



UNITED NATIONS

**COMMISSION ON HUMAN RIGHTS**  
**REPORT OF THE SEVENTEENTH SESSION**

(20 February - 17 March 1961)

**ECONOMIC AND SOCIAL COUNCIL**  
**OFFICIAL RECORDS: THIRTY-SECOND 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/3456  
E/CN.4/817



## COMMISSION ON HUMAN RIGHTS

### Report to the Economic and Social Council on the seventeenth session of the Commission, held at United Nations Headquarters from 20 February to 17 March 1961 inclusive

#### I. ORGANIZATION OF THE SESSION

##### Opening and duration of the session

1. The Commission on Human Rights held its seventeenth session at the Headquarters of the United Nations, New York, from 20 February to 17 March 1961 inclusive.

2. The session was opened by Mr. Mario Amadeo (Argentina), Chairman of the Commission at its sixteenth session (667th meeting).

##### Attendance

3. Attendance at the session was as follows:

##### MEMBERS

*Afghanistan*: Mr. Abdul Rahman Pazhwak.  
*Argentina*: Mr. Mario Amadeo, Mr. R. A. J. Quijano,\*  
Mr. Alejandro Abreu.\*  
*Austria*: Mr. Felix Ermacora,<sup>1</sup> Mr. Gerhard Zenker.\*  
*China*: Mr. Cheng Paonan, Mr. P. Y. Tsao,\* Mr. C. C.  
Shen.\*\*  
*Denmark*: Mr. Niels Madsen.  
*France*: Mr. René Cassin, Mr. Pierre Juvigny,\* Mr. Jean  
Marcel Bouquin.\*  
*India*: Mr. C. S. Jha,<sup>2</sup> Mr. A. B. Bhadkamkar,\* Mr. M.  
A. Vellodi,\*\* Mr. Shiam Sunder Nath,\*\* Mr. R. K.  
Kapur.\*\*  
*Iraq*: Mr. Ismat T. Kittani, Miss Faiha Kamal.\*  
*Netherlands*: Mr. L. J. C. Beaufort,<sup>3</sup> Miss J. D. Pelt.\*\*

\* Alternate.

\*\* Adviser.

<sup>1</sup> Mr. Franz Matsch, Permanent Representative of Austria to the United Nations, represented Austria at the 667th meeting.

<sup>2</sup> In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Bhadkamkar represented India during the session.

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

*Pakistan*: Mr. Maksumul Hakim,<sup>3</sup> Mr. B. W. W.  
Walke.\*\*

*Panama*: Mr. Jorge E. Illueca.

*Philippines*: Mr. Francisco A. Delgado, Mr. Hortencio  
J. Brillantes,\* Mr. Ismael D. Quiambao,\*\* Mr. Cecilio  
R. Espejo.\*\*

*Poland*: Mr. Eugeniusz Kulaga,<sup>3 4</sup> Mr. Eugeniusz  
Wyzner.\*

*Ukrainian Soviet Socialist Republic*: Mr. P. E. Nedbailo,  
Mr. J. F. Grishchenko,\* Mr. G. E. Buvailik.\*\*

*Union of Soviet Socialist Republics*: Mr. P. D. Morosov,  
Mr. V. I. Sapozhnikov,\* Mr. I. I. Yakovlev.\*\*

*United Kingdom of Great Britain and Northern Ireland*:  
Sir Samuel Hoare, Mr. M. W. Errock,\* Mr. William  
Bentley.\*

*United States of America*: Mrs. Marietta P. Tree,<sup>3 5</sup>  
Mr. Seymour M. Finger,\*\* Mr. James Simsarian,\*\*  
Mr. John N. Washburn.\*\*

*Venezuela*: Mr. Carlos Sosa Rodríguez,<sup>4</sup> Mr. Antonio  
Arráiz.\*

##### OBSERVERS

*Chile*: Mr. Victor Rioseco.

*Dominican Republic*: Mr. Rafael Emilia Herrera Cabral.

*Hungary*: Mr. Tibor Arányi.

*Israel*: Mr. Michael Elizur.

*Italy*: Mr. Mario Franzini.

*Japan*: Mr. Yoshinobu Nagashima.

##### COMMISSION ON THE STATUS OF WOMEN

Mrs. Marie-Hélène Lefauchaux (France).

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

<sup>5</sup> Mr. Philip M. Klutznick, the representative of the United States of America on the Economic and Social Council, represented the United States from the 667th to 678th meetings.

## SPECIALIZED AGENCIES

- International Labour Organisation (ILO)*: Mr. Elie Zmirou.  
*Food and Agriculture Organization of the United Nations (FAO)*: Mr. Joseph L. Orr.  
*United Nations Educational, Scientific and Cultural Organization (UNESCO)*: Mr. Matta Akrawi, Mr. J. Behrstock, Mr. Tor Gjesdal, Mr. H. Saba, Mr. Asdrúbal Salsamendi.  
*World Health Organization (WHO)*: Dr. Michael R. Sacks.

## NON-GOVERNMENTAL ORGANIZATIONS

### CATEGORY A

- International Confederation of Free Trade Unions*: Mr. Marvin Schlaff.  
*International Federation of Christian Trade Unions*: Mr. G. Thormann.  
*World Federation of Trade Unions*: Mr. Philip M. Connelly.  
*World Federation of United Nations Associations*: Mr. H. Barrett-Brown, Mrs. Oliver Weerasinghe.  
*World Veterans Federation*: Mrs. Elizabeth Morton Brown, Miss Emily Nichols.

### CATEGORY B

- Agudas Israel World Organization*: Mr. Isaac Lewin.  
*Catholic International Union for Social Service*: Mrs. Allys D. Vergara.  
*Commission of the Churches on International Affairs*: Mr. A. Dominique Micheli.  
*Consultative Council of Jewish Organizations*: Mr. Moses Moskowitz, Mr. Alexander E. Salzman.  
*Co-ordinating Board of Jewish Organizations*: Mr. William Korey.  
*International Alliance of Women*: Mrs. Frances A. Doyle, Miss Ruth F. Woodsmall.  
*International Catholic Child Bureau*: Mrs. Margaret M. Bedard.  
*International Conference of Catholic Charities*: Mr. Louis C. Longarzo.  
*International Council of Women*: Mrs. Eunice H. Carter, Mrs. Rose P. Parsons.  
*International Federation for the Rights of Man*: Mr. José Asensio.  
*International Federation of Business and Professional Women*: Mrs. Vera Campbell, Mrs. Esther W. Hymer, Mrs. Marie-Paule LaBrèque.  
*International Federation of University Women*: Miss Elmina R. Lucke.  
*International Federation of Women Lawyers*: Mrs. Aileen H. Belford, Mrs. Rose Korn Hirschman, Mrs. Rosalie Rosenberger.  
*International League for the Rights of Man*: Mr. Roger Baldwin, Mr. Max Beer, Mrs. Dora D. Roitburd.

- International Union of Christian Democrats*: Mr. J. Sleszynski.  
*International Union of Family Organizations*: Mrs. Peter L. Collins.  
*League of Red Cross Societies*: Mrs. John Sheppard.  
*Liaison Committee of Women's International Organizations*: Mrs. Frances A. Doyle, Mrs. Esther W. Hymer.  
*Pan Pacific South-East. Asia Women's Association*: Mrs. E. Forrest Beadman.  
*Pax Romana*: Miss Sally Cotter, Mr. Wsevolod W. Isajiw.  
*Women's International League for Peace and Freedom*: Mrs. Adelaide N. Baker.  
*World Alliance of Young Men's Christian Associations*: Mr. Dalton F. McClelland.  
*World Assembly of Youth*: Mr. Robert Cambria.  
*World Jewish Congress*: Mr. Henry H. Grossman, Mr. Maurice L. Perlzweig, Mr. Ralph Zacklin.  
*World Union for Progressive Judaism*: Mrs. Eleanor S. Polstein.  
*World Union of Catholic Women's Organizations*: Miss Catherine Schaefer.  
*World Young Women's Christian Association*: Mrs. Constance M. Anderson, Mrs. Frances B. Beattie, Mrs. Jane D. Britt.

## REGISTER

- International Catholic Youth Federation*: Rev. Thomas F. Walsh.  
*International Humanist and Ethical Union*: Mrs. Walter M. Weis.  
*World Association of Girl Guides and Girl Scouts*: Mrs. Alger B. Champman, Mrs. Edward F. Johnson.  
*World Federation for Mental Health*: Mrs. Myer Cohen.  
4. Mr. C. V. Narasimhan, Under-Secretary for Special Political Affairs, Mr. John P. Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Deputy Director of the Division of Human Rights, represented the Secretary-General at various meetings of the Commission. Mr. Kamleshwar Das acted as Secretary of the Commission.

## Representation of China

5. At the 667th meeting, held on 20 February 1961, the representative of the Union of Soviet Socialist Republics 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 China, Poland and the United States of America on the matter, would be recorded in the summary record of the meeting.

## Election of officers

6. At its 667th meeting, the Commission elected the following officers:

Mr. C. S. Jha (India), *Chairman*;

Mr. Felix Ermacora (Austria), *First Vice-Chairman*;

Mr. P. E. Nedbailo (Ukrainian SSR), *Second Vice-Chairman*;

Mr. Francisco A. Delgado (Philippines), *Rapporteur*.

7. At the 672nd meeting, on 23 February 1961, the Commission agreed that during the absence of Mr. Delgado, his alternate, Mr. Hortencio J. Brillantes, would act as Rapporteur.

#### Agenda

8. At its 668th meeting on 20 February 1961, the Commission considered the following provisional agenda (E/CN.4/805):

1. Election of officers.
2. Adoption of the agenda.
3. Advisory services in the field of human rights.
4. Study of the right of everyone to be free from arbitrary arrest, detention and exile.
5. Periodic reports on human rights.
6. Prevention of discrimination and protection of minorities:
  - (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices;
  - (b) Discrimination in education;
  - (c) Report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
7. Freedom of information.
8. Desirability of concluding an international convention on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests.
9. Yearbook on Human Rights.
10. Communications concerning human rights.
11. Review of the human rights programme.
12. Report of the seventeenth session of the Commission on Human Rights to the Economic and Social Council.

9. The Commission accepted without objection the proposal of the representative of Venezuela to adopt

the items of the provisional agenda as its agenda for the seventeenth session with the exception of item 6 (a), which was deferred to the eighteenth session of the Commission. It was agreed that the Secretary-General should request those Member Governments which had not sent in comments on the draft principles on freedom and non-discrimination in the matter of religious rights and practices to submit their comments by September 1961.

10. At the 668th meeting, the Commission agreed to commence with the consideration of item 3 and to continue with items 7, 5 and 9. At the 680th meeting, the Commission agreed to take up after item 9 items 6, 4, 8, 10, 11 and 12 in that order.

#### Meetings, resolutions and documentation

11. The Commission held thirty-five plenary meetings. The views expressed at those meetings are summarized in the records of the 667th to 701st meetings (E/CN.4/SR.667-701).

12. 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 (676th, 679th, 682nd, 687th and 691st) to representatives of the following non-governmental organizations:

*Category A*: International Federation of Christian Trade Unions (Mr. G. Thormann); World Federation of Trade Unions (Mr. Philip M. Connelly);

*Category B*: Women's International League for Peace and Freedom (Mrs. Adelaide N. Baker).

13. The resolutions (1 to 10 (XVII)) 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 XIII of the present report.

14. The documents before the Commission at its seventeenth session are listed in annex I to the present report. Statements of financial implications made by the Secretary-General in relation to certain proposals are reproduced in annex II to this report.

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

15. Under resolution 684 (XXVI) of the Economic and Social Council, the Commission is to undertake at each of its sessions a review of the programme of advisory services on the basis of work plans presented by the Secretary-General.

16. The Commission accordingly discussed the item on advisory services at its 669th to 671st and 674th to 675th meetings on 21, 23, 24 and 27 February 1961. It had before it a report by the Secretary-General (E/CN.4/807) informing the Commission that three seminars were to be held in 1961: a seminar on the protection of human rights in the administration of criminal justice, from 6 to 20 February, in Wellington, New Zealand; a seminar on the status of women in family law, from 19 June

to 3 July, in Bucharest, Romania; and a seminar on *amparo*, *habeas corpus* and similar remedies of judicial protection against the violation of human rights, from 15 to 28 August, in Mexico City, Mexico. For 1962 three seminars were being organized: a seminar in India on some aspects of freedom of information; a seminar in Singapore on the status of women in family law; and a seminar in Sweden on judicial and other remedies against the abuse of administrative authority with special emphasis on the question of control of public administration by parliamentary institutions.

17. The report further informed the Commission that the Secretary-General was keeping in mind the possibility of organizing an international seminar as requested in

resolution 684 (XXVI) of the Council. After a subject had been discussed at several seminars in various regions of the world, an international seminar might be held on that subject. The Secretary-General reiterated his view that it would be a problem to find a formula for selecting participants at such an international seminar, if it were restricted to approximately the number of participants who had so far attended regional seminars.

18. In the general debate members of the Commission expressed satisfaction on the whole over the results achieved under the programme of advisory services in the field of human rights. They were unanimous in the view that seminars had proved useful and should be continued. Seminars provided an opportunity for the exchange of information and experience on problems relating to the protection of human rights in various regions of the world. They brought together prominent persons who were active in the field of human rights and whose views were extremely useful. Moreover, the holding of seminars in various parts of the world served to establish what might be called the United Nations "presence" in those countries where the meetings took place and brought the United Nations closer to the people.

19. While endorsing the programme of seminars submitted by the Secretary-General, several members noted that some of the seminars already held or being planned dealt with identical topics in a rather limited field. They felt that it would be desirable if the topics discussed at such seminars were more varied in order to cover as wide a range of problems as possible. Certain members also pointed out that the seminars appeared to have concentrated mainly on questions relating to civil and political rights. The suggestion was made that subjects relating to economic and social rights and the prevention of discrimination and the protection of minorities should also be taken up at these seminars. Other members felt that there was some advantage to be gained from discussing topics at various regional seminars, since subsequent seminars could profit from the experience gained at previous seminars. Regarding the suggestion that seminars dealing with economic and social rights should be organized, it was pointed out that while any subject connected with human rights could be the subject of a seminar, the programme should be limited to subjects which did not lie within the competence of the specialized agencies or other United Nations bodies. Problems relating to economic and social conditions, labour and education should be dealt with by such agencies as the ILO and UNESCO.

20. It was the consensus of the Commission that future seminars organized under the programme should cover as wide a range of precise subjects as possible.

21. Some members were agreed in principle on the desirability of holding an international seminar on a subject of universal interest. It was, however, recognized that there were certain practical difficulties which had to be resolved before an international seminar could be held. One was the choice of a subject. Some members felt that an international seminar might be organized to synthesize the ideas and recommendations which had emerged from regional seminars on the protection of

human rights in criminal law and procedure. Some other members, while not suggesting any topic or topics in particular, agreed that the holding of a series of regional seminars on a given subject would provide useful groundwork for an eventual international seminar on the same subject. In this connexion it was noted that a great deal of groundwork remained to be done in some regions, particularly in Africa. One member doubted whether it would be desirable to hold an international seminar on questions relating to the protection of human rights in criminal law and procedure, since a number of regional seminars had already been devoted to the subject. While pointing out that the eventual choice of a subject would have to be made in consultation with governments, he thought that an international seminar might deal with economic, social and cultural matters. Another member expressed the view that if the international seminar were to deal with some legal aspects of human rights, the participants would have to represent all the principal legal systems of the world; he pointed out that it would be difficult in such a case to find a subject which would be of universal interest.

22. Other problems concerning the holding of an international seminar related to participation and financial implications. Some members stressed the importance of having as broad a participation as possible at such international seminars. Other members referred to the financial difficulties which the organization of an international seminar would involve. Such a seminar would cost many times more than regional seminars, which required on the average an expenditure of \$30,000 each. It was stressed that any plans for the future should be based on existing resources and should not lead to any further increase of expenditure.

23. Several members of the Commission thought that greater attention ought to be given to developing the programme of fellowships and scholarships. It was felt that this aspect of the advisory services programme seemed to have been neglected. Some members noted that the emphasis seemed to have been placed on seminars which used up almost the entire budgetary allocation for advisory services. The Secretary-General should do more to encourage the utilization of fellowships and scholarships. The fact that no request had been forthcoming did not mean that Governments did not want them. The situation might be different if wider publicity were given to the opportunities available for fellowships and scholarships. Such assistance was certainly of interest to many countries in Asia, Africa and Latin America. The admission of a large number of new States to the United Nations made it even more necessary to give increased attention to developing the programme of fellowships and scholarships. One member suggested that two kinds of fellowships might be granted. Apart from fellowships offered in advance for a specific period, a number of fellowships might be granted as occasion arose to enable qualified persons, such as magistrates, to observe important criminal trials abroad. However, objection to the latter type of fellowship was raised on the grounds that it was outside the scope of General Assembly resolution 926 (X), which envisaged fellowships designed to assist those particularly in need of them. It was con-

tended that fellowships ought to be reserved especially, if not exclusively, for under-developed countries.

24. In the light of the discussion, the representatives of Afghanistan, India and Panama submitted a draft resolution (E/CN.4/L.578) which read as follows:

“ *The Commission on Human Rights*

“ *Recommends* that the following draft resolution be adopted by the Economic and Social Council:

“ ‘ *The Economic and Social Council,*

“ ‘ *Recalling* that General Assembly resolution 926 (X), on advisory services in the field of human rights, authorizes the following forms of assistance: (a) advisory services of experts; (b) fellowships and scholarships; and (c) seminars,

“ ‘ *Having noted* with appreciation and satisfaction the results achieved by the projects carried out under the programme of advisory services in the field of human rights,

“ ‘ 1. *Requests* the Secretary-General:

“ ‘ (a) To study during the current year other effective measures for the purpose of promotion of human rights, in the light of resolution 926 (X);

“ ‘ (b) That in planning further programmes of regional seminars on human rights, consideration be given to the possibility of covering the widest possible range of subjects within the general field of human rights, having due regard to consideration of economy and the need for co-ordination with parallel activities by specialized agencies;

“ ‘ (c) To consider the desirability of offering fellowships and scholarships to the Governments of Member States for 1962 on topics related to human rights, appropriate prior publicity being given to the availability of services, particularly fellowships and scholarships;

“ ‘ (d) To submit the result of his studies for the consideration of the Commission on Human Rights;

“ ‘ 2. *Approves* the plan presented for holding seminars in the years 1961-1962;

“ ‘ 3. *Invites* Member States to extend their co-operation and make full use of the programmes and services in the field of human rights.’ ”

25. Some members raised doubts and misgivings concerning paragraph 1 (a) of the operative part of the draft resolution, which was thought to be ambiguous. It was not clear whether the Secretary-General was to study other effective measures for the promotion of human rights outside the scope of the programme of advisory services, or merely other forms of services within the framework of that programme. One member moreover maintained that there was no necessity for studying “ other effective measures ”; before seeking other forms of advisory services, full advantage should be taken of the existing programme. The sponsors explained that the “ other effective measures ” which the Secretary-General was called upon to study referred to measures other than those already taken by him in carrying out the programme. It was pointed out, for example, that

a wider variety of activities might be undertaken within the three categories of assistance envisaged in resolution 926 (X). Seminars might be organized at various levels — for instance, locally and nationally. The United Nations might send, at the request of Governments, not only experts, as had been done in the case of Costa Rica, but also lecturers. All that the draft resolution sought to do was to request the Secretary-General to make a study of other possible means of action through advisory services “ in the light of resolution 926 (X) ”.

26. Regarding paragraph 1 (b) it was explained, in reply to misgivings expressed by some members, that there was no intention to call for changes in the Secretary-General's plans for seminars in 1961 and 1962. As a matter of fact, paragraph 2 of the draft resolution called for the approval of the programme for 1961 and 1962 presented by the Secretary-General. However, in order to obviate any possible misunderstanding on this point, the sponsors agreed to a suggestion made by the representative of Venezuela to reverse the order of operative paragraphs 1 and 2.

27. Doubts were also raised regarding paragraph 1 (c) relating to fellowships and scholarships. To ask the Secretary-General to “ offer ” fellowships and scholarships would seem to be inconsistent with the basic principles underlying the programme of advisory services, namely, that assistance should be requested by the Governments concerned. The sponsors explained, however, that there was no intention to change the system of granting fellowships and scholarships as provided for in General Assembly resolution 926 (X). One member regretted that paragraph 1 (c) failed to bring about greater flexibility in the present procedure for granting fellowships and scholarships in that it did not provide for the possibility of granting “ occasional ” fellowships.

28. The attention of the Commission was drawn to the possible financial implications which paragraph 1 (c) might entail. The representative of the Secretary-General stated that if paragraph 1 (c) were to be read in conjunction with paragraph 1 (d), the Secretary-General would be required to report to the Commission on the result of his consideration of the desirability of offering fellowships and scholarships to Governments for 1962. If the Commission were to approve in 1962 the recommendations of the Secretary-General on fellowships and scholarships before he was to take any action, such fellowships and scholarships could only be made available for the following year; consequently no financial implications would arise in 1962. However, were the Secretary-General to grant fellowships and scholarships for 1962, the following financial implications would arise: the total estimated expenditure for the three seminars to be held in 1962 would amount to about \$90,000 to \$95,000. The average cost of a fellowship was \$4,000. The annual appropriation of \$100,000 for the programme of advisory services would thus normally allow the granting of one or two fellowships or scholarships in addition to the holding of three seminars, on the assumption that no experts were requested by and made available to Governments. A supplementary allocation of \$4,000 would be required for any additional fellowship or scholarship.

29. In the light of the discussion, the sponsors of the joint draft resolution submitted a revised text (E/CN.4/L.578/Rev.1). As revised, the operative part read as follows:

“ 1. *Approves* the plan presented for holding seminars in the years 1961-1962 (E/CN.4/807);

“ 2. *Requests* the Secretary-General:

“ (a) To study during the current year other effective measures for the purpose of promotion of human rights, in the light of resolution 926 (X);

“ (b) That in planning further programmes of regional seminars consideration be given to the possibility of covering precise subjects within the widest possible range of human rights, having due regard to considerations of economy and the need for co-ordination with parallel activities by specialized agencies;

“ (c) To submit the result of his studies for the consideration of the Commission on Human Rights;

“ 3. *Further requests* the Secretary-General that the desirability of offering fellowships and scholarships to Member States for 1962 on topics related to human rights be considered, with appropriate prior publicity being given to the availability of services, particularly fellowships and scholarships;

“ 4. *Invites* Member States to extend their co-operation and make full use of the programmes and services in the field of human rights.”

30. With respect to paragraph 2 (a), the representative of the United Kingdom orally proposed an amendment to add the words “ through advisory services ” after the words “ other effective measures ”.

31. In respect of paragraph 2 (b), the sponsors, upon a suggestion by the representative of Argentina, agreed to replace the words “ covering precise subjects within the widest possible range of human rights ” by the words “ covering the widest possible range of precise subjects within the field of human rights ”.

32. The voting took place at the 675th meeting on 27 February 1961. The oral amendment by the representative of the United Kingdom (paragraph 30 above) was adopted by 11 votes to none, with 6 abstentions. The draft resolution, as amended and as orally revised by its sponsors, was adopted by 14 votes to none, with 3 abstentions.

33. The text of the resolution as adopted at the 675th meeting on 27 February 1961 is as follows:

#### 1 (XVII). ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

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

*Recommends* that the following draft resolution be adopted by the Economic and Social Council:

[*For the text of the draft resolution, see chapter XIII, draft resolution I.*]

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

34. At its twelfth session, the Commission decided to make a special study of the right of everyone to be free from arbitrary arrest, detention and exile. The Economic and Social Council, in resolution 624 B (XXII), approved the subject of the study, invited States Members of the United Nations and members of the specialized agencies to furnish information on the subject and invited the specialized agencies and non-governmental organizations in consultative relationship with the Council to co-operate in carrying out the study.

35. The Commission established a committee of four of its members to prepare the study. The Committee was authorized to prepare the study with such assistance from the Secretariat as it may require, utilizing published material and written statements necessary for the study, such material to be drawn from the following sources: (1) Governments of States Members of the United Nations and members of the specialized agencies; (2) the Secretary-General; (3) specialized agencies; (4) non-governmental organizations in consultative relationship; and (5) writings of recognized scholars and scientists.

36. The Committee, in a preliminary report to the Commission at its thirteenth session in 1957 (E/CN.4/739), made some observations on the general approach

to the study. In its report to the fourteenth session of the Commission (E/CN.4/763), the Committee submitted a tentative outline indicating the main points which it intended to cover in the study. On the basis of this outline, the Committee collected information relating to the laws and practices concerning arrest, detention and exile in as many countries as possible and prepared a monograph on each country. The Committee decided that, as a matter of principle, it would not make use in its study of any material on which the Governments concerned had not had an opportunity to comment. The Committee prepared the study largely on the basis of the statements which had been submitted by Governments and the country monographs which it had prepared. The study was completed in December 1960.

37. The study (E/CN.4/813 and Corr.1) follows in general the outline which the Committee presented to the fourteenth session of the Commission. It consists of five parts. Part I deals with fundamental or constitutional principles relating to arrest, detention and exile. Part II relates to arrest and detention of persons accused of a criminal offence. It examines the grounds on which, and the procedures according to which, a person accused of an offence may be arrested or detained; the rights

of the arrested or detained person, including the right to be informed of his rights and obligations, the right to be informed of the criminal offence, the right of communication, the right to counsel, the rights relating to interrogation; the remedies and sanctions against arbitrary arrest and detention; arrest and detention under administrative penal law. Part III deals with the detention on grounds unconnected with criminal law. Part IV treats of arrest and detention in emergency or exceptional situations. Part V considers the question of exile and banishment, both as a penalty and as a special or emergency measure. The Committee prepared some tentative concluding remarks under each of the various sections of the study.

38. The Commission considered the Committee's report at its 694th to 696th meetings on 13 and 14 March 1961. During the discussion, several members of the Commission stressed the importance and usefulness of the study submitted by the Committee. They commended the Chairman-Rapporteur (Mr. Francisco A. Delgado (Philippines)) and the members of the Committee for having produced a scholarly and exhaustive study. The study contained much valuable material which would be useful not only to scholars and specialists in the field, but also to Governments. On the other hand, it was pointed out that there was no necessity for a study on the subject, since the Commission had already discussed at length "the right of everyone to be free from arbitrary arrest, detention and exile" and had clearly formulated its recommendations in articles 9 to 14 of the draft Covenant on Civil and Political Rights.<sup>6</sup>

39. Some members made a few preliminary observations on the substance of the study. They noted with satisfaction the definition of the term "arbitrary" which the Committee had adopted (E/CN.4/813, para. 25). Reference was also made to the Committee's concluding remarks which, it was pointed out, crystallized widely recognized and accepted principles. It was noted that there were questions on which further study was required. In particular, the Committee's report (E/CN.4/813, para. 291) had recognized the need for further study and action on the right of arrested persons to communicate with those with whom it was necessary for them to consult in order to ensure their defence or to protect their essential interests.

40. The debate, however, centered mainly on what the Commission should do with the study presented by the Committee. The representatives of Denmark, India and Panama submitted a draft resolution (E/CN.4/L.598), in which the Commission, having given preliminary consideration to the Committee's report on the right of everyone to be free from arbitrary arrest, detention and exile, would (1) decide to transmit the report to Governments of States Members of the United Nations and members of the specialized agencies, and to request them to submit comments thereon by

1 August 1961; and (2) request the Committee to (a) revise the report in the light of the views expressed in the Commission, the comments to be submitted by Governments and any additional information, especially those concerning new Members States, which might be received; and (b) submit its final report to the eighteenth session of the Commission.

41. Two amendments were submitted jointly by the representatives of the United States of America and Venezuela (E/CN.4/L.599). The first of these amendments was to replace sub-paragraph 2 (b) of the three-power draft resolution by the following: "(b) To prepare, on the basis of its revised report, draft principles on the right of everyone to be free from arbitrary arrest, detention and exile, and to submit these draft principles as part of its final report to the eighteenth session of the Commission". The second amendment was to add the following sub-paragraph (c): "To undertake a separate study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, as recommended in the report of the Committee (E/CN.4/813, para. 291), and to submit a preliminary report on this separate study to the eighteenth session of the Commission."

42. Most members felt that the Commission did not have sufficient time at the current session to study the report of the Committee and give it serious and thorough consideration. They supported the proposal to send the report to Governments for study and comment. Governments might be asked in particular to examine not only those parts of the report which contained an analytical summary of legislation and practice relating to arrest, detention and exile, but also the concluding remarks of the Committee on various aspects of the subject dealt with in the study. However, misgivings were expressed by some members regarding the time fixed for Governments to send in their comments. It was suggested that a date later than 1 August 1961 would be preferable. Doubts were also expressed whether the Commission would be able at the current session to give "preliminary consideration" to the Committee's report; it was therefore suggested that the Commission should simply state, in the preamble of the proposed resolution, that it had "taken note" of the report.

43. With respect to the second part of the draft resolution submitted by Denmark, India and Panama (E/CN.4/L.598), some members felt that for the moment the Committee in revising its report need not be asked to take into account the views expressed in the Commission, since very little had been said during the discussion regarding the substance of the report.

44. In support of the proposal contained in the first amendment submitted by the United States and Venezuela (E/CN.4/L.599) calling for the preparation of draft principles, it was explained that it would not be enough to ask the Committee to revise its report. There were conclusions in that report which synthesized certain generally accepted principles or standards of criminal justice prevailing in practically all countries of the world. On the basis of such material, it would be desirable if the

<sup>6</sup> For the text of articles 9 to 11, see *Official Records of the General Assembly, Thirteenth Session, Annexes*, agenda item 32, document A/4045, paras. 67, 86 and 91; and for the text of articles 12 to 14, see *ibid.*, *Fourteenth Session, Annexes*, agenda item 34, document A/4299, paras. 19, 29 and 64.

Committee were to draft a set of principles which the Commission could consider when it discussed the report at its next session. On the other hand, it was pointed out that it would be premature to ask the Committee to prepare the draft principles before the Commission had considered the comments and views of Governments. One member, moreover, maintained that the draft Covenant on Civil and Political Rights contained elaborate provisions relating to the right of everyone to be free from arbitrary arrest, detention and exile, which had already been adopted by the majority of the States Members represented in the Third Committee. The work already done in this field would be set back if the Commission were to engage in drafting principles on the subject, as such principles, unlike the Covenants, would have no legally binding effect. It was stated that the drafting of principles relating to the right under study would not detract from the value of the Covenants. Reference was made to various other declarations and instruments relating to specific rights — e.g., the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV)), the draft Convention relating to discrimination in education, the draft principles on freedom and non-discrimination in the matter of religious rights and practices, and the draft declaration on the right of asylum — which had been adopted or were in preparation notwithstanding the fact that the rights covered by those declarations or instruments had already been elaborated in the draft Covenants.

45. The second amendment submitted by the United States and Venezuela (E/CN.4/L.599), calling for the preparation of a study on the right of arrested persons to communication took up the suggestion of the Committee contained in paragraph 291 of its report (E/CN.4/813). It was pointed out in this connexion that the matter was also the subject of a recommendation by the United Nations seminar held in Vienna, Austria, in 1960, which was before the Commission (item 8 of the agenda) for consideration.<sup>7</sup> Some members, however, felt that the proposal would broaden the terms of reference of the Committee. Moreover, doubts were expressed as to whether the Committee would be able to undertake the additional task in time to be able to submit its report to the next session of the commission. One member, while stressing that he did not mean to criticize the work of the Committee and the Secretariat, wondered whether the new study proposed should be undertaken by the same committee, following the same methods and procedures as those adopted in connexion with the present study. He urged that the question of methodology of future studies should be reviewed by the Commission.

46. In the light of the debate, the sponsors of the draft resolution submitted a revised text (E/CN.4/L.598/Rev.1). The words "having given preliminary consideration" in the preamble were replaced by "having taken note". The date for the submission by Governments of their comments was changed to 1 October 1961, and the words "views expressed by the Commission" in operative paragraph 2 (a) of the original text were deleted.

<sup>7</sup> See below, chapter VII, paragraphs 187-188.

47. The sponsors of the joint amendments (E/CN.4/L.599) also revised their text orally. They accepted a suggestion by the representative of the Philippines to replace the words "To prepare, on the basis of" in the first amendment by the words "To include in". The second amendment, which was modified by substituting the words "nineteenth session" for "eighteenth session", and by inserting the words "to obtain further information on this subject" before "and to submit a preliminary report", was accepted by the sponsors of the draft resolution.

48. Voting on the proposals took place at the 696th meeting on 14 March 1961. The first of the amendments submitted jointly by the United States and Venezuela (E/CN.4/L.599), as orally revised, was adopted by 11 votes to none, with 7 abstentions. The draft resolution (E/CN.4/L.598/Rev.1) as thus amended and as orally revised, was adopted by 15 votes to none, with 3 abstentions.

49. The text of the resolution as adopted at the 696th meeting on 14 March 1961 is as follows:

2 (XVII). STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE

*The Commission on Human Rights,*

*Having taken note* of the report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/813 and Corr.1),

1. *Decides* to transmit the report to the Governments of States Members of the United Nations and members of the specialized agencies, and to request them to submit comments thereon by 1 October 1961;

2. *Requests* the Committee:

(a) To revise the report in the light of the comments to be submitted by Governments, and any additional information, especially information concerning new Member States, which may be received;

(b) To include in its revised report draft principles on the right of everyone to be free from arbitrary arrest, detention and exile, and to submit these draft principles as part of its final report to the eighteenth session of the Commission;

(c) To undertake a separate study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, as recommended in the report of the Committee (E/CN.4/813, para. 291), to obtain further information on this subject and to submit a preliminary report on this separate study to the nineteenth session of the Commission.

50. At its 698th meeting, on 15 March 1961, the Commission elected the Netherlands to serve on the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile, replacing Belgium, whose term of office on the Commission had expired.

#### IV. PERIODIC REPORTS ON HUMAN RIGHTS

51. In 1956 the Commission, at its twelfth session,<sup>8</sup> and the Economic and Social Council, in resolution 624 B (XXII), initiated a system of periodic (triennial) reporting by Governments. States Members of the United Nations and members of the specialized agencies were asked to report, every three years, on developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in their metropolitan areas and Trust and Non-Self-Governing Territories. The rights on which they were asked to report were those enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination. The Commission decided that, on the basis of the information reported, and summarized on a topical basis by the Secretary-General and by the specialized agencies, it would consider general developments in human rights and transmit to the Economic and Social Council such comments, conclusions and recommendations of an objective and general character, in accordance with the Charter of the United Nations, as it deemed appropriate.

52. The Commission considered the first series of government reports, covering the years 1954-1956, at its fourteenth and fifteenth sessions in 1958 and 1959.<sup>9</sup> Forty-one Governments<sup>10</sup> submitted reports to the Secretary-General for these years. The summary prepared by the Secretary-General was contained in documents E/CN.4/757 and Add.1-7, and the reports by the specialized agencies appeared in documents E/CN.4/758 and Add.1-3.

53. At its fourteenth session, the Commission asked the Secretary-General, in consultation with the specialized agencies, to make suggestions for a more detailed plan to guide Governments in preparing future triennial reports, and for the avoidance of duplication between his summary of reports of Governments and the reports of the specialized agencies. In drawing up the suggestions the Secretary-General pointed out that he interpreted the purpose of the reporting system as being to obtain from Governments concise statements describing and explaining significant developments relating to human rights, thus enabling Governments to exchange knowledge and experiences, and to assist one another in the promotion of human rights through the medium of the Commission. The suggestions<sup>11</sup> stated, therefore, that

<sup>8</sup> See *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3*, paras. 21-46.

<sup>9</sup> *Ibid.*, *Twenty-sixth Session, Supplement No. 8*, chap. II, paras. 16-30; and *Twenty-eighth Session, Supplement No. 8*, chap. VI, paras. 90-103.

<sup>10</sup> Australia, Austria, Brazil, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Finland, France, Federal Republic of Germany, Hungary, India, Indonesia, Israel, Japan, Luxembourg, Mexico, Morocco, Nepal, Netherlands, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Spain, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

<sup>11</sup> See *Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 8*, para. 96.

Governments should concentrate on evaluating and interpreting events and experiences, and on explaining important legislative and other measures taken during the period under review. They dealt, in further detail, with the developments to be reported; the rights to be covered, including those within the purview of the specialized agencies and those under study by other organs of the United Nations; and the time of submission of reports. The Secretary-General suggested also that, in principle, States members of the specialized agencies should report directly to the agencies regarding rights which fall within their purview. This was elaborated further with respect to the ILO and UNESCO.

54. On the recommendation of the Commission at its fifteenth session<sup>12</sup> the Council, in resolution 728 B (XXVIII), requested States Members of the United Nations and members of the specialized agencies to take full account of the suggestions in drafting their triennial reports.

55. At its seventeenth session, the Commission considered reports covering the years 1957-1959. It had before it summaries prepared, on a topical basis, by the Secretary-General (E/CN.4/810 and Corr.1 and Add.1), and by the specialized agencies, ILO and UNESCO (E/CN.4/811 and Add.1-2).

56. Fifty-nine Governments submitted reports to the Secretary-General for the years under review as follows: Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, China, Congo (Brazzaville), Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany,<sup>13</sup> Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Republic of Korea, Laos, Lebanon, Madagascar, Federation of Mali, Mauritania, Morocco, the Netherlands, Niger, Norway, Pakistan, Peru, Poland, Portugal, Romania, San Marino, Sudan, Switzerland, Thailand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela and Yugoslavia.

57. The item was considered together with the item on the *Yearbook on Human Rights*<sup>14</sup> at the 679th to 683rd meeting held from 1 to 3 March 1961, and at the 696th and 697th meetings held on 14 March 1961.

58. In the general debate many members of the Commission observed that, in drawing up their reports, Governments would naturally review the situation with respect to human rights in their countries, and this aspect of the reporting system was of particular value. The reports were also useful since they provided a basis for Governments to benefit from the experience of other countries. It was emphasized that the attention of Gov-

<sup>12</sup> *Ibid.*, chap. XIV, draft resolution III.

<sup>13</sup> Report submitted too late to be included in the summary presented to the Commission at its seventeenth session.

<sup>14</sup> See below, chapter VIII, paragraphs 189-195.

ernments should be drawn to the summaries of the reports prepared by the Secretary-General and the specialized agencies. It was also suggested that greater publicity, generally, should be given to these summaries, which were extremely valuable, and provided a source of authentic information on developments in human rights in many countries. They should, in particular, be transmitted to non-governmental organizations in consultative status.

59. Some representatives recalled that, when it was initiated in 1956, the periodic reporting system had been intended as an interim measure pending the adoption of the draft International Covenants on Human Rights; once they came into force the present reporting system would no longer be necessary. Other representatives, while agreeing that the reporting system might have to be reviewed when the covenants came into force, pointed out that this was unlikely to happen in the near future and, moreover, the triennial reports served a very useful purpose and constituted a step forward towards securing universal observance of the Universal Declaration of Human Rights.

60. The increase in the number of reports received in the second series was noted, but it was pointed out that the fifty-nine reports received represented little more than half the present membership of the United Nations. This meant that the description given of human rights developments during the period under review was incomplete. Members of the Commission expressed the hope that Governments which had not already reported on the years 1957-1959 would do so, and that, in future, all States Members of the United Nations and members of the specialized agencies would participate in the reporting system.

61. It was pointed out that Governments appeared to have concentrated on reporting the legal, rather than the actual, situation with respect to human rights in their countries, and had emphasized progress achieved, with little, if any, mention of difficulties encountered. Some members believed it unlikely that Governments would report retrogressive measures and, consequently, the picture of human rights developments presented, on which the Commission should base its general recommendations, might be misleading. In this connexion, certain members suggested that non-governmental organizations might be asked to provide additional information.

62. Some representatives expressed regret that little information had been reported relating to Non-Self-Governing Territories and Trust Territories, and that practically nothing was mentioned on the right of peoples to self-determination. It was also said that the information relating to economic, social and cultural rights was inadequate.

63. The representative of the Commission on the Status of Women, on behalf of that commission, expressed interest in the information which had been reported relating to certain articles of the Universal Declaration of Human Rights. The discussions on periodic reports which had taken place at the thirteenth session of the Sub-Commission on Prevention of Discrimination

and Protection of Minorities (E/CN.4/815, paras. 236-241) were also noted by a number of representatives.

64. Several Commission members expressed the view that, in the time available, it was difficult for the Commission to analyse the extensive documentation before it and prepare comments, conclusions and recommendations for the Economic and Social Council. Some questioned whether the information available would lend itself to making such recommendations. Some members thought that the reporting system might be reviewed at this stage, but some others objected to this. A suggestion was made that, as the extensive ground covered by the reports under the present system of triennial reporting made it difficult to discern general trends and developments, future reports, possibly on an annual basis, might deal with one right or a group of rights rather than all those enumerated in the Universal Declaration. Other suggestions submitted were that a committee of experts appointed by the Economic and Social Council, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, or a committee composed of members of the Commission on Human Rights might examine the material and prepare draft comments, observations and recommendations for the Commission to consider at its eighteenth session. A committee of the Commission was generally preferred, but some representatives thought that it should also consider the procedure to be followed with respect to future periodic reports.

65. The representative of Austria, in a draft resolution (E/CN.4/L.587), proposed that a committee composed of members of the Commission should be appointed to examine the summaries of periodic reports for 1957-1959 and prepare, if in its opinion the available information was sufficient for this purpose, draft comments, conclusions and recommendations of an objective and general character as contemplated in resolution 1 (XII) of the Commission, and to consider and make recommendations to the Commission on the procedure to be followed with respect to the triennial reports for 1960-1962, and to submit its report to the Commission at its eighteenth session. A statement of financial implications concerning this draft resolution was submitted by the Secretary-General (E/CN.4/L.587/Add.1).

66. The Austrian proposal, slightly amended, was subsequently incorporated in a draft resolution (E/CN.4/L.594) submitted by the representatives of Afghanistan, Austria, France, India, Panama and the United States of America, which included also several points raised during the general debate. The statement made by the Secretary-General on the financial implications of this draft resolution is set out in annex II B.

67. The representative of Afghanistan, in an oral amendment, suggested that in paragraph 4 of this draft resolution, the word "immediately" should be inserted in the English text before the phrase "prior to the eighteenth session of the Commission". The representative of the United Kingdom, in an oral amendment, proposed that in paragraph 4 (c), the word "periodic" should replace the word "triennial". Both these amendments were accepted by the sponsors of the resolution.

68. Voting on the proposals took place at the 697th meeting, on 14 March 1961. An oral amendment by the representative of the USSR to replace, in paragraph 2, the words "requests the Secretary-General" by the word "decides" was rejected by 14 votes to 3, with 1 abstention.

69. Paragraph 4 (b), reading: "To prepare, if in its opinion the available information is sufficient for this purpose, draft comments, conclusions and recommendations of an objective and general character as contemplated in resolution 1 (XII) of the Commission", voted separately at the request of the representative of Venezuela, was adopted by 13 votes to 1, with 4 abstentions.

70. Paragraph 4 (c), reading: "To consider and make recommendations to the Commission on the procedure to be followed with respect to future periodic reports;" voted separately at the request of the representative of the USSR, was adopted by 14 votes to none, with 4 abstentions.

71. The Commission agreed that the Committee referred to in operative paragraph 3 of the draft resolution should be composed of the representatives of Afghanistan, Austria, France, India, Panama and Poland.

72. The draft resolution as a whole as orally revised was adopted by 14 votes to none, with 4 abstentions.

73. The text of the resolution as adopted at the 697th meeting, on 14 March 1961, is as follows:

### 3 (XVII). PERIODIC REPORTS ON HUMAN RIGHTS

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

*Having given preliminary consideration to the summaries of periodic reports on human rights for the years 1957-1959 (E/CN.4/810 and Corr.1 and Add.1, E/CN.4/811 and Add.1-2),*

1. *Urges* States Members of the United Nations and members of the specialized agencies, which have not yet done so, to submit reports on developments in human rights during 1957-1959, in accordance with Economic and Social Council resolution 624 B (XXII) of 1 August

1956, in their metropolitan area and Non-Self-Governing and Trust Territories concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination, these reports to be submitted by 30 June 1961;

#### 2. *Requests* the Secretary-General:

(a) To draw the attention of States Members of the United Nations and members of the specialized agencies to the summaries of reports received for the years 1957-1959;

(b) To transmit these documents to the Commission on the Status of Women in response to its request, and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for use, in particular, in connexion with its studies in the field of discrimination;

(c) To transmit these documents to non-governmental organizations in consultative status;

3. *Decides* to appoint a Committee on Periodic Reports on Human Rights, consisting of the representatives of Afghanistan, Austria, France, India, Panama and Poland;

4. *Requests* the Committee to meet one week immediately prior to the eighteenth session of the Commission:

(a) To examine the summaries of periodic reports for the years 1957-1959, including any additional information received in accordance with this resolution;

(b) To prepare, if in its opinion the available information is sufficient for this purpose, draft comments, conclusions and recommendations of an objective and general character as contemplated in resolution 1 (XII) of the Commission;<sup>15</sup>

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

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

5. *Decides* to consider this item further at the eighteenth session.

<sup>15</sup> *Official Records of the Economic and Social Council, Twenty-second Session, Supplement No. 3, para. 23.*

## V. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

74. Item 6 of the Commission's provisional agenda had three parts: (a) draft principles on freedom and non-discrimination in the matter of religious rights and practices, (b) discrimination in education, and (c) report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/815 and Corr.1). As indicated above (paragraph 9), the Commission deferred consideration of item 6 (a) to the eighteenth session.

75. Item 6 (b) and chapter VII of the Sub-Commission's report, both relating to discrimination in education, were examined simultaneously at the 682nd

to 684th meetings on 2 and 3 March 1961. The remainder of the report was examined at the 685th to 694th meetings from 6 to 10 and 13 March 1961, with the exception of chapter IV, on communications, which was dealt with in connexion with the corresponding item (item 10) on the Commission's agenda,<sup>16</sup> and the suggestion in chapter VII that summaries of the periodic reports on human rights should be made available to the Sub-Commission, which was dealt with in connexion with item 5 of the Commission's agenda.<sup>17</sup>

<sup>16</sup> See below, chapter IX, paragraphs 196-197.

<sup>17</sup> See above, chapter IV, paragraphs 51-73.

## DISCRIMINATION IN EDUCATION

76. In resolution 9 (XVI) of 16 March 1960, the Commission had requested UNESCO to submit to it, at its seventeenth session, the Convention and Recommendation against Discrimination in Education which the General Conference was expected to adopt at its eleventh session, and to keep it regularly informed of any subsequent developments on this subject.

77. In accordance with this resolution, the Director-General of UNESCO transmitted to the Commission (E/CN.4/816) the texts of the Convention and Recommendation Against Discrimination in Education adopted by the General Conference on 14 December 1960.

78. In the note of transmittal, the Director-General recalled that a Special Committee of Governmental Experts, which met in Paris between 13 and 29 June 1960, had drafted the final texts of the instruments submitted to the General Conference. Certain draft amendments to the texts were submitted during the eleventh session of the General Conference, and a working party was set up to consider them. This working party submitted a number of proposals to the General Conference, which accepted all but two of them.

79. Article 2 (a) of the Convention and the corresponding provision of the Recommendation provide that separate educational systems or institutions for pupils of the two sexes should not be deemed to constitute discrimination, though only on strict conditions. The working party, taking into account the views expressed by the Commission on the Status of Women, recommended specifying that this could only be so when, among other things, such systems or institutions "afford the opportunity to take the same courses of study". This latter proposal was not entirely accepted, and the text adopted by the General Conference reads: "afford the opportunity to take the same or equivalent courses of study". In addition, the General Conference decided to modify article 8 of the draft Convention which had been submitted to it, in order to provide that disputes concerning the interpretation or application of the Convention should be referred, failing other means of settling the dispute, to the International Court of Justice at the request of the States Parties to the dispute and not, as had originally been proposed, at the request of only one of those States.

80. The General Conference adopted, in this connexion, a resolution requesting the Director-General to prepare and to submit to an *ad hoc* committee of the General Conference, consisting of governmental experts, and in which all Member States might take part, a draft protocol instituting a conciliation and good offices committee competent to seek a settlement of any disputes which might arise between States Parties concerning the application or interpretation of the Convention. The *ad hoc* committee was requested by the General Conference to report to it at its twelfth session, which is to take place in November 1962.

81. In considering the note submitted by the Director-General of UNESCO, the Commission also had before it chapter VII of the report of the thirteenth session of

the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 3 (XIII) of the Sub-Commission, both relating to the Study of Discrimination in Education. In chapter VII the views of the Sub-Commission members on the Convention and Recommendation Against Discrimination in Education were summarized, while in resolution 3 (XIII) the Sub-Commission had noted with satisfaction that the General Conference had adopted these instruments, and had characterized this event as marking a very important step towards the eradication of discrimination in this field. The Sub-Commission had requested the Commission to ask the Economic and Social Council to invite States to take the necessary steps to give effect to the instruments adopted by UNESCO, and had requested the Secretary-General to transmit to UNESCO the observations made by its members on the Convention and the Recommendation (E/CN.4/Sub.2/SR.316-319). Finally, the Sub-Commission had decided to take up the matter again for consideration whenever it seemed appropriate.

82. In an introductory statement at the 682nd meeting, the representative of UNESCO pointed out that the adoption of the two instruments represented the culmination of joint efforts by the United Nations and UNESCO to deal with the problem of discrimination in education. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had taken the initiative in this matter and had done much of the preliminary work under the Commission's guidance.

83. He explained that the major difference between the Convention and the Recommendation was that the former imposed upon contracting States precise legal obligations, whereas the latter established general principles which, in the opinion of the General Conference, States should follow. Control over the implementation of the two instruments would be exercised mainly through reports furnished to UNESCO in accordance with the terms of its Constitution, the provisions of which permitted the Organization considerable flexibility in determining what subjects such reports should deal with, how often they should be submitted, and what form they should take.

### *General debate*

84. The general debate on this question at the 683rd and 684th meetings was brief because members of the Commission realized that the Convention and Recommendation had already been adopted by the General Conference of UNESCO, and were therefore no longer open to amendment. For this reason they confined their comments largely to emphasizing the importance of the adoption of the instruments and to seeking clarification, from the representative of UNESCO, of particular provisions.

85. All members of the Commission who spoke in the general debate expressed satisfaction with the action of UNESCO in preparing and adopting the Convention and Recommendation. Tribute was paid in particular to the two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Messrs. Ammoun and Juvigny, who had served as Chairman and Rapporteur respectively of both the Special Committee and the working party.

86. It was pointed out that the Convention and Recommendation adopted by UNESCO comprised the second group of international instruments designed to prevent and eradicate discrimination, the first group having been the Convention and Recommendation concerning Discrimination in Respect of Employment and Occupation adopted in 1958 by the International Labour Conference.<sup>18</sup> Thus the initiative which the Sub-Commission had taken only a few years ago, in undertaking studies relating to discrimination in particular fields of activity, had already proved its usefulness.

87. Several members expressed their gratification that UNESCO had followed the procedure of preparing two parallel instruments on the subject of discrimination in education which were practically identical in content but which differed in their legal effect. The Recommendation was considered by them to be a valuable adjunct to the Convention because it established immediate goals for attainment by all States members of UNESCO, whether or not they became parties to the Convention.

88. While some members were fully satisfied with the texts of the two instruments, or felt that it was too late to comment upon measures which had already been adopted by the General Conference, others expressed the wish that certain provisions had been formulated differently. In particular, several members felt that in article 2 (a) of the Convention and in the corresponding provision of the Recommendation it would have been better to recognize that girls had the right to follow the same courses of study as boys without adding that the courses of study for pupils of both sexes could be merely "equivalent". This view was endorsed by the representative of the Commission on the Status of Women, which had transmitted to UNESCO its strongly held view that whenever there was a question of the creation or maintenance of separate educational systems or establishments for pupils of the two sexes, the courses of study should be the same. Other members expressed their dissatisfaction with the terms of article 13 of the Convention, which opened that instrument to accession to States not members of UNESCO only upon invitation of the Organization's Executive Board; in their view an international instrument of this sort should be open to accession to all States without any prior conditions. One representative expressed doubts as regards the possible implications of the term "preference" used in the definition of "discrimination" in article 1 of the Convention, which seemed to deny to States the right to extend such necessary preferential treatment in matters of education to backward sections of their population as would bring them up to the level of the others. The representative of UNESCO explained that the definition contained in article 1 did not preclude preferential treatment for the protection or advancement of backward groups.

<sup>18</sup> International Labour Office, *Official Bulletin*, vol. XLI (1958), No. 2, Convention and Recommendation No. 111.

### *Consideration of draft resolution*

89. A draft resolution on discrimination in education, sponsored jointly by the representatives of Austria, Panama and Poland (E/CN.4/L.588) and submitted to the Commission at the 683rd meeting, proposed that the Commission should (1) note with satisfaction that the General Conference of UNESCO had adopted a Convention and a Recommendation Against Discrimination in Education, which mark a very important step towards the eradication of discrimination in this field; and (2) request the Economic and Social Council to invite States to apply the provisions of the Recommendation as fully and widely as possible and to become parties to the Convention. In the view of the sponsors, it was not enough to ask the Economic and Social Council to invite States to take the necessary steps to give effect to the instruments adopted by UNESCO, as the Sub-Commission had proposed in resolution 3 (XIII); moreover, it might prove difficult for the Council to define those "necessary steps".

90. The sponsors accepted an amendment proposed orally by the representative of India, to add a new operative paragraph reading, "transmits the summary of views expressed in the Commission to UNESCO".

91. The representative of the United Kingdom proposed orally at the 684th meeting that, in operative paragraph 2 of the draft resolution, the words "States to apply the provisions of the Recommendation as fully and as widely as possible and to become parties to the Convention" should be replaced by the words: "States Members of the United Nations and members of the specialized agencies to apply the provisions of the Recommendation as fully and as widely as possible, and those States which are in a position to become parties to the Convention to do so". In connexion with this proposal it was pointed out that no action by the Commission or the Council could change the provisions regarding accession to the Convention, which were clearly set forth in articles 12 and 13 of that instrument. Some members objected to the United Kingdom amendment, emphasizing that its approval would give a pretext not to accede to the Convention. They maintained that States should be invited to apply the provisions of the Recommendation and become parties to the Convention.

92. Acceptance by the sponsors of the draft resolution of a compromise proposal by the representatives of Iraq and the United Kingdom to add the words "in accordance with the provisions of those instruments" at the end of operative paragraph 3 led to the withdrawal of the United Kingdom amendment.

93. The draft resolution, as revised, was adopted unanimously.

94. The text of the resolution as adopted at the 684th meeting, on 3 March 1961, is as follows:

#### 4 (XVII). DISCRIMINATION IN EDUCATION

*The Commission on Human Rights,*

*Having examined the documentation on the action taken by the General Conference of the United Nations*

Educational, Scientific and Cultural Organization at its eleventh session concerning discrimination in education (E/CN.4/Sub.2/210, E/CN.4/815, chapter VII and resolution 3 (XIII), and E/CN.4/816),

1. *Notes with satisfaction* that the General Conference of UNESCO adopted a Convention and a Recommendation Against Discrimination in Education, which mark a very important step towards the eradication of discrimination in this field;

2. *Transmits* the summary of views expressed in the Commission (E/CN.4/SR.682-684) to UNESCO;

3. *Requests* the Economic and Social Council to invite States to apply the provisions of the Recommendation as fully and widely as possible and to become parties to the Convention, in accordance with the provisions of those instruments.

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

95. At the 685th to 694th meetings, held on 6 to 13 March 1961, the Commission considered the report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/815 and Corr.1).

96. The discussion in the Commission related mainly to chapter IX of the Sub-Commission's report, entitled "Manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature". There was also some discussion relating to chapter VIII, "Study of discrimination in the matter of religious rights and practices"; chapter XI, "Observations on the proceedings of the Second United Nations Conference of Non-governmental Organizations interested in the Eradication of Prejudice and Discrimination"; and chapter XII, "Protection of minorities".

97. The Commission refrained from any detailed discussion of chapter V, "Study of discrimination in the matter of political rights", and chapter VI, "Study of discrimination in respect 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", in view of the provisional nature of the draft studies which had been examined by the Sub-Commission. It was noted that a draft report on discrimination in the matter of political rights (E/CN.4/Sub.2/L.217) had been submitted to the Sub-Commission by its Special Rapporteur, Mr. Hernán Santa Cruz, and that the Sub-Commission, after an exchange of views, had invited him, in resolution 1 (XIII), to complete his final report in time for it to be considered by the Sub-Commission at its fourteenth session. It was further noted that a progress report on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/Sub.2/L.215) had been submitted to the Sub-Commission by its Special Rapporteur, Mr. José D. Inglés, and that the Sub-Commission had requested him, in resolution 2 (XIII), to

continue his study and to present a draft report to the Sub-Commission at its fourteenth session.

98. The Commission decided to postpone any action on the request made by the Sub-Commission in resolution 4 (XIII), that it should arrange for the preparation by a suitably qualified writer, in consultation with Mr. Krishnaswami, the Special Rapporteur who had prepared the *Study of Discrimination in the Matter of Religious Rights and Practices* (E/CN.4/Sub.2/200/Rev.1),<sup>19</sup> of a brief popular summary of that study and for its wide-spread distribution as part of the sustained educational effort on an international scale to combat discrimination in the matter of religious rights and practices. While the suggestion for the preparation of a brief popular summary of the study was whole-heartedly supported by several members, the consensus was that action should be postponed until after the Commission had completed its examination of the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/Sub.2/200/Rev.1, annex I), a task which had been deferred to its eighteenth session.

#### Manifestations of racial prejudice and national and religious intolerance

99. In accordance with resolution 6 (XVI) of the Commission, the Sub-Commission at its thirteenth session had examined information and comments relevant to manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature which had recently occurred in various countries, the measures taken to combat them, and their causes or motivations (E/CN.4/815, chap. IX).

100. In resolution 5 (XIII) the Sub-Commission, bearing in mind resolution 6 (XVI) and General Assembly resolution 1510 (XV), on manifestations of racial and national hatred, had noted with concern that such manifestations are fraught with danger to the purposes of the United Nations and the rights and freedoms set forth in the Universal Declaration of Human Rights, and had expressed the belief that these manifestations, and the tendencies revealed by them, should be studied and dealt with by all appropriate means. The Sub-Commission had recorded with satisfaction the wide-spread and spontaneous reaction of many Governments, organizations and individuals in opposition to these manifestations, and had noted with satisfaction the intention of the Director-General of UNESCO to undertake certain studies in these fields. It had also decided that it would take up this question at a later session, should circumstances render it necessary.

101. Further, the Sub-Commission had recommended a dual approach to the problem by the Commission on Human Rights. The Commission was invited to request UNESCO "in every appropriate way to encourage Governments of States Members of the United Nations and members of the specialized agencies to emphasize the importance of drawing attention in the educational programmes of their countries to the dangers and evils

<sup>19</sup> United Nations publication, Sales No.: 60.XIV.2.

of racial, national, and religious hatred, including anti-Semitism". At the same time it was requested to invite the Economic and Social Council to recommend to the General Assembly the adoption of a draft resolution dealing with the question.

102. The draft resolution proposed by the Sub-Commission had two operative paragraphs, as follows:

"(a) *Calls upon* the Governments of all States to take all the necessary steps to rescind discriminatory laws in those fields wherever they exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative or other appropriate measures to combat racial, national and religious hatred;

"(b) *Calls upon* the specialized agencies and non-governmental organizations to co-operate fully in the implementation of measures aimed at the prevention and eradication of racial, national and religious hatred or discrimination."

103. In the general debate, members of the Commission commented upon the manifestations which had been the subject of study by the General Assembly and by the Sub-Commission. They considered the proposals for further action submitted by the Sub-Commission in the light of the action already taken by the General Assembly in resolution 1510 (XV), in which the Assembly had resolutely condemned "all manifestations and practices of racial, religious and national hatred in the political, economic, social, educational and cultural spheres of the life of society as violations of the Charter of the United Nations and the Universal Declaration of Human Rights", and had called upon the Governments of all States "to take all necessary measures to prevent all manifestations of racial, religious and national hatred". Finally, they examined in detail proposals for further action put forward by the representative of India (E/CN.4/L.593), and jointly by the representatives of Afghanistan, India and Pakistan (E/CN.4/L.592).

#### *Comments on the manifestations*

104. Various members of the Commission gave differing evaluations of the manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature which had been the subject of the Sub-Commission's study.

105. On the one hand, it was pointed out that a large proportion of the incidents had been the acts of minors or of uneducated or mentally handicapped persons, that the incidents themselves had ceased immediately after action had been taken by the United Nations, and that the Governments concerned had shown a willingness to explain the incidents and a determination to take effective measures to prevent their recurrence. On the other hand, it was recalled that more than 2,000 incidents had been recorded, revealing the existence of dangerous trends and even of organized activities in some communities, and that the history of Nazism in Germany before the Second World War provided a clear example of what such manifestations could lead to, although initially they might appear to be isolated and of minor importance.

106. Some members expressed the view that the true cause of the manifestations was to be found in the fact that in some countries Nazi, neo-Nazi, and other racist organizations existed and operated freely, and that the appropriate authorities in such countries had failed to make known to their youth the horrors of the Nazi era. Moreover, they noted an apparent link between colonialism and slavery, which had been based on the alleged superiority of the white race, and the persistence of racism.

107. Other members, however, recalled that thorough investigation had failed to disclose any political motivation or any internationally organized scheme behind the manifestations, that the Governments concerned had already stepped up their efforts to educate young people about the evils of racism, and that the allegation that colonialism was identical with slavery and inevitably gave rise to Nazism or fascism had been completely disproved by history.

108. Many members shared the view that although the manifestations under discussion had ceased early in 1960, there was no guarantee that they would not break out again at some future date. It was generally agreed that the appropriate organs of the United Nations should keep the situation under review, while recommending to the Governments concerned educational and legal measures designed to stamp out racism in all its forms. The Sub-Commission in particular was commended for its decision to take up the question at a later session should circumstances render it necessary.

#### *Comments on the Sub-Commission's proposal*

109. The recommendation that the General Assembly should be requested to adopt a resolution on the manifestations in question was endorsed by many members of the Commission, although some criticized the text submitted by the Sub-Commission or suggested amendments thereto.

110. The need for a resolution which would supplement General Assembly resolution 1510 (XV) was generally recognized. Such a resolution, it was said, should spell out clearly the methods by which Governments could attain the goals set forth in resolution 1510 (XV), and propose positive measures for the eradication of racial and religious hatred.

111. At the same time it was pointed out, with reference to sub-paragraph (a) of the draft resolution which the Sub-Commission had formulated, that the words "discriminatory laws in those fields wherever they exist" were vague, and that the reference was unclear because there was no evidence that countries in which manifestations of anti-Semitism had occurred had adopted discriminatory laws based upon racial, national or religious hatred. Further, it was maintained that the Sub-Commission should have placed greater emphasis upon the need to enlighten the public and to combat prejudice among young people, and upon the advantages of acting in co-operation with UNESCO in this field. While the repeal of discriminatory laws was admitted to be important, this was said to be a separate question;

the Sub-Commission had been authorized to study measures to be taken against discrimination in certain specified areas, but it had no mandate to study discriminatory measures as a whole.

112. Two proposals for further action were placed before the Commission, both having the form of draft resolutions to be forwarded to the General Assembly, through the Economic and Social Council, for adoption.

113. In the first proposal (E/CN.4/L.592), submitted jointly by the representatives of Afghanistan, India and Pakistan, the General Assembly was to be called upon to resolve to observe a Freedom from Prejudice Year in the near future, and thereafter to consider the observance of a Freedom from Prejudice Day every year; to recommend to UNESCO to organize such a year in co-operation with Member States and other specialized agencies; and to urge all States and interested organizations to promote and participate actively in this observance.

114. In the second proposal (E/CN.4/L.593), submitted by the representative of India, the General Assembly was to be called upon (1) to invite the Governments of all States, specialized agencies, and non-governmental and private organizations to make sustained efforts to educate public opinion with a view to the eradication of racial, national and religious intolerance, hatred and prejudice, for the elimination of all undesirable influences promoting these, and to take appropriate measures so that education could be directed with due regard to article 26 of the Universal Declaration of Human Rights and Principle 10 of the Declaration of the Rights of the Child; (2) to call upon the Governments of all States to take all necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating racial, national and religious prejudices wherever they exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative or other appropriate measures to combat such prejudices, including the enactment of appropriate legislation providing for severe penalties; (3) to call upon the Governments of all States to discourage in every possible way the creation, propagation and dissemination, in whatever form, of such prejudices, including the enactment of appropriate legislation providing for severe penalties; and (4) to invite the specialized agencies and non-governmental organizations to co-operate fully which Governments of States in their efforts aimed at the prevention and eradication of racial, national and religious hatred or discrimination.

115. The Commission decided to examine the second of these proposals before considering the first.

#### *Examination of the Indian proposal*

116. In introducing his proposal (E/CN.4/L.593), the Indian representative explained that he had revised the text of the draft resolution recommended by the Sub-Commission in order to lay special emphasis on the role of educational measures which were fundamental in the effort to combat prejudice and intolerance. While the Indian proposal was generally acceptable to all members of the Commission, a number of amendments were put

forward. In particular, it was suggested that the first preambular paragraph should include a reference to resolution 5 (XIII) of the Sub-Commission, on manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature, since the resolution was a result of the Sub-Commission's study of these manifestations. It was also suggested that the resolution should contain a preambular paragraph approving the decision of the Sub-Commission to take up the question at a later session, should circumstances render it necessary. It was proposed that the preambular paragraph beginning "*Deeply disturbed* by the manifestations of racial prejudice..." should be revised to read, "*Deeply disturbed* by the existence of racial prejudice..." It was also suggested that the words "forestall and" should be deleted from the final preambular paragraph. Operative paragraph 3 was considered to be unnecessary by some members, as paragraph 2 appeared to be sufficiently broad to cover its substance. On the other hand, some members considered operative paragraph 3 to be the most important in the whole resolution, as it provided specifically for legislation and penalties against the spreading of prejudice. The further suggestion was made that the reference to "severe penalties" should either be deleted or changed to read "adequate penalties".

117. There was also some discussion of the terminology to be employed in the proposal. Some members considered that the term "prejudice" could be used when referring to racism, but that it was not adequate when referring to any type of national or religious feeling. It was therefore agreed that the most appropriate wording to be used throughout, when referring to the manifestations which had been the subject of study, was "manifestations of racial prejudice and national and religious intolerance".

118. In the light of the discussion of his proposal, the representative of India submitted a revised text (E/CN.4/L.593/Rev.1), in which he had incorporated all of the suggestions which he had found to be acceptable. This text included a new version of operative paragraph 3, which read as follows:

*"Recommends* to the Governments of all States to discourage in every possible way the creation, propagation and dissemination, in whatever form, of such prejudice and intolerance, including the enactment, where required, of legislation providing for adequate penalties."

119. Voting on the proposals took place at the 693rd meeting. An oral amendment by the representative of France, to add at the end of the first preambular paragraph of the resolution the words "on manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature", was adopted by 8 votes to 6, with 4 abstentions.

120. The preamble as a whole, as amended, was adopted unanimously.

121. A proposal by the representative of the United Kingdom, to delete operative paragraph 3 of the draft resolution, was not adopted, there being 8 votes in favour and 8 against, with 2 abstentions.

122. The Commission decided, by 9 votes to 7, with 2 abstentions, to take a separate vote on the retention, in operative paragraph 3, of the words "... including the enactment, where required, of legislation providing for adequate penalties". In a roll-call vote, these words were not retained, the vote being 8 in favour, 9 against, with 1 abstention. The voting was as follows:

*In favour:* Afghanistan, Austria, India, Panama, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela.

*Against:* Argentina, China, Denmark, France, Netherlands, Pakistan, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstention:* Iraq.

123. The draft resolution as a whole, as amended, was adopted unanimously.

124. The text of the resolution as adopted at the 693rd meeting on 10 March 1961 is as follows:

5 (XVII). MANIFESTATIONS OF RACIAL PREJUDICE  
AND NATIONAL AND RELIGIOUS INTOLERANCE

*The Commission on Human Rights,*

*Having considered* chapter IX of the report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 5 (XIII) of the Sub-Commission (E/CN.4/815), on manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature,

*Taking note* of the decision taken by the Sub-Commission as indicated in operative paragraph 2 of the above-noted resolution,

*Requests* the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

[*For the text of the draft resolution, see chapter XIII, draft resolution II.*]

*Examination of the three-power proposal*

125. The joint proposal of the representatives of Afghanistan, India and Pakistan (E/CN.4/L.592), whereby the General Assembly would be called upon to arrange for the observance of a Freedom from Prejudice Year in the near future and thereafter to consider the observance of a Freedom from Prejudice Day every year, and to recommend to UNESCO to organize such a year in co-operation with Member States and other specialized agencies, was submitted to the Commission at its 688th meeting. The sponsors explained that the main purpose of the proposal was the stimulation of public opinion to a realization of the constant necessity of combating racial, national and religious prejudice. They had not suggested a precise year or day because they had in mind that consideration should be given to the organizational aspect of the work, but they had indicated that it should be observed "in the near future" and hoped that superior organs of the United Nations would spell out the details more precisely.

126. Some members of the Commission opposed the concept of a "Freedom from Prejudice Year", on the ground that it would be of doubtful practical value. They maintained that the proclamation of a special "year" by the United Nations should be confined to situations in which specific concrete results within that period of time could be envisaged, otherwise the proliferation of such celebrations would lead to indifference on the part of the public. They recalled that the United Nations already sponsored celebrations of a United Nations Day and a Human Rights Day each year. Moreover, they considered the term "Freedom from Prejudice Year" to be vague and almost impossible to translate intelligibly into a number of languages.

127. Other members, while supporting the basic concept, thought that a better title would be "Freedom from Discrimination Year", since discrimination involved a wilful act which could be controlled, while prejudice involved mainly the inner thoughts and attitudes of individuals which might never be outwardly expressed and which in some cases — as, for example, an individual's prejudice in favour of his own religion or country — might be justified. Some others pointed out that prejudice was at the root of such actions and manifestations, and that the task of the Commission was to eliminate the disease at its source.

128. In favour of the draft resolution, it was pointed out that the task of combating prejudice and discrimination in the modern world was so vast that it was hardly possible to be too zealous, that failure to put an end to prejudice and discrimination might well constitute a threat to peace, and that measures to assist in the attainment of the aspirations of the peoples who were the victims of prejudice and discrimination were just as important in this situation as the money and material aid which had been made available to the needy in the course of World Refugee Year. Further, it was recalled that the existence of other special celebrations had not prevented the United Nations from proclaiming World Refugee Year, and that the observance of a Human Rights Day was devoted in general to all human rights and therefore was not sufficient to impress upon the public the need to eradicate prejudice and discrimination, which was the specific objective of the proposal.

129. Several members of the Commission expressed the view that the whole question should be the subject of more thorough study, and suggested that this should begin immediately. They felt that if the Commission were to take the initial action, all interested parties, including Governments, specialized agencies, and non-governmental organizations, could make further suggestions as the proposal was considered in the Economic and Social Council and eventually in the General Assembly.

130. Various members of the Commission offered suggestions in regard to the joint draft resolution, and the sponsors submitted a revised text (E/CN.4/L.592/Rev.1) at the 690th meeting. Its operative paragraphs read as follows:

"1. *Requests* all Member States to observe a Freedom from Prejudice Year in the near future,

and thereafter to consider the observance of a Freedom from Prejudice Day every year;

“2. *Urges* all States and interested organizations to organize, promote and participate actively in this observance on a national basis through effective means such as posters, films, radio and television programmes, and other available educational media.”

The sponsors of the draft resolution accepted the suggestion of the Philippines representative to replace the words “consider the observance of”, in operative paragraph 1, by the word “observe”.

131. With regard to the new text, it was suggested that it might be expanded somewhat to provide for concerted preparatory action by the United Nations and the specialized agencies, plans for which could be made either by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by a small co-ordinating committee such as that which had planned the international observance of the tenth anniversary of the Universal Declaration of Human Rights. It was also suggested that the text should make it clear that the Year should be observed simultaneously in all States.

132. The representative of the Union of Soviet Socialist Republics proposed (E/CN.4/L.595) that the following new paragraph should be inserted in the draft resolution for adoption by the General Assembly, between the second and third preambular paragraphs:

“*Recalling* that the Declaration on the granting of independence to colonial countries and peoples stressed the need to put an end to colonialism and all practices of segregation and discrimination.”

However, he did not press this amendment to a vote but reserved his right to raise this question in the Economic and Social Council and in the General Assembly. He also proposed that the words “and discrimination” should be inserted after the word “prejudice” wherever it occurred in operative paragraph 1 of the draft resolution.

133. The representative of the United States of America proposed (E/CN.4/L.596) that the following paragraph should be added as part B of the draft resolution:

“*Requests* the Secretary-General to invite States Members of the United Nations and members of the specialized agencies to comment on the recommendations set forth in this resolution, these comments to be submitted to the Economic and Social Council prior to its thirty-second session.”

This proposal was accepted by the co-sponsors, after the words “to comment on the recommendations” were changed to read “to make comments, if any, on the recommendations...”

134. The representative of the United Kingdom proposed (E/CN.4/L.597) that the paragraph beginning “*Requests* the Economic and Social Council” and the subsequent paragraphs should be replaced by the following:

“*Having also considered* draft resolution E/CN.4/L.592/Rev.1 on the subject of a Freedom from Pre-

judice Year to be followed by a Freedom from Prejudice Day,

“*Invites* the Secretary-General to transmit the above-mentioned draft resolution and the records of its discussion in the seventeenth session of the Commission on Human Rights to the Governments of Member States and to the specialized agencies concerned and to request them to submit, in time for consideration by the Commission at its next session, their observations on the desirability, organization, description and scope of a year and thereafter an annual day devoted to the purposes indicated in that resolution.”

The representative of the United Kingdom did not press this amendment to a vote. Instead, he proposed orally that in the amendment of the United States of America the words “prior to its thirty-fourth session” should be substituted for the words “prior to its thirty-second session”.

135. Voting on the proposals took place at the 692nd meeting. The amendment of the representative of the Union of Soviet Socialist Republics, to insert the words “and discrimination” after the word “prejudice” in two places in operative paragraph 1, was adopted by 9 votes to 6, with 3 abstentions.

136. The United Kingdom proposal, to refer to the thirty-fourth rather than the thirty-second session of the Economic and Social Council, was not adopted, there being 8 votes in favour and 8 against, with 2 abstentions.

137. The representative of the Union of Soviet Socialist Republics proposed that the phrase “*Requests* the Secretary-General to invite” in the amendment of the United States of America as accepted by the sponsors of the draft resolution should be replaced by the word “*Invites*”. This proposal was rejected by 12 votes to 3, with 3 abstentions.

138. The draft resolution as amended was adopted by 13 votes to none, with 5 abstentions.

139. The text of the resolution as adopted at the 692nd meeting, on 10 March 1961, is as follows:

## 6 (XVII). FREEDOM FROM PREJUDICE AND DISCRIMINATION YEAR AND DAY

### *The Commission on Human Rights,*

*Having considered* chapter IX of the report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/815),

### A

*Requests* the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

[*For the text of the draft resolution, see chapter XIII, draft resolution III.*]

*Requests* the Secretary-General to invite States Members of the United Nations and members of the specialized agencies to make comments, if any, on the recommendations set forth in this resolution, these comments to be submitted to the Economic and Social Council prior to its thirty-second session.

**Observations on the proceedings of the Second United Nations Conference of Non-governmental Organizations interested in the Eradication of Prejudice and Discrimination**

140. Chapter XI of the report of the Sub-Commission summarized the observations made by its members with reference to the proceedings of the Second United Nations Conference of Non-governmental Organizations interested in the Eradication of Prejudice and Discrimination, which had been held at the European Office of the United Nations, Geneva, from 22 to 26 June 1959. In resolution 6 (XIII), the Sub-Commission drew the attention of the Commission on Human Rights and other competent organs of the United Nations and of the specialized agencies, and also of universities, within their respective areas of competence, to the suggestions appearing in certain resolutions adopted by the Conference. The resolutions referred to in particular were: 1 (II), concerning the intensification of UNESCO's programme for the eradication of prejudice and discrimination; 6 (II), concerning improvement in the facilities for research into the causes of prejudice and discrimination, and the techniques for their eradication; 8 (II), concerning the enactment of laws guaranteeing women equal rights; and 9 (II), concerning further action to be taken by the United Nations to combat prejudice and discrimination.<sup>20</sup>

141. Several members of the Commission commented upon the work of the Conference, and singled out various resolutions for special attention. Particular stress was put upon the need, referred to in several resolutions by the Conference, for further research into the causes of prejudice and discrimination, and the techniques for their eradication. The hope was expressed that non-governmental organizations would continue their close collaboration with the United Nations and the specialized agencies in this area of work.

142. It was pointed out that careful attention should be given to the views expressed by the non-governmental organizations, as they were often free to investigate *certain subjects more deeply, and to express their views more frankly, than official organs*. Moreover, their views were useful as indicators of the trend of world public opinion.

143. At the same time, there was general agreement that the Commission should confine itself to taking note of the resolutions of the Conference referred to by the Sub-Commission.

144. In resolution 7 (XIII), the Sub-Commission had requested the Secretary-General "to compile the texts of those international instruments and similar measures of an international character which are of contemporary interest and which provide special protective measures for ethnic, religious or linguistic groups, and to present such a compilation, together with an analysis of these special measures, for consideration by the Sub-Commission at its fourteenth session". The Sub-Commission's decision had been taken after it had "considered the memorandum of the Secretary-General on the activities of the United Nations relating to the protection of minorities (E/CN.4/Sub.2/194), and in view of the possibility that the Commission on Human Rights might at its seventeenth session issue a specific directive to the Sub-Commission on this subject".

145. With reference to the Sub-Commission's activities in the field of protection of minorities, some members of the Commission pointed out that because there were many kinds of minorities, and because their problems differed from area to area, it would be difficult to evolve a generally applicable formula for the protection of minorities. Some members recalled that although the United Nations had from time to time been concerned with the problem of protection of national, ethnic, religious, linguistic and other minorities, its approach to this problem had always been a general one, and the action contemplated or taken had normally sought to protect individuals belonging to minorities against discrimination rather than to ensure satisfaction of the collective interests of minorities as such. The view was expressed that it was for other organs of the United Nations to deal with minorities as political entities. Moreover, the Commission was reminded that it had not yet found it possible to issue a directive to the Sub-Commission indicating what minorities, if any, were entitled to protection by the United Nations in order to preserve or to develop their traditions or their ethnic, religious or linguistic characteristics.

146. At the 687th meeting, the representative of Austria introduced a draft resolution on the protection of minorities (E/CN.4/L.589), whereby the Sub-Commission would be requested (1) to evaluate those principles which are contained in international instruments and similar measures of international character which are of contemporary interest and which provide special protective measures for racial, national, religious and linguistic groups; (2) to analyse those internal protective measures which have already been compiled by the Secretary-General in his memorandum (E/CN.4/Sub.2/L.45); and (3) to submit a relevant report.

147. In putting forward the proposal, the sponsor summarized the development of the minority problem since the First World War and explained that in the view of his Government the Sub-Commission should not leave aside entirely the question of the protection of minority groups as such. Operative paragraph 1, he pointed out, did not request the Sub-Commission to evolve new principles in this field, but only to evaluate principles already embodied in international instruments.

<sup>20</sup> See E/NGO/CONF.2/7, chap. VII, paras. 139, 160, 166 and 169.

Operative paragraph 2 called for a practical analysis of the internal protective measures which had already been summarized by the Secretary-General in document E/CN.4/Sub.2/L.45, in order that the proper conclusions could be drawn regarding them. The draft resolution as a whole was designed to suggest a constructive approach to the problem of protection of minorities and thus to assist the United Nations in formulating an appropriate policy for the future.

148. Some members of the Commission found it difficult to accept the Austrian proposal as formulated. Some felt that the question of minorities — a term which presented well-recognized difficulties of definition — should not be over-emphasized at the present time. Several members maintained that it would be desirable to defer consideration of the proposal to a later date.

149. At the 694th meeting, the representative of Austria submitted a revised text of the draft resolution (E/CN.4/L.589/Rev.1), in which the operative paragraphs read as follows:

“1. *Invites* the Sub-Commission to prepare a substantial programme of its further studies in the field of protection of minorities;

“2. *Requests* the Secretary-General to complete the collection of the material compiled by the Secretary-General in his memorandum (E/CN.4/Sub.2/L.45);

“3. *Requests* the Sub-Commission to submit a relevant report.”

150. With reference to the revised draft resolution, one view was that the Commission's own action, in not issuing to the Sub-Commission a clear directive concerning the definition of the term “minority”, had halted the Sub-Commission's activities in this field, and that it was difficult to request the Sub-Commission to undertake the tasks envisaged in the proposal as long as the concept of protection of minorities remained unclear. It was also pointed out that the Sub-Commission could prepare and submit to the Commission such a programme without a directive from the Commission.

Another view was that the Commission should avoid creating an impression that it intended to deal with the protection of groups claiming special measures of protection within their country of residence, however understandable or legitimate such claims might be. It was also suggested that because the Commission clearly needed more time to study and to consider the question, the adoption of the Austrian proposal at the present time was both unnecessary and inadvisable.

151. On the motion of the representative of Panama, under rule 45 of the rules of procedure, the Commission decided, by 11 votes to 1, with 6 abstentions, to adjourn the debate on the draft resolution.

#### **Duration of the next session of the Sub-Commission**

152. The Commission unanimously endorsed the Sub-Commission's request (E/CN.4/815, para. 243) that its fourteenth session be of four weeks' duration, to enable it to consider fully the items on its agenda, including the final report on the study of discrimination in the matter of political rights and the draft report on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

#### **Final action on the report of the Sub-Commission**

153. At the 694th meeting, on 13 March 1961, the Commission unanimously adopted the following resolution:

#### **7 (XVII). REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (THIRTEENTH SESSION)**

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

*Takes note* of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) (E/CN.4/815 and Corr.1).

## **VI. FREEDOM OF INFORMATION <sup>21</sup>**

154. In resolution 1313 A (XIII) the General Assembly expressed the hope that the Economic and Social Council would formulate “a programme of concrete action and measures on the international plane which could be undertaken for the development of information enterprises in under-developed countries, with an evaluation of the material, financial and professional requirements and resources for the implementation of this programme”. In the same resolution the General Assembly further invited “the Economic and Social Council to

request the Commission on Human Rights to give particular attention to procedures by which constant review of the problems of providing technical assistance to under-developed countries in the field of information may be assured”; and invited “the United Nations Educational, Scientific and Cultural Organization and other specialized agencies as appropriate to formulate concrete proposals to assist in meeting the needs of less developed countries in building up adequate media of information”.

<sup>21</sup> In accordance with the decision taken by the Economic and Social Council at its 1135th meeting, on 21 December 1960, the Commission submitted the text of this chapter and draft resolution IV in chapter XIII to the Council at its thirty-first session in a special report (E/3453).

155. In resolution 718 I (XXVII), the Council requested UNESCO to undertake “a survey of the problems of providing technical assistance to under-developed countries” in the field of information and “to forward its report and recommendations to the Commission on

Human Rights and to the Economic and Social Council before the summer of 1961 to enable the Council to make an evaluation of the material, financial and professional requirements and resources for implementation of the programme" envisaged in General Assembly resolution 1313 (XIII). In resolution 718 II (XXVII), the Council requested the Secretary-General, *inter alia*, to prepare "a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954".

156. In order to implement resolution 718 I (XXVII), UNESCO decided to convene three regional meetings on the development of information media. The first meeting took place in Bangkok in January 1960, the second in Santiago, Chile, in February 1961, and the third to take place in Addis Ababa early in 1962. In accordance with the terms of the resolution UNESCO submitted a report on development of information media in under-developed countries (E/3437 and Add.1-E/CN.4/814 and Add.1) to the Commission at its seventeenth session and to the Council at its thirty-first session.

157. The Director-General of UNESCO informed the Secretary-General that the preparation of the report by UNESCO had been based upon two premises: "The first is that a prerequisite to freedom of information is the existence of adequate mass communication facilities. Nearly 70 per cent of the total population of the world, living in more than 100 countries, at present lack these facilities to a degree that denies them full enjoyment of this basic human right. The second premise is that development of the information media forms part of economic development as a whole and therefore may be assisted by resources drawn from technical assistance programmes. Such assistance in the mass communication field is of growing importance at a time when the under-developed countries are seeking to attain in a matter of years a level of advancement which has taken the developed countries centuries to achieve."

158. As to the functions of information media, the UNESCO report states that the first obvious function is to keep people informed of the world in which they live and that the second function is to serve as an instrument of education. The latter function, the report emphasizes, is of growing importance, particularly in the countries in process of rapid development.

159. The report reviews, region by region, the problems of developing the information media in the less developed countries. As an immediate target, UNESCO has suggested that "a country should aim to provide for every 100 of its inhabitants at least the following facilities: ten copies of daily newspapers, five radio receivers, two cinema seats, and two television receivers". According to the report, as many as 100 States and territories in Africa, Asia and Latin America fall below this very low "minimum" level in all four of the mass media. These countries have a combined population of 1,910 million, or 66 per cent of the world total.

160. As requested by the Economic and Social Council, UNESCO has made certain recommendations regarding the development of information media. The basic recommendation is that Governments of less developed coun-

tries "might consider the possibility of formulating national programmes for the development of information media as part of their planning for economic development". Other recommendations relate to the establishment of national committees to assist in formulating and carrying out programmes of development of information media; the inclusion of appropriate mass communication development projects in requests for technical assistance or in bilateral or multilateral aid programmes for economic and social development; the establishment of national training programmes for professional and technical personnel and research in the use of information media; consideration of present and future needs for information media in planning communication and transport services; the review of tariff and fiscal policies with a view to facilitating the development of information media and the free flow of information within and between countries; the establishment or expansion of professional associations as essential elements in development programmes; and the establishment or expansion of news agencies, newspapers and periodicals, radio broadcasting, film and television.

### General debate

161. The Commission discussed the question of freedom of information at its 669th and 671st to 678th meetings, in which the representatives of UNESCO participated.

162. The Commission was unanimous in its opinion that UNESCO had prepared a most useful survey and made constructive recommendations. For several years, it was pointed out, the United Nations had contemplated a programme of concrete action for the development of information media in less developed countries. The UNESCO report would serve as an excellent basis upon which such a programme of action could be formulated by the Economic and Social Council.

163. Several representatives noted with approval the emphasis which UNESCO had laid upon information media as an instrument of education, especially in less developed countries. It was recognized that the modern mass media, unsurpassed in speed, range and force in impact, offered great possibilities of providing technical instruction and training, as well as general education, on a broad scale. Some representatives expressed the view that while the needs of the less developed countries were rightly emphasized in the survey, the difficulties confronting them in the development of their information media had not been fully dealt with. Mere recommendations addressed to these countries to encourage the development of information media would have little value unless a programme of action to assist the less developed countries to meet their difficulties was drawn up. They emphasized the need for further study and report on this aspect.

164. Representatives on the Commission noted the minimum standards which UNESCO used in surveying the adequacy of information facilities — namely, ten copies of daily newspapers, five radio receivers, two television receivers and two cinema seats per 100 persons —

and the fact that 66 per cent of the world population did not possess such minimum facilities. There was obviously a great discrepancy between the theoretical right to freedom of information and the actual opportunity to enjoy it.

165. Views were expressed that the development of national information media in certain territories had been greatly impeded by colonial rule. Some representatives stressed that the absence of adequate media of information in many less developed countries was the result of the long domination by colonialists, who had deliberately hampered the political, economic and social development of those countries. It was also pointed out that the question of the development of independent national information media was part of the larger question of wiping out the after-effects of colonialism. On the other hand, some representatives pointed out that the report showed that certain Non-Self-Governing Territories possessed highly developed information media.

166. The recommendations which UNESCO had made were generally endorsed by the members of the Commission. Comments were made by various members on specific points.

167. It was the general opinion of the Commission that it was desirable for a less developed country to formulate a national programme for the development of information media as part of its planning for economic and social development. No international organization could impose any programme on any country. The initiative should always rest with each country.

168. The view was strongly expressed that the information media to be developed in any given country should be "independent" and "national". They should be independent of any foreign control, and they should serve the interests of the nation, not the interests of any foreign Power. Any programme of action which the Economic and Social Council might undertake should aim at assisting the development of independent, national media of information.

169. There were reservations regarding the UNESCO recommendation that the less developed countries "might consider reviewing their tariff and fiscal policies with a view to facilitating the development of the information media and the free flow of information within and between countries". Some members stated that a less developed country might find it necessary to give some degree of protection to new enterprises, at least in initial stages. Others suggested that any review of tariff and fiscal policies should be undertaken in the light of the "over-all financial and material resources" of a country. It was further suggested that the words "accurate and undistorted" should be inserted between "the free flow of" and "information".

170. Some members emphasized that each country should make its own decisions regarding priorities and methods of financing any development programme. The UNESCO report (E/CN.4/814, paras. 368-379) gave an account of the various possibilities of financing, which might assist the Council in considering measures on the international plane for the development of information

media and in evaluating material, financial and professional requirements and resources for such measures.

171. The UNESCO recommendations were generally addressed to the less developed countries. It was agreed that the more developed countries, as well as the international community as a whole, should co-operate in "meeting the urgent needs of the less developed countries in the development of independent national information media".

172. In this connexion the observation was made that any international action in developing the information media in a given country should pay due regard to its cultural individuality. Under the impact of the modern mass media, a less developed country might face the danger that its cultural heritage might disappear unless due attention was given to preserving it.

173. At the 677th meeting the representative of Panama observed that the statement in paragraph 170 of the UNESCO survey (E/CN.4/814) excluding the Panama Canal Zone from "Latin America" was incorrect, as the Zone was an integral part of the territory of the Republic of Panama and should be included within "Latin America". The representative of UNESCO explained that for statistical purposes UNESCO followed the nomenclature and geographical groupings used in the United Nations publication *Population and Vital Statistics Report* and drew attention to a statement in the survey (E/CN.4/814, annex III) that the designation employed and the presentation of the data did not imply any opinion on the legal status of any State or territory.

174. According to resolution 718 II (XXVII) of the Council, a "substantive report... on developments in the field of freedom of information since 1954" was to be prepared and submitted to the Council, but not to the Commission. This report (E/3443) had been drawn up by a consultant. The view was expressed that, since under the same resolution the Commission was to review annually the developments affecting freedom of information, it should have an opportunity to review the "substantive report". It was stated that the report in question was, in fact, a basic report on freedom of information. It would be regrettable if the basic report were not ultimately referred to the Commission. However, another view was expressed that the substantive report was a matter for the Council rather than for the Commission.

### Proposals and amendments

175. After the general debate the representatives of Pakistan, the Philippines and the United States of America submitted a draft resolution on freedom of information (E/CN.4/L.580), to which amendments were submitted by France (E/CN.4/L.581), by Afghanistan (E.CN.4/L.582), by Argentina, Panama and Venezuela (E/CN.4/L.583), and by India (E/CN.4/L.584). After taking into consideration the various amendments and the views expressed thereon, the sponsors of the original draft resolution submitted a revised text (E/CN.4/L.580/Rev.1), and the representative of France presented revised amendments (E/CN.4/L.581/Rev.1).

176. The three-power draft resolution, as originally submitted, read as follows:

“ *The Commission on Human Rights,*

“ *Having examined* the report and recommendations of the Director-General of the United Nations Educational, Scientific and Cultural Organization concerning the ‘ Development of information media in under-developed countries ’ contained in documents E/3437 and Add.1,

“ *Recommends* that the Economic and Social Council adopt the following resolution:

“ ‘ *The Economic and Social Council,*

“ ‘ *Recalling* General Assembly resolution 1313 (XIII) and Council resolution 718 (XXVII) which requested the United Nations Educational, Scientific and Cultural Organization to forward its report and recommendations to the Commission on Human Rights and the Economic and Social Council,

“ ‘ 1. *Expresses* its appreciation to the Director-General of the United Nations Educational, Scientific and Cultural Organization for the report and recommendations concerning the “ Development of information media in under-developed countries ” contained in documents E/3437 and Add.1;

“ ‘ 2. *Commends* the United Nations Educational, Scientific and Cultural Organization for the work it is doing in furthering the development of information media in under-developed countries, and requests it to continue actively in furthering this programme, in consultation with the United Nations and other specialized agencies concerned;

“ ‘ 3. *Recommends* that the Governments of the more developed countries co-operate in meeting the urgent requirements of the under-developed countries in the development of their information media;

“ ‘ 4. *Recommends* that the Governments of under-developed countries encourage:

“ ‘ (a) National programmes for development of information media as part of their planning for economic and social development;

“ ‘ (b) The establishment of national committees to assist in formulating and carrying out programmes for development of information media;

“ ‘ (c) The inclusion of appropriate mass communication development projects in their requests for technical assistance or in their bilateral or multilateral aid programmes for economic and social development;

“ ‘ (d) The establishment of national training programmes for professional and technical personnel and research in the use of information media;

“ ‘ (e) Consideration of their present and future needs for information media in planning their communication and transport services;

“ ‘ (f) The review of their tariff and fiscal policies with a view to facilitating the development of information media and the free flow of information within and between countries, taking into account the overall financial needs of the country;

“ ‘ (g) The establishment or extension of professional associations as essential elements in their mass media programmes;

“ ‘ (h) The establishment and expansion of national news agencies, newspapers and periodicals, radio broadcasting, film and television in their countries;

“ ‘ 5. *Invites* the United Nations Expanded Programme of Technical Assistance, the United Nations Special Fund, the specialized agencies concerned and other appropriate public and private agencies and institutions to help meet the needs of under-developed countries in the development and strengthening of information media in these countries.’ ”

177. To operative paragraph 1 of the draft resolution for the Council, France proposed to add the following: “ and in particular commends him for stressing the importance of the part played in education and in economic and social progress generally by the development of information media ”. This amendment was accepted by the sponsors of the original draft resolution.

178. The amendment by Argentina, Panama and Venezuela was to add to operative paragraph 3 the following: “ with due regard for their cultural individualities and for the purposes and principles of the United Nations ”. This amendment was withdrawn when the sponsors of the original draft resolution agreed to insert the words “ with due regard for the culture of each country ” at the end of that paragraph.

179. The first Afghan amendment would make operative paragraph 3 of the draft resolution the last paragraph, and would insert in that paragraph the words “ independent national ” before the words “ information media ”. The second amendment would insert in operative paragraph 4 the words “ consider the desirability of and ” before the word “ encourage ”. The third amendment would insert in operative paragraph 4 (a) the words “ their national ” before the words “ information media ”. The fifth amendment would insert in operative paragraph 4 (g) the word “ national ” before the words “ professional associations ”. The first, third and fifth amendments were accepted by the sponsors of the original draft resolution. The second amendment was not pressed.

180. The fourth Afghan amendment was to delete operative paragraph 4 (f), while the Indian amendment would replace that paragraph by the following: “ The examination of the possibility of concluding bilateral and multilateral agreements and of the desirability of adoption of fiscal, tariff and other measures designed to facilitate the free flow of accurate and undistorted information within and between countries, in the light of the over-all financial and material resources ”. The sponsors of the draft resolution suggested the insertion of the words “ the development of national information media and ” before the words “ the free flow ”. The amendment, thus modified, was accepted by the sponsors of the draft resolution as well as by the representatives of Afghanistan and India.

181. The representative of France proposed to replace the phrase "développement économique et social" in the French text of operative paragraph 4 (a) and (c) by the phrase "développement économique et progrès social".

182. The sixth Afghan amendment would request UNESCO "to make a special study and prepare a report to the Commission on Human Rights on the difficulties with which the under-developed countries are confronted in the development of their national information media and recommend further measures to meet these difficulties through international co-operation". After an exchange of views, the sponsors of the original draft resolution and the representative of Afghanistan agreed to add a paragraph which would "request the United Nations Educational, Scientific and Cultural Organization to prepare, in consultation with the United Nations and other specialized agencies concerned, a further report with specific recommendations to the Commission on Human Rights on additional concrete measures that might be undertaken through international co-operation to meet difficulties with which less developed countries are confronted, taking into account the results of the regional meetings held in Santiago, Chile, in February 1961 and to be held in Addis Ababa in 1962". An Afghan oral amendment to insert "in Bangkok in January 1960" before "in Santiago, Chile, in February 1961" was withdrawn on the understanding that UNESCO, in its further report, would take into account all available information.

183. According to the original text of the French amendments (E/CN.4/L.581), the Economic and Social Council: "Decides to transmit to the Commission on Human Rights, for consideration at its eighteenth session, the substantive report on developments in the field of freedom of information." After an exchange of views, the French representative submitted a revised amendment (E/CN.4/L.581/Rev.1) by which the Commission: "Expresses the hope that the Economic and Social Council will transmit to it, for consideration at its eighteenth session, with such comments as it may wish to make, the report on 'developments in the field of freedom of information since 1954' (E/3443)." This amendment was to be part B of the Commission's resolution, while the three-power proposal would become part A. It was further agreed that the preamble in part A

would refer to resolution 718 I (XXVII) of the Council, and the preamble in part B would refer to resolution 718 II (XXVII).

184. Upon a suggestion made by the representative of India, the phrase "under-developed countries" in the draft resolution was changed to "less developed countries".

185. At its 678th meeting the Commission voted on the draft resolution (E/CN.4/L.580/Rev.1) and the French amendments (E/CN.4/L.581/Rev.1). The French amendments were adopted by 15 votes to none, with 3 abstentions. The draft resolution as amended was adopted unanimously.

186. The text of the resolution as adopted at the 678th meeting, on 28 February 1961, is as follows:

## 8 (XVII). FREEDOM OF INFORMATION

### A

*The Commission on Human Rights,*

*Having examined* the report and recommendations of the Director-General of the United Nations Educational, Scientific and Cultural Organization concerning "Development of information media in under-developed countries" contained in documents E/3437 and Add.1,

*Recommends* that the Economic and Social Council adopt the following resolution:

[*For the text of the draft resolution, see chapter XIII, draft resolution IV.*]

### B

*The Commission on Human Rights,*

*Recalling* Economic and Social Council resolution 718 II (XXVII) of 24 April 1959 in which the Council requests the Secretary-General to provide the Commission with an annual report on developments affecting freedom of information and to prepare a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954,

*Expresses the hope* that the Economic and Social Council will transmit to it, for consideration at its eighteenth session, with such comments as it may wish to make, the report on "Developments in the field of freedom of information since 1954" (E/3443).

## VII. DESIRABILITY OF CONCLUDING AN INTERNATIONAL CONVENTION ON THE RIGHT OF ARRESTED PERSONS TO COMMUNICATE WITH THOSE WHOM IT IS NECESSARY FOR THEM TO CONSULT IN ORDER TO ENSURE THEIR DEFENCE OR PROTECT THEIR ESSENTIAL INTERESTS

187. The inclusion of this item in the agenda of the Commission was proposed by the Secretary-General (E/CN.4/806) as a result of the following recommendation unanimously adopted by the United Nations seminar on the protection of human rights in criminal procedure held in Vienna, Austria, from 20 June to 4 July 1960:

"The seminar expresses the *vœu* that the Secretary-General draw the attention of the Commission on Human Rights or the Economic and Social Council to the desirability of concluding under the auspices of the United Nations, with due regard to the national legislation of the different States concerned

and to the Minimum Rules for the Treatment of Offenders already adopted by the United Nations, an international convention on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests.”<sup>22</sup>

188. The Commission decided at its 668th meeting, on 20 February 1961, to consider this item together with item 4 relating to the study of the right of everyone to be free from arbitrary arrest, detention and exile

<sup>22</sup> See ST/TAO/HR/8, para. 83.

## VIII. YEARBOOK ON HUMAN RIGHTS

189. In its resolution 683 D (XXVI) of 21 July 1958, the Economic and Social Council recognized “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”, and declared its desire to settle the relationship between the arrangements following from its resolution 303 H (XI) concerning the *Yearbook*, its resolution 624 B (XXII) 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.<sup>23</sup> Sections I to III of resolution 683 D (XXVI) contained the decisions of the Council to this end, while in section IV, the Council invited 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”.

190. The Secretary-General placed before the Commission at its seventeenth session a memorandum (E/CN.4/812) concerning the implementation of Council resolution 683 D (XXVI). At its 678th meeting, the Commission decided to discuss together the agenda items on the “*Yearbook on Human Rights*” and the “Periodic reports on human rights” and examined these items at its 679th to 682nd and 696th and 697th meetings, on 1, 2 and 14 March 1961. The discussion on periodic reports is dealt with in chapter IV above (paragraphs 51-73). References made to the *Yearbook* reflected the Commission’s continuing appreciation of its value.

191. Resolution 683 D (XXVI) of the Council limited the *Yearbook* to about 330 pages in the English edition. In paragraph 4 of document E/CN.4/812, the Secretary-General stated that, in future issues of the *Yearbook*, he might have difficulty in covering developments in the considerably expanded number of sovereign States unless a modest increase in the size of the *Yearbook* were approved. A number of representatives supported an increase in the size of the *Yearbook*, for the reason given, and at the 682nd meeting of the Commission, the representative

(see paragraphs 34-50 above). In resolution 2 (XVII) adopted by the Commission at its 696th meeting, on 14 March, concerning the study of the right to be free from arbitrary arrest, detention and exile (see paragraph 49 above), the Committee charged with that study was also requested to undertake a separate study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect essential interests, as recommended in the report of the Committee (E/CN.4/813 and Corr.1), to obtain further information on this subject and to submit a preliminary report on this separate study to the Commission at its nineteenth session.

of Argentina introduced a draft resolution (E/CN.4/L.586) reading as follows:

“*The Commission on Human Rights*

“*Recommends* that the Economic and Social Council adopt the following resolution:

“*The Economic and Social Council,*

“*Recalling* its resolution 683 D I (XXVI) concerning the *Yearbook on Human Rights,*

“*Recognizing* the need for a modest increase in the size of the *Yearbook*, in view of the expanding number of States whose activities in the field of human rights call for treatment in the *Yearbook,*

“*Decides* to authorize an increase in the size of the *Yearbook on Human Rights* to about 380 pages in the English edition.”

192. The Secretary-General circulated a statement of financial implications concerning this draft resolution, which is reproduced in annex II C.

193. The representative of Argentina accepted two amendments to the draft resolution to be recommended for adoption by the Economic and Social Council: one by the representative of Afghanistan to substitute “an appropriate increase” for “a modest increase” in the second preambular paragraph and one by the representative of France to substitute the operative paragraph by the following:

“*Decides* that the *Yearbook on Human Rights* should be published on the basis of about 380 pages in the English edition.”

194. As revised, the draft resolution was adopted unanimously.

195. The text of the resolution as adopted at the 696th meeting, on 14 March 1961, is as follows:

### 9 (XVII). YEARBOOK ON HUMAN RIGHTS

*The Commission on Human Rights*

*Recommends* that the Economic and Social Council adopt the following resolution:

[For the text of the draft resolution, see chapter XIII, draft resolution V.]

<sup>23</sup> See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6*, para. 28.

## IX. COMMUNICATIONS CONCERNING HUMAN RIGHTS

196. On 14 March 1961 the Commission held a private meeting to consider item 10 of its agenda: "Communications concerning human rights".

197. The Commission had before it a non-confidential list of communications (E/CN.4/CR.30), a confidential list of communications (H.R. Communications List No. 11), and replies of Governments (H.R. Communications Nos. 189-224). It also had before it a confidential document (H.R. Communications/Stat.2) of a statistical nature, which had been prepared by the Secretary-General on the basis of the confidential list. In addition, it had before it chapter IV of the report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/815) on communications relating to the prevention of discrimination and the protection of minorities.

## X. REVIEW OF THE HUMAN RIGHTS PROGRAMME

198. The Commission had before it a note by the Secretary-General (E/CN.4/808), drawing its attention to Economic and Social Council resolution 772 A (XXX) whereby the Council requested the Commission to include in its future reports a separate section outlining the work programme in human rights approved by it and the anticipated time schedule for this programme. The note also drew attention to Council resolution 791 (XXX) on programme appraisal in the economic, social and human rights fields, and the annex to Council resolution 801 (XXX) on concentration of activities of the United Nations in these fields. The Commission also had before it a note by the Secretary-General on control and limitation of documentation (E/CN.4/808/Add.1), drawing the Commission's attention to his report on control and limitation of documentation<sup>24</sup> and to the comments thereon by the Advisory Committee on Administrative and Budgetary Questions,<sup>25</sup> both of which emphasized that the question of control and limitation of documentation should be kept under constant review and that full use should be made of regulation 13.1 of the Financial Regulations of the United Nations, relating to decisions involving expenditures.

199. At its 698th meeting, on 15 March 1961, the Commission agreed to set forth in its report the following work programme:

### I. CONTINUING PROJECTS

#### A. Advisory services in the field of human rights

Three human rights seminars for 1961: a seminar on the protection of human rights in the administration of criminal justice, at Wellington, New Zealand; a seminar on the status of women in family law, in Bucharest, Romania; and a seminar on *amparo*, *habeas corpus* and similar remedies of judicial protection against the violation of human rights, in Mexico City, Mexico.

Three human rights seminars for 1962: a seminar on freedom of information in New Delhi, India; a seminar on the status

<sup>24</sup> *Official Records of the General Assembly, Fifteenth Session, Annexes*, agenda item 50, document A/C.5/882.

<sup>25</sup> *Ibid.*, document A/4524.

of women in family law, in Singapore; and a seminar on judicial and other remedies against the abuse of administrative authority with special emphasis on the question of the control of public administration by parliamentary institutions, in Sweden.

#### B. Periodic reports on human rights

The Committee on Periodic Reports on Human Rights will meet one week prior to the eighteenth session of the Commission and will submit its report to that session.

#### C. Studies on specific rights or groups of rights

1. Study on the right of everyone to be free from arbitrary arrest, detention and exile.

The Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile is requested to submit a revised report, including draft principles on this topic, to the Commission at its eighteenth session.

2. The right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests.

The Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile is requested to submit a preliminary report to the Commission at its nineteenth session.

#### D. Studies of discrimination

1. Draft principles on freedom and non-discrimination in the matter of religious rights and practices.

The Commission deferred the consideration of this item to its eighteenth session.

#### E. Report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Sub-Commission is expected to consider, *inter alia*, a final report on discrimination in the matter of political rights and a draft report on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

#### F. Freedom of information

1. Annual report on freedom of information.

Pursuant to Economic and Social Council resolution 718 II (XXVII), the Secretary-General will submit the first annual report on freedom of information to the Commission at its eighteenth session.

2. Development of national information media in less developed countries.

UNESCO will submit a further report on development of national information media in less developed countries to the Commission at its eighteenth session.

#### G. Yearbook on Human Rights

The 1959 *Yearbook* will go to press in English and in French; material for the 1960 *Yearbook* will be collected and edited.

#### H. Communications concerning human rights

The Secretary-General will prepare a confidential list and a non-confidential list of communications and a confidential

document of a statistical nature; and will issue replies of Governments to communications as confidential documents.

#### II. *Ad hoc* PROJECTS

##### *National advisory committees on human rights*

In accordance with resolution 772 B (XXX) of the Council, the Secretary-General will submit a report on national advisory committees on human rights and local human rights committees to the Commission at its eighteenth session.

200. Two members of the Commission expressed the view that the Commission, in establishing its work programme at future sessions, should pay more attention to economic and social rights.

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

201. At the 698th and 699th meetings, on 15 March 1961, the Commission discussed the place of meeting of its next session. The representative of France indicated that his country would be happy to have the next session of the Commission, which would normally be held in Geneva, meet in Paris. The Commission had before it a draft resolution submitted by the representatives of Argentina, Austria, France and Panama (E/CN.4/L.601) and a statement submitted by the Secretary-General on the financial implications of the draft resolution (see annex II D). The Commission adopted the draft resolution by 11 votes to none, with 7 abstentions.

202. The text of the resolution as adopted at the 699th meeting, on 15 March 1961, is as follows:

#### 10 (XVII). PLACE OF MEETING OF NEXT SESSION OF THE COMMISSION

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

*Recommends* to the Economic and Social Council to decide that the eighteenth session of the Commission on Human Rights should be held in Geneva or in any other European city.

### XII. ADOPTION OF THE REPORT

203. The Commission considered the draft report of its seventeenth session (E/CN.4/L.590 and Add.1-5) at its 694th and 698th to 701st meetings, on 13, 15 and 17 March 1961. The report was adopted unanimously.

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

#### I

##### Advisory services in the field of human rights<sup>26</sup>

###### *The Economic and Social Council,*

*Recalling* that General Assembly resolution 926 (X) of 14 December 1955 on advisory services in the field of human rights, authorizes the following forms of assistance: (a) advisory services of experts, (b) fellowships and scholarships, and (c) seminars,

*Having noted with appreciation and satisfaction* the results achieved by the projects carried out under the programme of advisory services in the field of human rights,

1. *Approves* the plan presented for holding seminars in the years 1961-1962;<sup>27</sup>

2. *Requests* the Secretary-General:

(a) To study during the current year other effective measures through advisory services for the purpose of

<sup>26</sup> See paragraph 33 and annex II A.

<sup>27</sup> E/CN.4/807.

promotion of human rights, in the light of resolution 926 (X);

(b) To give consideration, in planning further programmes of regional seminars, to the possibility of covering the widest possible range of precise subjects within the field of human rights, having due regard to considerations of economy and the need for co-ordination with parallel activities by specialized agencies;

(c) To submit the result of his studies for the consideration of the Commission on Human Rights;

3. *Further requests* the Secretary-General that the desirability of offering fellowships and scholarships to Member States for 1962 on topics related to human rights be considered, with appropriate publicity being given to the availability of services, particularly fellowships and scholarships;

4. *Invites* Member States to extend their co-operation and make full use of the programmes and services in the field of human rights.

## II

### Manifestations of racial prejudice and national and religious intolerance<sup>28</sup>

*The Economic and Social Council*

*Recommends* to the General Assembly the adoption of the following draft resolution:

*The General Assembly,*

*Having considered* the report of the seventeenth session of the Commission on Human Rights<sup>29</sup> and the report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>30</sup>

*Deeply disturbed* by the continued existence and manifestations of racial prejudice and national and religious intolerance in different parts of the world,

*Reiterating* its condemnation of all manifestations of racial prejudice and national and religious intolerance as violations of the United Nations Charter and of the Universal Declaration of Human Rights,

*Recalling* its resolution 1510 (XV) of 12 December 1960,

*Considering* it essential to recommend further specific effective measures to eliminate these manifestations of prejudice and intolerance,

1. *Invites* the Governments of all States, specialized agencies and non-governmental and private organizations to continue to make sustained efforts to educate public opinion with a view to the eradication of racial prejudice and national and religious intolerance and the elimination of all undesirable influences promoting these, and to take appropriate measures so that education may be directed with due regard to article 26 of the Universal Declaration of Human Rights and principle 10 of the

<sup>28</sup> See paragraph 124.

<sup>29</sup> *Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 8 (E/3456).*

<sup>30</sup> E/CN.4/815 and Corr.1.

Declaration of the Rights of the Child, adopted by the General Assembly in resolution 1386 (XIV) of 20 November 1959;

2. *Calls upon* the Governments of all States to take all necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating racial prejudice and national and religious intolerance wherever they still exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative or other appropriate measures to combat such prejudice and intolerance;

3. *Recommends* to the Governments of all States to discourage in every possible way the creation, propagation and dissemination, in whatever form, of such prejudice and intolerance;

4. *Invites* the specialized agencies and non-governmental organizations to co-operate fully with Governments of States in their efforts aimed at the prevention and eradication of racial prejudice and national and religious intolerance.

## III

### Freedom from Prejudice and Discrimination Year and Day<sup>31</sup>

*The Economic and Social Council*

*Recommends* to the General Assembly the adoption of the following draft resolution:

*The General Assembly,*

*Recalling* the purpose of the Charter of the United Nations for promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Recalling further* the Universal Declaration of Human Rights upholding the equality and dignity of all human beings,

*Remembering* that the Declaration of the Rights of the Child recognizes that growing generations should be protected from practices which may foster racial, religious and any other form of discrimination,

*Believing* that racial prejudice and national and religious intolerance are a danger to world peace,

*Realizing* that urgent and universal educational measures are necessary to educate public opinion in this regard to eliminate such prejudice and discrimination,

*Considering* that constant efforts to eliminate racial prejudice and national and religious intolerance are needed to promote social progress and better standards of life in larger freedom,

1. *Requests* all States to observe a Freedom from Prejudice and Discrimination Year in the near future, and thereafter to observe a Freedom from Prejudice and Discrimination Day every year;

2. *Urges* all States and interested organizations to organize, promote and participate actively in this observance on a national basis through effective means such as posters, films, radio and television programmes, and other available educational media.

<sup>31</sup> See paragraph 139.

## IV

### Freedom of information<sup>32</sup>

#### *The Economic and Social Council,*

Recalling General Assembly resolution 1313 (XIII) of 12 December 1958 and Council resolution 718 I (XXVII) of 24 April 1959 which requested the United Nations Educational, Scientific and Cultural Organization to forward its report and recommendations to the Commission on Human Rights and the Economic and Social Council,

1. *Expresses its appreciation* to the Director-General of the United Nations Educational, Scientific and Cultural Organization for the report and recommendations concerning the "Development of information media in under-developed countries";<sup>33</sup>

2. *Commends* the United Nations Educational, Scientific and Cultural Organization for the work it is doing in furthering the development of information media in less developed countries, and in particular commends it for stressing the importance of the part played in education and in economic and social progress generally by the development of information media;

3. *Requests* the United Nations Educational, Scientific and Cultural Organization to continue actively in furthering this programme, in consultation with the United Nations and other specialized agencies concerned;

4. *Draws the attention* of Member States to possibilities of action and international co-operation to promote the development of national information media in the less developed countries, such as those contained in the report and recommendations prepared by the United Nations Educational, Scientific and Cultural Organization concerning:

(a) Programmes for the development of their national information media as part of their planning for economic and social development;

(b) The establishment of national committees to assist in formulating and carrying out programmes for the development of information media;

(c) The inclusion of appropriate mass communication development projects in their technical assistance programmes and in bilateral and multilateral aid programmes for economic and social development;

(d) The establishment of national training programmes for professional and technical personnel and research in the use of information media;

(e) Consideration of their present and future needs for information media in planning their communication and transport services;

(f) The examination of the possibility of concluding bilateral and multilateral agreements and of the desirability of adoption of fiscal, tariff and other measures designed to facilitate the development of national infor-

mation media and the free flow of accurate and undistorted information within and between countries, in the light of the over-all financial and material resources;

(g) The establishment or extension of national professional associations as essential elements in their mass media programmes; and

(h) The establishment and expansion of national news agencies, newspapers and periodicals, radio broadcasting, film and television in their countries;

5. *Recommends* that the Governments of the more developed countries should co-operate with less developed countries towards meeting the urgent needs of the less developed countries in the development of independent national information media, with due regard for the culture of each country;

6. *Invites* the United Nations Technical Assistance Board, the United Nations Special Fund, the specialized agencies concerned, the regional economic commissions and other public and private agencies and institutions to assist, as appropriate, less developed countries in the development and strengthening of national information media in these countries;

7. *Requests* the United Nations Educational, Scientific and Cultural Organization to prepare, in consultation with the United Nations and other specialized agencies concerned, a further report with specific recommendations to the Commission on Human Rights on additional concrete measures that might be undertaken through international co-operation to meet difficulties with which less developed countries are confronted, taking into account the results of the regional meetings held in Santiago, Chile, in February 1961 and to be held in Addis Ababa in 1962.

## V

### Yearbook on Human Rights<sup>34</sup>

#### *The Economic and Social Council,*

Recalling its resolution 683 D I (XXVI) of 21 July 1958 concerning the *Yearbook on Human Rights*,

Recognizing the need for an appropriate increase in the size of the *Yearbook*, in view of the expanding number of States whose activities in the field of human rights call for treatment in the *Yearbook*,

Decides that the *Yearbook on Human Rights* should be published on the basis of about 380 pages in the English edition.

## VI

### Report of the Commission on Human Rights

#### *The Economic and Social Council*

Takes note of the report of the Commission on Human Rights (seventeenth session).<sup>35</sup>

<sup>32</sup> See paragraph 186. This draft resolution was submitted to the Economic and Social Council at its thirty-first session. See footnote 21.

<sup>33</sup> See E/3437 and Add.1.

<sup>34</sup> See paragraph 195 and annex II C.

<sup>35</sup> *Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 8 (E/3456).*

## ANNEXES

### Annex I

#### List of documents before the Commission on human rights at its seventeenth session

##### DOCUMENTS ISSUED IN THE GENERAL SERIES

- E/CN.4/805 and Add.1 — Provisional agenda of the seventeenth session of the Commission on Human Rights.
- E/CN.4/806 — Memorandum by the Secretary-General on the desirability of concluding an international convention on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests.
- E/CN.4/807 — Report by the Secretary-General on advisory services in the field of human rights.
- E/CN.4/808 and Add.1 — Note by the Secretary-General on the review of the human rights programme.
- E/CN.4/809 and Add.1-6 — Note by the Secretary-General on draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/810 and Corr.1 and E/CN.4/810/Add.1 — Summary prepared by the Secretary-General on periodic reports on human rights.
- E/CN.4/811 and Add.1-2 — Reports by the specialized agencies on periodic reports on human rights.
- E/CN.4/812 — Memorandum by the Secretary-General on the *Yearbook on Human Rights*.
- E/CN.4/813 and Corr.1 — Report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/814 and Add.1 — Report by the Director-General of UNESCO on freedom of information.
- E/CN.4/815 and Corr.1 — Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) to the Commission on Human Rights.
- E/CN.4/816 — Note by the Director-General of UNESCO on the Convention and Recommendation Against Discrimination in Education.
- E/CN.4/817 — Report of the Commission on Human Rights (seventeenth session).
- E/CN.4/CR.30 — Non-confidential list of communications dealing with the principles involved in the promotion of universal respect for, and observance of, human rights, received by the United Nations from 1 January to 30 November 1960, prepared by the Secretary-General.
- E/CN.4/SR.667-701 — Summary records of the meetings of the Commission at its seventeenth session.
- persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or protect their essential interests.
- E/CN.4/L.578 and E/CN.4/L.578/Rev.1 — Afghanistan, India and Panama: draft resolution on advisory services in the field of human rights.
- E/CN.4/L.578/Rev.1/Add.1 — Financial implications of the draft resolution contained in document E/CN.4/L.578/Rev.1: note by the Secretary-General.
- E/CN.4/L.579 — Text of resolution adopted by the Commission at its 675th meeting on 27 February 1961 on advisory services in the field of human rights.
- E/CN.4/L.580 and E/CN.4/L.580/Rev.1 — Pakistan, Philippines and United States of America: draft resolution on freedom of information.
- E/CN.4/L.581 and E/CN.4/L.581/Rev.1 — France: amendments to the draft resolution submitted by Pakistan, the Philippines and the United States of America (E/CN.4/L.580) on freedom of information.
- E/CN.4/L.582 — Afghanistan: amendments to the draft resolution submitted by Pakistan, the Philippines and the United States of America (E/CN.4/L.580) on freedom of information.
- E/CN.4/L.583 — Argentina, Panama and Venezuela: amendment to the draft resolution submitted by Pakistan, the Philippines and the United States of America (E/CN.4/L.580) on freedom of information.
- E/CN.4/L.584 — India: amendment to the draft resolution submitted by Pakistan, the Philippines and the United States of America (E/CN.4/L.580) on freedom of information.
- E/CN.4/L.585 — Text of resolution adopted by the Commission at its 678th meeting on 28 February 1961 on freedom of information.
- E/CN.4/L.586 — Argentina: draft resolution on the *Yearbook on Human Rights*.
- E/CN.4/L.586/Add.1 — Financial implications of the draft resolution contained in document E/CN.4/L.586: note by the Secretary-General.
- E/CN.4/L.587 — Austria: draft resolution on periodic reports on human rights.
- E/CN.4/L.587/Add.1 — Financial implications of the draft resolution contained in document E/CN.4/L.587: note by the Secretary-General.
- E/CN.4/L.588 — Austria, Panama and Poland: draft resolution on discrimination in education.
- E/CN.4/L.589 and E/CN.4/L.589/Rev.1 — Austria: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to protection of minorities.

##### DOCUMENTS ISSUED IN THE LIMITED SERIES

- E/CN.4/L.577 — Note by the Secretary-General on the desirability of concluding an international convention on the right of arrested

E/CN.4/L.590 and Add.1-5 — Draft report of the Commission on Human Rights (seventeenth session) to the Economic and Social Council.

E/CN.4/L.591 — Text of resolution adopted by the Commission at its 684th meeting on 3 March 1961 on discrimination in education.

E/CN.4/L.592 and E/CN.4/L.592/Rev.1 — Afghanistan, India and Pakistan: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to manifestations of racial prejudice and national and religious intolerance.

E/CN.4/L.593 and E/CN.4/L.593/Rev.1 — India: draft resolution on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to manifestations of racial prejudice and national and religious intolerance.

E/CN.4/L.594 — Afghanistan, Austria, France, India, Panama and United States of America: draft resolution on periodic reports on human rights.

E/CN.4/L.595 — Union of Soviet Socialist Republics: amendments to the revised draft resolution of Afghanistan, India and Pakistan (E/CN.4/L.592/Rev.1) on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to manifestations of racial prejudice and national and religious intolerance.

E/CN.4/L.596 — United States of America: amendment to the revised draft resolution of Afghanistan, India and Pakistan (E/CN.4/L.592/Rev.1) on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to manifestations of racial prejudice and national and religious intolerance.

E/CN.4/L.597 — United Kingdom of Great Britain and Northern Ireland: amendment to the revised draft resolution of Afghanistan, India and Pakistan (E/CN.4/L.592/Rev.1) on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session) relating to manifestations of racial prejudice and national and religious intolerance.

E/CN.4/L.598 and E/CN.4/L.598/Rev.1 — Denmark, India and Panama: draft resolution on the study of the right of everyone to be free from arbitrary arrest, detention and exile.

E/CN.4/L.599 — United States of America and Venezuela: amendments to the draft resolution submitted by Denmark, India and Panama (E/CN.4/L.598) on the study of the right of everyone to be free from arbitrary arrest, detention and exile.

E/CN.4/L.600 — Note by the Secretary-General on the review of the human rights programme.

E/CN.4/L.601 — Argentina, Austria, France and Panama: draft resolution on the place of meeting of the next session of the Commission.

E/CN.4/L.601/Add.1 — Financial implications of the draft resolution contained in document E/CN.4/L.601: note by the Secretary-General.

#### DOCUMENTS ISSUED IN THE NON-GOVERNMENTAL ORGANIZATIONS SERIES

E/CN.4/NGO/91 — Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization having consultative status in category B, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.

E/CN.4/NGO/92 — Statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization having consultative status in category B, on advisory services in the field of human rights.

E/CN.4/NGO/93 — Statement submitted by the Liaison Committee of Women's Organizations, a non-governmental organization having consultative status in category B, on discrimination in education.

E/CN.4/NGO/94 — Statement submitted by the World Veterans Federation, a non-governmental organization having consultative status in category A, on prevention of discrimination.

## Annex II

### Financial implications of decisions taken by the Commission on Human Rights during its seventeenth session

#### A. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS <sup>a</sup>

1. Paragraph 3 of the draft resolution (chapter XIII, draft resolution I) would invite the Secretary-General to consider the desirability of offering fellowships and scholarships to Member States for 1962. The three seminars already planned for 1962 (one on freedom of information in New Delhi, one on the status of women in family law in Singapore, and a third in Sweden on the judicial and other remedies against the abuse of administrative authority) would call for an expenditure of about \$90,000 to \$95,000. The average cost of a fellowship is \$4,000. The annual appropriation of \$100,000 would thus normally allow the granting of one or two fellowships or scholarships in addition to the holding of three seminars, on the assumption that no experts were requested by and made available to Governments. For every additional fellowship or scholarship to be granted, an additional appropriation of \$4,000 would be required.

<sup>a</sup> See chapter XIII, draft resolution I and paragraph 33. This note by the Secretary-General was originally circulated to the Commission in document E/CN.4/L.578/Rev.1/Add.1.

#### B. PERIODIC REPORTS ON HUMAN RIGHTS <sup>b</sup>

2. Resolution 3 (XVII) (see paragraph 73 above) calls for the appointment of a committee consisting of six representatives of the Commission to meet one week immediately prior to the eighteenth session of the Commission in 1962 to carry out the tasks entrusted to it in paragraph 4 of the resolution and to report to the eighteenth session of the Commission. As the Committee is to consist of representatives of the Commission and since it is to meet immediately prior to the Commission's eighteenth session, no extra costs for travel of members would arise. If both the Committee and the Commission were scheduled for New York, the necessary substantive and technical services could be provided without extra cost. If the Commission were scheduled to meet in Geneva and the Committee convened there immediately prior to the Commission's session, supplementary budgetary provisions would have to be sought for interpretation and related conference

<sup>b</sup> See paragraph 73. This text is a revised version of the note by the Secretary-General originally circulated to the Commission in document E/CN.4/L.587/Add.1.

services, estimated at \$2,300 and for *per diem* allowances of substantive staff attending the Committee meeting, estimated at \$290.

#### C. YEARBOOK ON HUMAN RIGHTS <sup>e</sup>

3. Under the draft resolution (chapter XIII, draft resolution V) the Economic and Social Council would authorize an increase in the size of the *Yearbook on Human Rights* from about 330 pages to about 380 pages in the English edition.

4. The estimated additional printing costs which would be incurred by increasing the size of the *Yearbook* as proposed would be:

(i) For the English version: \$550;

(ii) For the French version: \$500.

5. The estimated additional cost arising out of translation and typing would total \$1,800.

#### D. PLACE OF MEETING OF NEXT SESSION OF THE COMMISSION <sup>d</sup>

6. The recommendation by the Commission on Human Rights (see paragraph 202 above) that the Economic and Social Council should decide that the eighteenth session of the Commission

<sup>e</sup> See chapter XIII, draft resolution V and paragraph 195. This note by the Secretary-General was originally circulated to the Commission in document E/CN.4/L.586/Add.1.

<sup>d</sup> See paragraph 202. This note by the Secretary-General was originally circulated to the Commission in document E/CN.4/L.601/Add.1.

should be held at Geneva or in any other European city makes it necessary for the Secretary-General to inform the Council of the need to request the General Assembly to provide credits in supplementation of the initial budget estimates for 1962, so as to cover the costs involved.

7. The reason for this is that the Council, at its thirtieth session, in resolution 783 (XXX), supported a recommendation of the Commission on International Commodity Trade under which the Commission is to meet jointly with the FAO Committee on Commodity Problems at Rome in 1962, in conjunction with its own next regular session. The associated financial implications of this action were noted by the Council as being based upon the assumption that the Council would agree that the holding of a series of Rome meetings as contemplated should take the place of a meeting of a Headquarters-based functional commission at Geneva. When it reviewed the budget estimates for 1961, the General Assembly noted the above arrangements and their associated financial implications as contained in paragraphs 29 to 33 of document A/C.5/819.<sup>e</sup> The Secretary-General is preparing his initial estimates for 1962 on this basis.

8. Accordingly, a decision of the Council to convene the Commission on Human Rights at Geneva in 1962 will necessitate an addition to the initial budget estimates for that year of about \$5,000 for travel of substantive staff together with an amount of the order of \$21,000 for Temporary Assistance services at Geneva. If the Council decision were to accept an invitation of a Government for the Commission to meet in Europe but at a city other than Geneva, the provision in paragraph 2 (e) of General Assembly resolution 1202 (XII) would apply.

<sup>e</sup> *Official Records of the General Assembly, Fifteenth Session, Annexes*, agenda item 50.

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