the public’s respect for the United Nations intentions in the field of human rights. The *Yearbook* was of value to Governments as a vehicle of international technical co-operation and for that reason also should be kept on an annual basis.

139. There was some doubt as to the propriety and the wisdom of the Commission’s recommending a precise limit to the size of all future annual volumes of the *Yearbook*. The fixing of the figure of 330 pages for the *Yearbook* as a whole and three pages for each country was described as being too rigorous and rather arbitrary. Some speakers considered size of secondary importance, compared with content. Attention was drawn to resolution 1203 (XII) of the General Assembly, on the control and limitation of documentation and to the establishment of a committee to advise the Secretary-General on the implementation of that resolution.

140. The view was expressed that it would be inappropriate to publish the statements of Governments on the application of the right set forth in article 9 of the Universal Declaration of Human Rights while a study was in progress in which they formed one element. On the other hand it was argued that the statements on the application of the rights set forth in article 9 and in article 25, paragraph 2, of the Declaration having been requested of and prepared by Governments for publication should be published quickly, both as a matter of courtesy to Governments and in order not to discourage them from co-operating in similar ways in the future. It was also maintained by some speakers that the two sets of statements should be accorded similar treatment, that those dealing with the right set forth in article 25, paragraph 2, should be published in the second of the supplementary volumes referred to in the draft resolution and that the publication should not await the undertaking of a study on the subject by the Commission.

141. The bare reference to "legislation" in paragraphs 2 and 3 (a) of part A of the draft resolution was felt to be too restrictive by some speakers, who urged that the term be replaced by "legislation, general governmental decrees and administrative orders".

142. It was argued that the word "national" appearing in the same two paragraphs should be deleted in order to make it clear that sufficiently important state court decisions in federal States were not to be excluded from the *Yearbook*.

143. A proposal to replace the word "trends" by the words "any development or retrogression" in paragraphs 2 and 3 (a) of part A arose out of a feeling that the word "évolution" in the French text of the draft resolution signified "progress" and did not express the full meaning intended. That fear was not generally shared, however, and it was observed that the word "trends" in the English text did include the ideas both of progress and of retrogression.

144. Several speakers maintained that it would be useful for the Secretary-General to offer more detailed guidance to Governments and correspondents on the types of material invited for inclusion in the *Yearbook*.

145. A number of representatives felt that there had been insufficient experience of the operation of the triennial reporting procedure and of the studies of specific rights to determine finally the relationship of the *Yearbook* to the reports and studies and it was felt that the situation should be reviewed at the seventeenth session of the Commission, by which time presumably a second round of reports would have been received and several *Yearbooks* prepared under the new arrangements, including a supplementary volume.

146. A proposal was made to permit the publication in the *Yearbook* of summaries of parliamentary debates. The inclusion therein of information furnished by non-governmental bodies was also suggested. It was said that those additional types of material would help to provide a more accurate picture of human rights in the various countries. On the other hand it was felt that, particularly in the case of lengthy discussions of new social legislation, difficulties might arise in connexion with the preparation of the summaries of debates; it was suggested that Governments so wishing could give references to parliamentary debates in the course of their contributions to the *Yearbook*. The inclusion of information from non-governmental sources was opposed on the grounds that the *Yearbook* as an exchange of information between Governments should remain based upon official sources only. If private bodies were allowed to submit information, Governments would have to be permitted to comment on the information submitted. Limitations of space were felt to operate against both proposals. It was made clear that a decision to exclude non-official information would constitute no reflection upon the valuable work being done by non-governmental organizations in the field of human rights.

147. It was also suggested that a member of the Commission might be asked to co-operate with the Secretariat in the editing of the *Yearbook*, as that would facilitate the task of the Secretariat of reducing the size

of the *Yearbook*. Against that suggestion it was observed that the responsibility for the publication of the *Yearbook* rested with the Secretary-General and that where summarization was necessary Governments and government-appointed correspondents themselves were primarily responsible for adjusting the material to the limited facilities of the *Yearbook*. That suggestion was not pressed to a vote.

148. The representative of UNESCO asked whether the expression "in the strict sense", which was used in part A, paragraph 3 (a), of the draft resolution, in reference to international agreements bearing on human rights, was intended to exclude information on regulatory recommendations. The Chairman-Rapporteur of the Committee on the Yearbook on Human Rights replied that, while it had been the Committee's intention to exclude from the *Yearbook* such information as was reasonably accessible elsewhere, it was not its desire that the term "international agreement" should be interpreted in an unduly narrow sense.

149. At the 581st meeting the Commission voted on the draft resolution of the Committee (E/CN.4/756, par. 19) and amendments thereto as follows:

(a) The preamble was adopted unanimously.

(b) Paragraph 1 of part A was adopted by 9 votes to 3, with 4 abstentions.

(c) An oral proposal submitted at the meeting by the representatives of France, Iran, Israel and the USSR, replacing their amendments (E/CN.4/463 and E/CN.4/L.468), to the effect that the word "legislation" in paragraphs 2 and 3 (a) of part A should be replaced by the words "legislation, general governmental decrees and administrative orders", was adopted by 17 votes to none, with 1 abstention.

(d) The first amendment proposed by the representative of Belgium (E/CN.4/L.467), according to which the words "summaries of parliamentary debates" would appear after the words "and legislation" in paragraph 2 of part A, was rejected by 8 votes to 2, with 8 abstentions.

(e) The amendment proposed by the representative of the United States (E/CN.4/L.464), deleting the word "national" before the words "court decisions" in paragraphs 2 and 3 (a) of part A, was adopted without any objection.

(f) The second amendment proposed by the representative of Belgium (E/CN.4/467), to the effect that the word "trends" should be replaced by the words "any development or retrogression" in paragraphs 2 and 3 (a) of part A, was rejected by 6 votes to 1, with 11 abstentions.

(g) Paragraph 2 of part A of the draft resolution, as amended, was adopted unanimously.

(h) Paragraph 3 of part A of the draft resolution, as amended, was adopted without any objection.

(i) Amendments proposed by the representative of Poland to part B of the draft resolution (E/CN.4/L.465) were adopted by 16 votes to none, with 2 abstentions. They had the effect of replacing the semi-colon at the end of paragraph 4 (a) in part B by a comma, adding the words "and the second to contain statements on the right set forth in article 25, paragraph 2, of the Universal

Declaration of Human Rights”, deleting paragraph 4 (b) in part B, and renumbering sub-paragraph (c) as (b).

(j) Part B of the draft resolution, as amended, was adopted by 16 votes to none, with 1 abstention.

(k) Part C of the draft resolution was adopted without any objection.

(l) The Commission adopted unanimously the amendment proposed by the representative of the United Kingdom (E/CN.4/L.466) adding a new part D, reading as follows:

“ 6. *Invites* the Commission on Human Rights to bring this matter under review at its seventeenth session in the light of the experience gained of the working of the arrangements set out in the preceding sections of the present resolution.”

(m) The draft resolution as a whole, as amended, was adopted unanimously.

150. The Commission, therefore, submits to the Economic and Social Council for adoption draft resolution B in chapter XIV of the present report.

## VII. — STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE

151. At its twelfth session, the Commission appointed a committee of four of its members to prepare a study on the right of everyone to be free from arbitrary arrest, detention and exile (E/2844, paras. 49 and 82).

152. On 1 August 1956 the Economic and Social Council, in resolution 624 B (XXII), approved the subject of the study, invited States Members of the United Nations or of the specialized agencies to furnish relevant information, and requested the specialized agencies and non-governmental organizations in consultative relationship with the Council to co-operate in carrying out the study.

153. At its thirteenth session, the Commission took note of the Committee's preliminary report (E/CN.4/739) and postponed further discussion on the item to its fourteenth session (E/2970/Rev.1, paras. 117-122).

154. The Committee held two meetings between the Commission's thirteenth and fourteenth sessions. Mr. F. M. Serrano (Philippines) continued to act as Chairman-Rapporteur; however, at its last meeting, Mr. Serrano was prevented from attending and the Committee elected Mr. R. S. S. Gunawardene (Ceylon), as *ad hoc* Chairman.

155. The Committee submitted a progress report (E/CN.4/763) to the Commission at its fourteenth session. In explaining its methods of work (E/CN.4/763, part I, para. 10), the Committee stated that it had found it necessary to prepare monographs on the status of the right under study in all States Members of the United Nations or of the specialized agencies and that as a matter of principle it would not make use in its report of any information on which the Government concerned has not had an opportunity to comment. Part II (paras. 12-16) of the report contained explanatory comments, of a tentative character, on the terms of reference of the Committee and a definition of expressions used in its terms of reference such as “arrest”, “detention”, “exile”, and “arbitrary”. The Committee emphasized that it had adopted these definitions as a basis for the collection of material, for working purposes only, and without wishing to prejudice the decisions at which it will eventually arrive and without prejudice to the decision of the Commission itself. Part III of the report contained a tentative outline of the country monographs and of the final report of the Committee. Country monographs

relating to six States Members of the United Nations or of the specialized agencies had so far been prepared on the basis of that outline, and sent to the Governments concerned for checking, verification and comments.

156. The Commission considered the item at its 587th meeting.

157. The opinion was expressed, on the one hand, that the study on freedom from arbitrary arrest, detention and exile was particularly important since it dealt with one of the most basic rights of the individual. It was hoped that the study would permit a fruitful exchange of experience between Governments and thereby contribute to the promotion of respect for that right.

158. On the other hand, the representatives of Poland, the Ukrainian SSR and the USSR wished it to be recorded that, in their view, the carrying out of such inquiries was in fact intended to divert the attention of the United Nations from its main task in connexion with human rights at the current time, namely, the completion of the preparation of the draft Covenants and other documents setting out specific legal obligations for States concerning respect for human rights.

159. With regard to the Committee's methods of work (E/CN.4/763, part I), it was pointed out that the country monographs should include the observations of the Governments concerned. Some representatives thought that it was desirable to accelerate the Committee's work, perhaps by appointing special rapporteurs.

160. During the discussion some members referred to the tentative definition by the Committee, for working purposes, of the word “arbitrary” (E/CN.4/763, part II, para. 16). It was recalled that the Commission on Human Rights had discussed the meaning of that word particularly in connexion with articles 6 and 9 of the draft Covenant on Civil and Political Rights and that a discussion of article 6 of that Covenant had taken place in the Third Committee at the twelfth session of the General Assembly.

161. According to one opinion, those debates showed that the word “arbitrary” was used in the sense of actions which, even if in accordance with the law, were contrary to the principles of natural justice and ethical norms.

162. Other representatives stressed that the matter was still unresolved and that two principal schools of

thought emerged from past discussions: one considered an action to be arbitrary if it was not in accordance with the law, while the other maintained that the law itself might be arbitrary when failing to respect the rights of the individual. According to still another meaning, which obtained in some legal systems, actions taken capriciously, even if they conformed to laws which were compatible with respect for human rights, were considered as arbitrary.

163. Some representatives pointed out that the Committee, while not prepared to accept any definition at that stage, had nevertheless appeared to favour the second interpretation mentioned above. According to one opinion, certain passages of the progress report might imply an excessive broadening of the concept in question and of the Committee's competence; certain inquiries which were contemplated by the Committee were not likely to promote friendly international relations.

164. It was generally agreed that there was no need to consider the matter further at the current stage since in particular the Third Committee of the General Assem-

bly was to discuss the word "arbitrary" again at its next session in connexion with article 9 of the draft Covenant on Civil and Political Rights. A full debate on substance should be postponed until the Committee has submitted its final report.

165. The Commission took note of the Committee's progress report (E/CN.4/763).

166. The Commission also elected Belgium as a member of the Committee to replace Norway, which had ceased to be a member on the expiry of its term of office on the Commission.

167. The representatives of the Ukrainian SSR and of the USSR wished to place on record their abstentions from those two decisions, which were motivated by the considerations set out in paragraph 158 above. The representative of Poland, while opposed in principle to the programme of special studies, stated that she had not abstained, since the subject of the study had been approved by the Economic and Social Council and the right in question was a most important one.

## VIII. — ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

168. In General Assembly resolution 926 (X), which established the programme of advisory services in human rights, the Secretary-General was requested to report regularly to the Commission on Human Rights, among other United Nations bodies, on measures taken in compliance with the resolution.

169. The Secretary-General, in a note (E/CN.4/767), drew the attention of the Commission at its fourteenth session to his report (E/3075) to the Economic and Social Council at its twenty-sixth session on the programme of advisory services, which had been circulated in advance of the Council's session in order that it might be available for the fourteenth session of the Commission on Human Rights and the twelfth session of the Commission on the Status of Women.

170. The Commission also had before it: (a) the report, circulated for the information of the Commission, adopted by the seminar on the protection of human rights in criminal law and procedure, held at Baguio City, the Philippines, from 17 to 28 February 1958 (E/CN.4/765); (b) the text of a letter from the President of the Inter-American Commission of Women, concerning the possibility of organizing a Latin American seminar on the civic responsibilities of women and their increased participation in the public life of their countries (E/CN.4/768); (c) a note by the Secretary-General on suggested activities during 1959 in advisory services in human rights (E/CN.4/L.478); and (d) a note by the Secretary-General concerning the financial implications of the suggested 1959 activities (E/CN.4/L.478/Add.1).

171. The Secretary-General also circulated, for the information of members, the report (ST/TAA/HR/1) of the 1957 seminar on the civic responsibilities and increased participation of Asian women in public life, held at Bangkok from 5 to 16 August 1957, and part of the background documentation prepared for the Baguio

City seminar on the protection of human rights in criminal law and procedure.

172. The Commission discussed the item relating to advisory services in human rights at its 599th and 600th meetings.

173. The United States of America submitted a draft resolution (E/CN.4/L.496) by which the Commission, taking note of developments under the programme, noting particularly the interest in the organization of seminars and believing that arrangements for such seminars could be facilitated by their consideration in the Commission, would invite the Secretary-General to report annually to the Commission on recent progress in the advisory services programme and on his recommendations for activities in the following calendar year, including the anticipated costs of proposed projects and any problems regarding arrangements. The Commission would also draw attention to the advantage of extending fellowship opportunities under the programme and to the desirability of giving prior publicity to the availability of such fellowships. The Commission would further express the view that seminars could be most productive when organized on a regional or national basis, and would suggest that, where possible the Governments of Member States should take advantage of provisions for fellowships and expert advice to continue and expand their interest in activities recommended by or resulting from seminars in which they had participated. Finally, the Commission would point out that an increase in the funds allocated for the human rights advisory services programme was needed in order to meet the interest and requests from the Governments of Member States.

174. The Philippines submitted a draft resolution (E/CN.4/L.498) by which the Commission, taking note

of the seminar which had been held at Baguio City on the protection of human rights in criminal law and procedure, would endorse the seminar's recommendation that the Secretary-General should publish as soon as possible the whole record of the proceedings of the seminar. The Commission would also approve the seminar's recommendation that in the light of its highly successful results, a subsequent seminar on the same subject should be held in Asia in 1962. Further, the Commission would invite its Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile to take into consideration the discussions and deliberations of the seminar.

175. During the discussion of the United States proposal there was general agreement that—as had in fact been pointed out in the Secretary-General's report (E/3075)—after two years of cautious planning, the time seemed to be opportune for an expansion of the programme of advisory services. Such an expansion would, however, require careful organization of activities, and in that respect, the Commission might give thought to ways and means of lightening the responsibilities of the Secretary-General.

176. There was also general agreement that the results of the Bangkok and Baguio City seminars on the civic responsibilities and increased participation of Asian women in public life, and the protection of human rights in criminal law and procedure, respectively, had demonstrated the value of the seminar technique, and that as the programme developed, there would very likely be a continued emphasis on seminars; however, some members also felt that an effort should be made to work towards a well-balanced programme of seminars and fellowships and scholarships, as well as the provision of expert services. The possibility of linking seminars with the granting of fellowships was thought worth investigating.

177. The question whether seminars should be regional in character or should be organized on a wider basis gave rise to discussion. Some members felt that for certain topics a regional basis would be too narrow. The opinion was expressed that there might be merit in organizing a series of regional seminars on the same topic, as was being done in the case of the seminars on the protection of human rights in criminal law and procedure. The opinion was also expressed, however, that one seminar on a specific topic would be sufficient, and that an effort should be made, over a number of years, to deal with as many separate human rights as possible. A number of topics were suggested by members, including problems of discrimination and the protection of minorities, the protection of the individual from administrative abuses, and the right to social security.

178. The representative of the United States accepted oral suggestions by the representatives of China and the USSR to the effect that (a) the Commission would refer to increased fellowships and scholarships rather than specify the number to be offered during 1959; and (b) the Commission would not express an opinion as to the most productive basis on which to organize seminars.

179. The United States draft resolution (E/CN.4/L.496), as orally amended, was adopted by 15 votes to none, with 2 abstentions. The text of the resolution is as follows:

#### *Resolution 8 (XIV)*

##### ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

###### *The Commission on Human Rights,*

*Noting* the increasing opportunities to promote understanding and observance of human rights and fundamental freedoms through advisory services in the field of human rights,

*Recognizing* that the funds available for this programme are necessarily limited and that the Secretary-General should be assured of co-operation and support in the selection and development of projects which will make the most effective use of all possible resources,

*Noting* particularly the extensive interest in the organization of seminars on various aspects of human rights, and believing that arrangements for such seminars can be facilitated by consideration in the Commission on Human Rights,

1. *Invites* the Secretary-General to report annually to the Commission on Human Rights on the programmes of advisory services in the field of human rights, as to recent progress and his recommendations for activities in the following calendar year, including the anticipated cost of proposed projects and any problems regarding arrangements;

2. *Expresses* the view that seminars can be productive and suggests that where possible the Governments of Member States should take advantage of provisions for fellowships and expert advice to continue and expand local interest in activities recommended by, or resulting from, seminars in which they have participated;

3. *Calls attention* to the advantage of expanding fellowship opportunities under this programme, and considers that increased fellowships and scholarships should be offered to the Governments of Member States for 1959 on topics related to human rights, appropriate prior publicity being given to the availability of such fellowships;

4. *Points out* that an increase in the funds allocated for the human rights advisory services programme is needed in order to meet the interest and requests from the Governments of Member States.

180. After hearing a statement by the representative of the Secretary-General concerning the probable cost of publishing the proceedings of the Baguio City seminar, and oral suggestions by the representatives of Belgium, France and Iraq, the representative of the Philippines revised his draft resolution (E/CN.4/L.498/Rev.1) to the effect that (a) the Secretary-General would be requested to study the recommendations of the seminar regarding the publication of its proceedings; and (b) the Commission would take note of the recommendation of the seminar that in the light of its highly successful results, a subsequent seminar on the same subject should be held in 1962 in any of the countries represented at the Baguio City seminar.

181. The opinion was also expressed that the proposals in the Philippine draft resolution were, in any event, premature, if not superfluous, as the members of the Commission had not had an opportunity to study in detail the results of either the Baguio seminar, which had ended only recently, or the results of other projected seminars which were to be held before the further seminar contemplated in the draft resolution.

182. The Philippine draft resolution (E/CN.4/L.498/Rev.1), as orally amended, was adopted by 11 votes to none, with 6 abstentions. The text of the resolution reads as follows:

*Resolution 9 (XIV)*

SEMINAR ON THE PROTECTION OF HUMAN RIGHTS  
IN CRIMINAL LAW HELD AT BAGUIO CITY, PHILIPPINES

*The Commission on Human Rights*

**IX. — COMMUNICATIONS**

183. The opening of the 602nd meeting was held in private, to permit the circulation, under item 10 of the Commission's agenda, of a confidential list of communications (HR/Communications List No. 8) and observations from Governments (HR/Communications Nos. 101-131), submitted by the Secretary-General in accordance with Economic and Social Council resolutions 75 (V), 192 A (VIII), 275 B (X) and 454 (XIV). In addition to the confidential list of communications and the observations of Governments, the Commission had before it a non-confidential list of communications (E/CN.4/CR.27 and Add.1) dealing with the principles involved in the promotion of universal respect for, and observance of, human rights.

184. At its 605th meeting the Commission decided that, the confidential documents having been distributed previously, further consideration of that item of the agenda could take place in open meeting. The Commission dealt with the item at its 606th and 607th meetings.

185. The Commission also heard oral statements by the representatives of the International Federation of Christian Trade Unions, the World Jewish Congress, and the International League for the Rights of Man (583rd and 606th meetings). The last-mentioned organization also submitted written observations (E/CN.4/NGO/82).

186. At the 584th meeting, during the consideration of chapter IV of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the representative of the Philippines had recalled the efforts made by his own and other delegations at previous sessions to improve the procedure for dealing with communications relating to human rights and had requested information from the Secretariat about the number of communications received over the years, as well as the rights with which they dealt. Information on that subject was before the Commission in document E/CN.4/L.494, which stated that between 1 January 1947 and 31 December 1957 about 64,980 communications had been received,

1. *Notes* that a seminar on the protection of human rights in criminal law and procedure was held at Baguio City, Philippines, from 17 to 28 February 1958, under General Assembly resolution 926 (X) of 14 December 1955 and Economic and Social Council resolution 605 (XXI) of 3 May 1956 (E/CN.4/765);

2. *Invites* the Secretary-General to study the recommendation of the seminar regarding the publication of its proceedings (E/CN.4/765, para. 77);

3. *Takes note* of the recommendations of the seminar that in the light of its highly successful results, a subsequent seminar on the same subject should be held in any of the countries represented at the Baguio seminar (E/CN.4/765, paras. 78-79);

4. *Invites* the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile to take into consideration the discussions and deliberations of the seminar.

of which 1,280 dealt with principles involved in the promotion of universal respect for, and observance of, human rights, and 63,700 were confidential communications in the sense of paragraph (b) of Council resolution 75 (V), as amended.

187. Many members of the Commission expressed their dissatisfaction with the existing procedure for dealing with the communications alleging violations of human rights. It was pointed out that the Commission, faced with thousands upon thousands of communications, many of which were, in fact, anguished appeals for help, was unable to do more than "take note", creating thereby the erroneous impression that it was in some way dealing with the matter. The representative of Israel proposed that the Commission should refrain from taking note of the communications, as an indication of its dissatisfaction with the existing procedure.

188. Different points of view were expressed, however, on what, if anything, the Commission should do about the situation. On the one hand, it was held that some way could be found of considering the communications, or at least certain of the communications. That could be done by the Commission, either in connexion with its deliberations on specific rights, or perhaps by way of considering questions of a general nature raised by the communications; or some other organ could be charged or established to deal with them. On the other hand, it was argued that Council resolution 75 (V) specifically barred the Commission from taking any action on the communications; that the Commission was not a judicial organ equipped to investigate individual cases of violations of human rights; that to charge the Commission with such a task would be to alter its nature, since under its existing mandate its function was to make recommendations of a general nature and to establish norms for the observance of human rights; that the consideration of complaints by individuals against Governments would transform the Commission into a political body; and

that such consideration by the Commission would run counter to Article 2, paragraph 7, of the Charter. It was, moreover, pointed out that while a procedure for considering complaints by individuals existed in the case of the Council of Europe, that procedure was anchored in a convention, ratified by the parties concerned. While it might be possible to include such provisions in the implementation clauses of the International Covenants on Human Rights, they could not be adopted in the absence of a treaty; moreover, plans for establishing machinery enabling the Commission to deal with individual complaints might jeopardize the draft Covenants, which were scheduled for continued consideration by the General Assembly at its forthcoming session.

189. The representative of the Philippines pointed out that, as long as Council resolution 75 (V) was in effect, the Commission's competence could not be enlarged. Stressing that the Commission should attempt to revise the existing procedure, if only to honour the Universal Declaration of Human Rights at its tenth anniversary, he submitted a draft resolution (E/CN.4/L.507) in which the Commission, considering that all it did in respect of communications concerning alleged violations of human rights was to take note of their distribution to its members; recognizing that such action did not tend to promote respect for, and observance of, fundamental human rights and that, nevertheless, thousands of communications concerning human rights had been received and the question was a continuing item on the Commission's agenda, requested the Council to re-examine resolution 75 (V), in particular the statement that the Commission had no power to take any action in regard to any complaint concerning human rights.

190. The representative of Israel, on the other hand, believed that the Commission should submit definite proposals to the Council. The representatives of Argentina, Belgium, and Israel thereupon submitted a joint draft resolution (E/CN.4/L.508) according to which the Commission, desiring to recommend to the Council the re-examination of resolutions 75 (V) and 275 (X) in so far as they related to communications concerning human rights, would appoint a committee to study the question and prepare recommendations for the consideration of the Commission at its fifteenth session.

191. At the 607th meeting the representative of the Philippines withdrew his proposal (E/CN.4/L.507) and became a co-sponsor of the joint draft resolution (E/CN.4/L.508).

192. Several members of the Commission, in explaining their opposition to the draft resolution, pointed out that since under the Charter of the United Nations only the Trusteeship Council was empowered to deal with individual petitions, there was no need for any additional consideration of the question. It was also said that there was no point in setting up a committee unless there

was a chance of its being able to accomplish its task—that the establishment of such a committee would prejudice the fate of the draft International Covenants on Human Rights in the General Assembly; that even the existing procedure of “taking note” was relatively useful in view of the fact that an increasing number of Governments were sending replies to communications transmitted to them; and that the entire question had been discussed at length at previous sessions of the Commission without any results.

193. In favour of the joint draft resolution it was argued that even if the procedure were changed, the Commission would not become a judicial organ, but would still restrict itself to drawing general conclusions; and that a committee studying the question thoroughly could at least arrive at definite conclusions, be they positive or negative.

194. The joint draft resolution was adopted by 9 votes to 7, with 1 abstention. The text of the resolution is as follows:

#### *Resolution 10 (XIV)*

##### COMMUNICATIONS

###### *The Commission on Human Rights,*

*Desiring* to recommend to the Economic and Social Council to re-examine its resolutions 75 (V) of 5 August 1947 and 275 (X) of 17 February 1950 in so far as they relate to communications concerning human rights, with a view to establishing a procedure for handling communications which is better calculated to promote respect for, and observance of, fundamental human rights,

*Appoints* a committee to study the question and prepare recommendations for the consideration of the Commission at its fifteenth session.

195. At the 609th meeting, the Chairman announced that the Committee would be composed of the representatives of Argentina, India, Israel, Italy, Lebanon, the Philippines and the Ukrainian SSR.

196. After the adoption of the resolution, the representative of France suggested that the Commission take note of the list of communications. He held that failure to take note of the confidential documentation distributed would constitute a lack of consideration towards those Governments which had replied to communications transmitted to them. The representative of the United Kingdom proposed that, as was traditional, the Commission should “take note of the distribution of the lists of communications”. The representative of Iran proposed the addition of the words “and of the replies of Governments”.

197. The Commission, by 13 votes to none, with 4 abstentions, took note of the distribution of the lists of communications and of the replies of Governments.

## X. — PERIODICITY OF THE SESSIONS OF THE COMMISSION ON HUMAN RIGHTS

198. The Secretary-General, in his report to the Economic and Social Council at its twenty-fourth session, entitled “Observations on the work programme of the Council and on the financial implications of the Council's

action”, stated<sup>15</sup> that the Council might wish to consider

<sup>15</sup> *Ibid.*, *Twenty-fourth Session, Annexes*, agenda item 4, document E/3011 and Add. 1, para. 15.

the possibility of extending to the Commission on Human Rights and to the Commission on the Status of Women the practice of four of the functional commissions which met biennially. The Secretary-General mentioned some reasons in favour of such a change: the completion of the drafting of the International Covenants on Human Rights, the completion and opening for signature of conventions on two of the most important subjects dealt with by the Commission on the Status of Women, and the fact that programmes in the field of human rights were increasingly oriented towards practical action and implemented over longer periods. The Secretary-General pointed out, however, that there might be some other considerations which militated against the adoption of a two-year cycle for those Commissions.

199. The Co-ordination Committee of the Economic and Social Council recommended to the Council that it establish "the principle that the Commission on Human Rights and the Commission on the Status of Women should in future, in line with the practice of other functional commissions, meet biennially and request them, not later than in the course of their sessions in 1959, to arrange their work programmes accordingly". The Council, after considering the report of the Co-ordination Committee, adopted resolution 665 D II (XXIV), by which it invited the Commission on Human Rights "to express its views on the recommendation of the Co-ordination Committee that the Council establish the principle that the Commission on Human Rights should in future meet biennially" and decided "not to modify for the present the periodicity of the sessions of the Commission on Human Rights".

200. A brief account of the proceedings at the twenty-fourth session of the Council was given in a note by the Secretary-General (E/CN.4/755).

201. The question of the periodicity of the sessions was considered by the Commission at its 581st to 583rd meetings.

202. The majority of the members of the Commission opposed any changes in the existing system. They emphasized the importance of the Commission's work, the tasks before it, and the many problems which it would have to take up in pursuance of the Charter provisions on human rights. It was recalled that the Commission on Human Rights was the only functional commission specifically mentioned in the Charter. Moreover, if the Commission agreed to meet biennially, such a decision would be interpreted by the world public as evidence that the Commission had lost interest in its work, and that the United Nations no longer considered the promotion and protection of human rights as one of its basic purposes.

203. Some members believed that the Commission should recommend the continuance of annual sessions "for the time being" only, and that the question of the frequency of sessions should be reconsidered at a later date.

204. Another view was in favour of holding biennial sessions, and it was argued that the activity of the Commission would not thereby be restricted, but the longer interval between sessions would rather contribute to summary records covering the debate as well as to the better preparation for them and more efficient work by

the Commission. It was urged that the programme of the Commission was being directed increasingly towards practical action and carried over longer periods of time and that much of the Commission's work was already being done on the basis of a two-year cycle. It was not suggested, however, that biennial sessions should come into effect immediately, but the Commission was urged to decide in principle that it would meet every two years at some future date.

205. A number of non-governmental organizations having consultative status made written and oral statements urging that the Commission should continue to meet annually.

206. A joint draft resolution was submitted by the representatives of Belgium and Iran (E/CN.4/L.470), which, in its revised form (E/CN.4/L.470/Rev.1), set forth a proposal that the Commission should recommend that "the periodicity of its sessions should not be modified". Amendments to the draft resolution were submitted by the representatives of Iraq (E/CN.4/L.471) and the United States (E/CN.4/L.472). The sponsors accepted the amendment of Iraq, according to which the operative part of the draft resolution would be replaced by the following text:

*"Recommends* that the Commission continue to meet annually".

To the draft resolution incorporating the amendment of Iraq, the United States moved its amendment calling for the insertion of the words "for the time being" after the words "*Recommends* that". After a discussion, in the course of which it was pointed out that the draft resolution as amended did not prevent the Commission from reconsidering the question later if it saw fit, the United States withdrew its amendment on the understanding that the records of the discussion would be transmitted to the Economic and Social Council.

207. The draft resolution submitted by the representatives of Belgium and Iran, incorporating the amendment of the representative of Iraq, was adopted by 17 votes to none, with 1 abstention. The text of the resolution reads as follows:

#### *Resolution 11 (XIV)*

##### PERIODICITY OF THE SESSIONS OF THE COMMISSION ON HUMAN RIGHTS

##### *The Commission on Human Rights,*

*Having considered* Economic and Social Council resolution 665 D II (XXIV) of 2 August 1957, in which the Council "invites the Commission on Human Rights to express its views on the recommendation of the Co-ordination Committee that the Council establish the principle that the Commission on Human Rights should in future meet biennially",

*Recommends* that the Commission continue to meet annually.

208. The Commission agreed to draw the special attention of the Economic and Social Council to the statements made by the representatives of non-governmental organizations (E/CN.4/SR.581-583 and E/CN.4/NGO/77 and 79).

## XI. — REVIEW OF PROGRAMME AND PRIORITIES

209. The Commission considered the item concerning the review of its programme and priorities at its 608th meeting. It had before it two notes by the Secretary-General. One (E/CN.4/759) drew the Commission's attention to the annex to resolution 664 (XXIV) of the Economic and Social Council, which contained general recommendations made to the functional commissions of the Council and to the Secretary-General on the number, length and timing of reports and on the frequency and duration of meetings. The annex to Council resolution 664 (XXIV) also contained specific recommendations concerning the programme of the Commission on Human Rights, which were considered by the Commission under other items of its agenda. The Secretary-General further drew attention to resolutions 1202 (XII) and 1203 (XII) of the General Assembly on the pattern of conferences and on the control and limitation of documentation, respectively, as well as to an opinion of the Advisory Committee on Administrative and Budgetary Questions on priorities. The Secretary-General also submitted some observations on the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the *Yearbook on Human Rights* and periodic reports on human rights, on advisory services in the field of human rights and on the proposed second conference of non-governmental organizations interested in the eradication of prejudice and discrimination. The other note (E/CN.4/759/Add.1), submitted by the Secretary-General in response to a request made at the Commission's 580th meeting, listed all approved projects relating to human rights in general and to the prevention of discrimination and protection of minorities, with the suggestion, *inter alia*, that no new proposal should be made for inclusion in the work programme of the Commission or the Sub-Commission which would involve expenditure in 1959.

210. No member of the Commission made any specific proposal for decision by the Commission on the subject; however, as reported below, certain suggestions concerning the future programme of the Commission were made.

211. One representative was of the opinion that the Commission might wish to reconsider its programme at its next session, inasmuch as the programme laid undue

emphasis on certain questions, such as the study of the right of everyone to be free from arbitrary arrest, detention and exile; and that greater attention should be paid to other questions such as the proposed convention on discrimination in education, which called for an early decision.

212. Another representative suggested that the Commission might, in the future, examine important questions which had not so far been sufficiently studied. Such questions would include the means of making known to States non-members of the United Nations the Universal Declaration of Human Rights and the work of the United Nations in the field of human rights; the establishment, by way of an international convention, of a panel of defence counsel for persons accused of political offences and the drafting of an international statute of observers at the trials of such persons; the exchange among different countries of information on criminal law and procedure; the assignment of "human rights commissioners" to the armed forces of various countries in time of internal or international conflict, with a view to ensuring the observance of the principles of the Universal Declaration on Human Rights and of the international law in force. It might also be advisable to devote some attention to one of the economic, social or cultural rights, since the emphasis in the Commission had so far been laid on civil and political rights.

213. The purpose of those suggestions was commended by some members, and it was felt that the representatives should think of how the Commission might, within its terms of reference, usefully work towards their implementation. One view was that the adoption of so comprehensive a programme would further justify the present system of annual sessions; on the other hand, it was held that the studies involved would not call for periodic examination more frequently than every two years.

214. The opinion was expressed that the already burdened agenda of the fifteenth session did not allow for the inclusion of any additional item and that no modification in the present work programme of the Commission should be made.

## XII. — PLACE OF MEETING OF THE NEXT SESSION OF THE COMMISSION

215. At the 608th meeting, the representative of France proposed that the next session of the Commission should be held at Geneva. The Commission adopted, by 12 votes to none, with 5 abstentions, the following resolution:

### *Resolution 12 (XIV)*

#### PLACE OF MEETING OF THE NEXT SESSION OF THE COMMISSION

#### *The Commission on Human Rights*

*Recommends* to the Economic and Social Council to decide that the Commission on Human Rights shall meet at Geneva in 1959.

### XIII. — ADOPTION OF THE REPORT OF THE FOURTEENTH SESSION OF THE COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL

216. The Commission considered the draft report of its fourteenth session (E/CN.4/L.477 and Corr.1 and Add.1-6) at its 609th meeting. At the request of the representative of the USSR, the Commission voted separately on chapter IX of the report and adopted it by 14 votes to none, with 3 abstentions. The report as a whole was adopted unanimously.

### XIV. — DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

#### A

#### TEACHING OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AS A MEANS OF COMBATING DISCRIMINATION IN EDUCATION<sup>16</sup>

*The Economic and Social Council,*

*Having considered* the principles, recommendations and reports adopted by United Nations bodies concerning the teaching of the principles of the Universal Declaration of Human Rights,

*Considering* that, according to information obtained by the Commission on Human Rights, some form of compulsory teaching of the principles contained in the Universal Declaration of Human Rights has so far been arranged for children and adults in only a few countries,

*Considering* that such teaching, which makes an effective contribution towards eliminating discrimination, should be more widespread and should be made compulsory,

*Considering* that the provision of such teaching in schools and universities, in military academies, and in training establishments for government officials and civil servants in every country and territory, whether independent, non-self-governing or under trusteeship, would contribute to the elimination of discrimination,

*Considering* that such teaching would also serve to disseminate the principles of the Universal Declaration of Human Rights and lead to the formation of a society imbued with those principles,

1. *Considers* that the Universal Declaration of Human Rights (and in particular everything in that declaration which condemns discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status) should be a required subject of study in all schools and universities, particularly military or quasi-military training schools, and schools for the training of administrative and judicial officials, of every country and territory, whether independent, non-self-governing, or under trusteeship;

2. *Recommends* that the States Members of the United Nations and members of the specialized agencies should take any necessary steps, appropriate to their respective

institutions and educational system, to give effect to the present resolution;

3. *Requests* the Secretary-General and the Director General of the United Nations Educational, Scientific and Cultural Organization to take joint action within the spirit of Economic and Social Council resolution 609 (XXI) of 26 April 1956 to assist member States in giving practical effect to the present resolution.

#### YEARBOOK ON HUMAN RIGHTS<sup>17</sup>

*The Economic and Social Council,*

*Recognizing* the value of the *Yearbook on Human Rights* both as an annual record of developments in human rights and as a vehicle of international technical co-operation in this field,

*Recalling* its resolution 303 H (XI) of 9 August 1950 concerning the *Yearbook*, resolution 624 B (XXII) of 1 August 1956 concerning triennial reports and studies, and resolution I adopted by the Commission on Human Rights at its eleventh session concerning statements on specific rights or groups of rights (E/2731 and Corr.1, para. 28), and desiring to settle the relationship between the arrangements following from these resolutions,

*Recalling* its decision in resolution 665 D I (XXIV) of 2 August 1957 that the *Yearbook on Human Rights for 1955* should be issued without a separate section on arbitrary arrest, detention and exile, and that the inclusion of a section in the *Yearbook* on a specific project should not be initiated until the Commission on Human Rights had completed its review of the scope and content of the *Yearbook*,

*Recalling* General Assembly resolution 1203 (XII) of 13 December 1957 on control and limitation of documentation,

#### A

1. *Decides* to limit the size of the *Yearbook on Human Rights* for 1957 and future annual volumes to about 330 pages in the English edition;

2. *Draws the attention* of Governments and government-appointed correspondents to the desirability of having their contributions to the *Yearbook* consist of texts of, or extracts from, new constitutions, constitutional amendments, legislation, general governmental decrees and administrative orders, and reports on important court decisions, relating to human rights as defined in the Universal Declaration of Human Rights,

<sup>16</sup> See paragraphs 63-70 of the present report.

<sup>17</sup> See paragraphs 131-150 of the present report.

and such introductory and explanatory comments as may be necessary to describe trends and to state results obtained;

3. *Requests* the Secretary-General:

(a) To publish in the *Yearbook* the following: texts of, or extracts from, new constitutions, constitutional amendments, legislation, general governmental decrees and administrative orders, and reports on important court decisions, relating to human rights as defined in the Universal Declaration of Human Rights, and such introductory and explanatory comments as may be considered necessary to describe trends and to state results obtained, this information to cover metropolitan areas and Trust and Non-Self-Governing Territories; texts of, or extracts from, international agreements, in the strict sense, bearing on human rights; a table of ratifications of, and accessions to, such agreements; documentary references on United Nations action in relation to human rights; an introduction and an index;

(b) In editing the *Yearbook*, to co-operate with Governments in achieving the aims of General Assembly resolution 1203 (XII) and the aims of the present resolution in the matter of the size and content of the *Yearbook*;

(c) To consider ways of making the *Yearbook* more generally known.

B

4. *Decides*:

(a) That statements on specific rights or groups of rights prepared in accordance with resolution 303 H (XI) be published from time to time in the form of a supplementary volume to the *Yearbook on Human Rights*, the first of such supplementary volumes to contain the statements regarding the right set forth in article 9 of the

Universal Declaration of Human Rights, and the second to contain statements on the right set forth in article 25, paragraph 2, of the Universal Declaration of Human Rights;

(b) That the size of these supplementary volumes be limited to about 250 pages in the English edition;

C

5. *Recommends* to Governments that, when in reports under Council resolution 624 B (XXII) they describe "developments and the progress achieved during the preceding three years in the field of human rights, and measures taken to safeguard human liberty in their metropolitan area and Non-Self-Governing and Trust Territories", they avail themselves of the opportunity to evaluate and interpret events, to indicate difficulties encountered and to discuss techniques found to be of particular value; and that in preparing their triennial reports they refer, where desirable, to the factual information furnished for, or published in, the *Yearbook*;

D

6. *Invites* the Commission on Human Rights to bring this matter under review at its seventeenth session in the light of the experience gained of the working of the arrangements set out in the preceding sections of the present resolution.

C

REPORT OF THE COMMISSION ON HUMAN RIGHTS  
(FOURTEENTH SESSION)

*The Economic and Social Council*

*Takes note* of the report of the Commission on Human Rights (fourteenth session) (E/3088).

ANNEX

List of documents before the Commission at its fourteenth session

DOCUMENTS ISSUED IN THE GENERAL SERIES			
		E/CN.4/756	Report of the Committee on the <i>Yearbook on Human Rights</i>
E/3075	Report of the Secretary-General on advisory services in the field of human rights	E/CN.4/757 and Add.1, Add.1/Corr.1, and Add.2-4	Summary prepared by the Secretary-General on periodic reports on human rights
E/CN.4/740	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights (ninth session)	E/CN.4/758 and Add.1-2 and Add.2/Corr.1	Reports by the specialized agencies on periodic reports on human rights
E/CN.4/754	Note by the Secretary-General on the provisional agenda for the fourteenth session of the Commission on Human Rights	E/CN.4/759 and Add.1	Note by the Secretary-General on review of programme and priorities
E/CN.4/755	Note by the Secretary-General on the periodicity of the sessions of the Commission on Human Rights and the Commission on the Status of Women	E/CN.4/760 and Corr.1, and Add.1-6 E/CN.4/761	Note by the Secretary-General on the study of discrimination in education Note by the Secretary-General on action taken by the General Assembly at its twelfth session on freedom of information
		E/CN.4/762 and Corr.1	Report of the Committee on Freedom of Information

E/CN.4/763	Progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile	E/CN.4/L.467	Belgium: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)
E/CN.4/764	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (tenth session)	E/CN.4/L.468	Israel: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)
E/CN.4/765	Advisory services in the field of human rights: report of the United Nations seminar on the protection of human rights in criminal law and procedure, held at Baguio, Philippines	E/CN.4/L.469	Text of resolution adopted by the Commission on the <i>Yearbook on Human Rights</i>
E/CN.4/766	Note by the Secretary-General on the study of discrimination in education, transmitting a communication from the Director-General of UNESCO	E/CN.4/L.470 and Rev.1	Belgium and Iran: draft resolution on the periodicity of sessions of the Commission on Human Rights
E/CN.4/767	Note by the Secretary-General on advisory services in the field on human rights, circulating the report of the Secretary-General to the twenty-sixth session of the Economic and Social Council (E/3075)	E/CN.4/L.471	Iraq: amendment to document E/CN.4/L.470/Rev.1
E/CN.4/768	Note by the Secretary-General on advisory services in the field of human rights, transmitting a communication received from the Inter-American Commission of Women	E/CN.4/L.472	United States of America: amendment to document E/CN.4/L.470/Rev.1
E/CN.4/CR.27 and Add.1	Non-confidential list of communications dealing with principles involved in the promotion of universal respect for, and observance of, human rights	E/CN.4/L.473	Text of resolution adopted by the Commission on the periodicity of sessions of the Commission on Human Rights
E/CN.4/SR.577-609	Summary records of the plenary meetings of the fourteenth session of the Commission	E/CN.4/L.474	Belgium: draft resolution on the study of discrimination in education
E/CN.4/Sub.2/181/Rev.1	Study of discrimination in education presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its ninth session by the Special Rapporteur (Mr. Charles D. Ammoun)	E/CN.4/L.474/Rev.1 and 2	Belgium and Lebanon: revised draft resolution on the study of discrimination in education
		E/CN.4/L.475	Belgium: draft resolution on the report of the tenth session of the Sub-Commission (E/CN.4/764)
		E/CN.4/L.476	Note by the Secretary-General on the programme of work of the Commission
		E/CN.4/L.477 and Corr.1 and Add.1-6	Draft report of the fourteenth session of the commission to the Economic and Social Council
		E/CN.4/L.478	Note by the Secretary-General on suggested activities during 1959 under the programme of advisory services in the field of human rights
		E/CN.4/L.478/Add.1	Statement of financial implications submitted by the Secretary-General
DOCUMENTS ISSUED IN THE LIMITED SERIES <sup>1</sup>			
E/CN.4/L.463	France, Iran, Union of Soviet Socialist Republics: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)	E/CN.4/L.479	Belgium: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education
E/CN.4/L.464	United States of America: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)	E/CN.4/L.480	Belgium: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education
E/CN.4/L.465	Poland: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)	E/CN.4/L.481	United Kingdom of Great Britain and Northern Ireland: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education
E/CN.4/L.466	United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution in the report of the Committee on the Yearbook on Human Rights (E/CN.4/756, para. 19)	E/CN.4/L.482	Philippines: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education
		E/CN.4/L.483	United States of America: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education

<sup>1</sup> All references to the "Sub-Commission" concern the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

E/CN.4/L.484	Ceylon: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.499	Text of resolutions adopted by the Commission on advisory services in the field of human rights and on the seminar held in Baguio City
E/CN.4/L.485	India: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.500 and Rev.1	Ceylon, India, Iran and Poland: draft resolution on freedom of information
E/CN.4/L.486	France: amendment to draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.501	Israel: amendment to document E/CN.4/L.500
E/CN.4/L.487	Iraq: working paper on draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.502	France: amendment to document E/CN.4/L.500
E/CN.4/L.488	France and Poland: draft resolution concerning resolution B of the Sub-Commission (E/CN.4/740, para. 161), on the study of discrimination in education	E/CN.4/L.503	Philippines: amendment to document E/CN.4/L.500
E/CN.4/L.489	United States of America: amendment to document E/CN.4/L.487	E/CN.4/L.504	Belgium, Italy and Lebanon: amendment to document E/CN.4/L.500
E/CN.4/L.490	China: amendment to document E/CN.4/L.487	E/CN.4/L.504/Add.1	Statement of financial implications submitted by the Secretary-General
E/CN.4/L.491	United Kingdom of Great Britain and Northern Ireland: draft resolution on proposed conference of non-governmental organizations interested in the eradication of prejudice and discrimination (E/CN.4/764, para. 200)	E/CN.4/L.505	Philippines: draft resolution on freedom of information
E/CN.4/L.492	France: draft resolution concerning draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.506	Text of resolutions adopted by the Commission on freedom of information
E/CN.4/L.493	Iraq: draft resolution concerning draft resolution C of the Sub-Commission (E/CN.4/740, para. 162), on the study of discrimination in education	E/CN.4/L.507	Philippines: draft resolution on communications concerning human rights
E/CN.4/L.494	Note by the Secretary-General on communications concerning human rights	E/CN.4/L.508	Argentina, Belgium and Israel: draft resolution on communications concerning human rights
E/CN.4/L.495 and Rev.1	Text of resolutions adopted by the Commission on the study of discrimination in education	E/CN.4/L.509	Belgium: draft resolution on periodic reports on human rights
E/CN.4/L.496	United States of America: draft resolution on advisory services in the field of human rights	E/CN.4/L.510	Ceylon, France, Iran, Philippines, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution on periodic reports on human rights
E/CN.4/L.497	United Kingdom of Great Britain and Northern Ireland: draft resolution relating to resolution A of the Sub-Commission (E/CN.4/764, para. 80), on discrimination in the field of employment and occupation		
E/CN.4/L.498 and Rev.1	Philippines: draft resolution on the seminar held in Baguio City under the programme of advisory services in the field of human rights		

DOCUMENTS ISSUED

IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES

E/CN.4/NGO/77	Liaison Committee of Women's International Organizations (category B): periodicity of the sessions of the Commission on Human Rights
E/CN.4/NGO/78	World Veterans Federation (category A): convening of a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination
E/CN.4/NGO/79	International Alliance of Women (category B): periodicity of the sessions of the Commission on Human Rights
E/CN.4/NGO/80	International League for the Rights of Man (category B): freedom of information
E/CN.4/NGO/81	International League for the Rights of Man (category B): report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (tenth session)
E/CN.4/NGO/82	International League for the Rights of Man (category B): general views on the works of the Commission

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