



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTIETH SESSION

17 February–18 March 1964

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS : THIRTY-SEVENTH SESSION
SUPPLEMENT No. 8

UNITED NATIONS



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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.

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I. ORGANIZATION OF THE SESSION
Opening and duration of the session

1. The Commission on Human Rights held its twentieth session at United Nations Headquarters, New York, from 17 February to 13 March 1964.
2. The session was opened by Mr. Zbigniew Resich (Poland), First Vice-Chairman of the Commission at its nineteenth session (773rd meeting).

Attendance

3. Attendance at the session was as follows:

MEMBERS

Austria: Mr. Felix Ermacora,^{1/} Mr. Georg Hennig;**

Canada: Miss Margaret Aitken, Miss Valerie Kasurak,* Miss Edith Lorentsen,*
Mr. Jean Lagasse,* Miss Marguerite Ritchie,* Mr. Edward Graham Lee,**
Mr. Jacques Robichaud;**

Chile: Mr. Carlos Martínez Sotomayor, Miss Leonora Kracht;*

Costa Rica: Mr. Fernando Volio Jiménez, Mr. José Luis Redondo,*
Mrs. Emilia Barish;**

Dahomey: Mr. Louis Ignacio-Pinto, Mr. Michel-Emmanuel Koukouï;*

Denmark: Mr. Orla Graulund Hansen, Mr. Herluf Werner Hansen;*

Ecuador: Mr. Enrique Ponce y Carbo, Mr. Leopoldo Benites,^{2/} Mr. Luis Valencia;*

El Salvador: Mr. Antonio Alvarez Vidaurre, Mr. Felipe Vega Gómez;*

France: Mr. Marcel Bouquin, Mr. B. Aujay de la Dure,** Mr. Michel Combal;**

* Alternate.

** Adviser.

^{1/} Mr. Franz Matsch, Permanent Representative of Austria to the United Nations, represented Austria at the 773rd to 780th meetings.

^{2/} In accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. L. Benites, Permanent Representative of Ecuador to the United Nations, represented Ecuador in the Commission during the session.

India: Mr. B.N. Chakravarty, Mr. Narendra Singh,* Mr. S.K. Singh,**
Mr. I.A. Sajjad;**

Italy: Mr. Guiseppe Sperduti, Mr. Marco Pisa,* Mr. Giovanni Scolamiero;*

Lebanon: Mr. Georges Hakim, Mr. Khalil Makkawi,* Miss Souad Tabbara;**

Liberia: Mr. Christie W. Doe;

Netherlands: The Rev. L.J.C. Beaufort, Mr. H. Th. Schaapveld,**
Mr. Th. C. van Boven;**

Philippines: Mr. Jacinto Castel Borja, Mr. Hortencio J. Brillantes,*
Mr. Ismael D. Quiambao,** Mrs. Leticia Ramos Shabani;**

Poland: Mr. Zbigniew Resich, Mr. Slawomir Dabrowa;**

Turkey: Mr. Veli Pancarci, Mr. Ayhan Kamel;*

Ukrainian Soviet Socialist Republic: Mr. E. Nedbailo, Mr. B.I. Kornienko;**

Union of Soviet Socialist Republics: Mr. P. D. Morozov, Mr. B. S. Ivanov,*
Mr. Y.A. Ostrovsky,* Mr. I.I. Yakovlev,** Mr. A.V. Grodsky,**
Mr. A.S. Shuvalov;**

United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare,
Mr. M.T. Pill;**

United States of America: Mrs. Marietta P. Tree, Mr. Richard B. Bilder,**
Mr. A. Edward Elmendorf,** Mr. John E. Means,** Mrs. Rachel C. Nason;**

OBSERVERS

Argentina: Mr. Juan Carlos Beltramino;

Israel: Mr. Joel Barromi, Mr. Meir Rosenne;

Jamaica: Mrs. Joy James Williams;

Uganda: Mr. Luide Kisosonkole;

Yugoslavia: Mr. Milos Melovski.

* Alternate.

** Adviser.

COMMISSION ON THE STATUS OF WOMEN^{3/}

Mrs. Marie-Hélène Lefauchaux (France)

Mrs. Gladys Avery Tillett (United States of America)

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. D. Farman Farmaian;

Food and Agriculture Organization of the United Nations (FAO): Mr. J.L. Orr;

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mr. Arthur Gagliotti, Mr. Julian Behrstock, Mr. Asdrubal Salsamendi;

World Health Organization (WHO): Dr. R.L.L. Coigney, Mrs. Sylvia Meagher.

NON-GOVERNMENTAL ORGANIZATIONS

Category A

International Confederation of Free Trade Unions: Mr. Paul Barton,
Mr. Pierre L. Bonuzzi;

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. Barratt-Brown;

World Veterans Federation: Mr. Gisbert Flanz, Miss Brenda Brimmer.

Category B

Agudas Israel World Organization: Mr. Isaac Lewin;

Catholic International Union for Social Service: Mrs. Carmen Giroux,
Mrs. Allys Vergara;

Commission of the Churches on International Affairs: Mr. A. Dominique Micheli,
Mrs. Robbins Strong;

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz;

Co-ordinating Board of Jewish Organizations: Mr. William Korey;

^{3/} Mrs. Marie-Hélène Lefauchaux represented the Commission on the Status of Women at the 773rd to 782nd meetings. Mrs. Gladys A. Tillett represented it during the remainder of the session.

Friends World Committee for Consultation: Mr. William R. Huntington,
Mrs. Nancy Smedley;

International Association of Penal Law: Mr. Gerhard W.W. Mueller,
Mr. Sabin Manuila, Mr. Albert G. Hess;

International Catholic Child Bureau: Mrs. Margaret M. Bedard,
The Rev. Jules Gagnon;

International Commission of Jurists: Mr. Charles G. Raphael;

International Conference of Catholic Charities: Mr. Louis C. Longarzo;

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

International Council on Jewish Social and Welfare Services:
Dr. Eugene Hevesi;

International Federation for the Rights of Man: Mr. Natan Lerner;

International Federation of Business and Professional Women:
Mrs. Esther W. Hymer;

International Federation of University Women: Mrs. Dorothy C. Stratton;

International Federation of Women Lawyers: Mrs. Rose Korn Hirschman,
Miss Dora Aberlin;

International Law Association: Col. Hamilton De Saussure;

International League for the Rights of Man: Mr. Jan Papanek,
Mrs. Dora D. Roitburd, Mr. Sidney Liskofsky;

International Society for Criminology: Mr. Albert G. Hess;

International Union of Family Organizations: Mrs. Peter Collins;

Nouvelles Equipes Internationales - International Union of Christian Democrats:
Mr. Janusz Sleszynski;

Pan Pacific South East Asia Women's Association: Mrs. Leah Horowitz,
Mrs. A. Day Bradley;

Women's International League for Peace and Freedom: Mrs. Elsie Picon,
Mrs. Adelaide N. Baker, Miss Elizabeth Haswell;

World Alliance of Young Men's Christian Associations: Mr. Dalton F. McClelland;

World Federation of Catholic Young Women and Girls: Mrs. Peter Cass,
Mrs. Roger Young;

World Jewish Congress: Mr. Natan Lerner; Mr. Maurice L. Perlzweig;

World Union for Progressive Judaism: Mrs. Victor Polstein;

World Union of Catholic Women's Organizations: Miss Catherine Schaefer,
Mrs. Alba Zizzamia;

World Young Women's Christian Association: Mrs. Arthur F. Anderson,
Mrs. Roland P. Beattie.

Register

International Association for Liberal Christianity and Religious Freedom:
Mrs. Elvira K. Fradkin;

International Federation of Senior Police Officers: Mr. Michael J. Murphy,
Mr. Robert R.J. Gallati;

International Humanist and Ethical Union: Mrs. Walter M. Weis;

Soroptimist International Association: Mrs. Dora S. Lewis

St. Joan's International Alliance: Mrs. Frances L. McGillicuddy;

World Association of Girl Guides and Girl Scouts: Mrs. Edward F. Johnson,
Mrs. John J. Carney.

4. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. Stephen Landau acted as Secretary of the Commission.

Election of officers

5. At its 773rd meeting, the Commission elected the following officers:

Chairman: Mr. Enrique Ponce y Carbo (Ecuador);

First Vice-Chairman: Mr. Jacinto Castel Borja (Philippines);

Second Vice-Chairman: Mr. E. Nedbailo (Ukrainian Soviet Socialist Republic);

Rapporteur: Mr. Louis Ignacio-Pinto (Dahomey).

Agenda

6. At its 774th meeting, the Commission adopted without objection the items listed in the provisional agenda (E/CN.4/858) as its agenda for the twentieth session. The agenda was as follows:

1. Election of officers
2. Adoption of the agenda
3. Draft international convention on the elimination of all forms of racial discrimination

4. Draft declaration and draft convention on the elimination of all forms of religious intolerance
5. Periodic reports on human rights
6. Advisory services in the field of human rights
7. Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention
8. 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
9. Prevention of discrimination and protection of minorities
 - (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices
 - (b) Draft principles on freedom and non-discrimination in the matter of political rights
 - (c) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
 - (d) Report of the sixteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
10. Freedom of information
 - (a) Report on developments in the field of freedom of information since 1954
 - (b) Annual reports on freedom of information for 1960-1961, 1961-1962 and 1962-1963
11. Capital punishment
12. Designation of 1968 as international year for human rights
13. The question of an international code of police ethics
14. Further promotion and encouragement of respect for human rights and fundamental freedoms
15. Communications concerning human rights
16. Review of the human rights programme; control and limitation of documentation
17. Report of the twentieth session of the Commission to the Economic and Social Council.

7. At the 774th meeting on 17 February 1964, the Commission decided to give absolute priority, in accordance with General Assembly resolution 1906 (XVIII), to agenda item 3, and that, after it had completed its work on that draft, it would take up item 4, bearing in mind its own resolution 10 (XIX).

8. At its 811th meeting on 14 March 1964, on the oral proposal of the Philippines, the Commission decided, by 15 votes to 1, with 3 abstentions, to postpone to its twenty-first session, due to lack of time, the consideration of items 6, 7 and 8. At its 812th meeting, on the proposal of the same delegation, the Commission also decided to postpone to its twenty-first session, for the same reason, the consideration of items 9 (a), (b) and (c) (see para. 333 below), 10, 11, 13, 14 and 16.

Meetings, resolutions and documentation

9. The Commission held forty-two plenary meetings. The views expressed at those meetings are summarized in the records of the 773rd to 814th meetings (E/CN.4/SR.773-814).

10. At its 774th meeting on 17 February 1964, the Commission decided in principle to set up a Working Group to consider agenda item 4 and to prepare a draft declaration on the elimination of all forms of religious intolerance. It was recognized that all the members of the Commission were entitled to participate in the work of the Group. The Group was constituted at the 784th meeting on 25 February 1964; it consisted of representatives of Austria, Canada, Costa Rica, Ecuador, France, Italy, Lebanon, Netherlands, Philippines, Poland, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom and the United States.

11. The Working Group held thirteen meetings. The text submitted by the Working Group to the Commission appears in document E/CN.4/L.713/Rev.1 (see paragraph 296 below).

12. At its 810th meeting, the Commission heard a statement by Mrs. Gladys A. Tillett, representative of the Commission on the Status of Women.

13. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings (783rd, 789th, 796th and 808th meetings) to representatives of the following non-governmental organizations:

Category A - International Confederation of Free Trade Unions (Mr. Pierre L. Bonuzzi); World Federation of Trade Unions (Mr. Philip M. Connelly);

Category B - Agudas Israel World Organization (Mr. Isaac Lewin); International Commission of Jurists (Mr. Charles G. Raphael).

14. The resolutions /1 to 6 (XX)/ and decisions of the Commission appear below under the appropriate headings. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XI of the present report.

15. Annex I to this report contains the preliminary draft regarding additional measures of implementation transmitted by the Sub-Commission on Prevention of

Discrimination and Protection of Minorities (E/CN.4/873, paragraph 123) with its draft convention on the elimination of all forms of racial discrimination. The documents before the Commission at its twentieth session are listed in Annex II to this report. Statements of financial implications made by the Secretary-General in relation to certain proposals are reproduced in Annex III to this report.

II. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

16. At its nineteenth session, held in 1963, the Commission had before it General Assembly resolution 1780 (XVII) of 7 December 1962, which was transmitted to the Commission by the Economic and Social Council. In this resolution the Assembly asked the Commission on Human Rights to prepare (a) a draft declaration on the elimination of all forms of racial discrimination, to be submitted to the Assembly for consideration at its eighteenth session; and (b) a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the Assembly, if possible, at its nineteenth session and, in any case, not later than its twentieth session. In preparing these drafts, the Commission was to bear in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the General Assembly, any proposals on the matter submitted by Governments and any international instruments already adopted in this field by the specialized agencies. In the same resolution the General Assembly invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

17. In compliance with the Assembly's request the Commission prepared at its nineteenth session a draft declaration which was submitted to the eighteenth session of the General Assembly by the Economic and Social Council.^{4/} In resolution 1904 (XVIII) of 20 November 1963, the General Assembly proclaimed the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. At the same time, in resolution 1906 (XVIII), the General Assembly, emphasizing the importance of the speedy preparation and adoption of an international convention on the elimination of all forms of racial discrimination, requested the Economic and Social Council to invite the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on this matter that may be submitted by the Government of Member States and any international instruments already adopted in this field, to give absolute priority to the preparation of a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the Assembly for consideration at its nineteenth session. This resolution of the Assembly was transmitted to the Commission on Human Rights by the Economic and Social Council at its 1308th meeting held on 17 December 1963.

18. At its twentieth session the Commission had before it a draft international convention on the elimination of all forms of racial discrimination prepared and adopted unanimously by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its sixteenth session (E/CN.4/873, paragraph 119, resolution 1 (XVI), annex). The Sub-Commission also transmitted to the Commission

^{4/} See Official Records of the Economic and Social Council, Thirty-sixth session, Supplement No. 8, chapter IX; and Economic and Social Council resolution 958 E (XXXVI).

a "preliminary draft as an expression of the general views of the Sub-Commission on additional measures of implementation which will help to make the draft international convention on the elimination of all forms of racial discrimination more effective" (E/CN.4/873, paragraph 123, resolution 2 (XVI), annex). At the request of the Sub-Commission, the Secretary-General transmitted to the Commission the records (E/CN.4/Sub.2/SR.406-418, 420, 422-425 and 427-429), containing the views expressed by the members of the Sub-Commission on the item relating to the draft convention. Further, in accordance with the Sub-Commission's request, the Secretary-General submitted to the Commission a working paper (E/CN.4/L.679) presenting alternative forms for final clauses, including those submitted by members of the Sub-Commission and taking into account provisions included in the texts of conventions prepared by the United Nations and the specialized agencies.

19. In accordance with resolution 1906 (XVIII) of the General Assembly, the Commission had before it also the following documents: the debates at the seventeenth and eighteenth sessions of the General Assembly; 5/ proposals and comments from the Governments of Burma, Honduras, Madagascar, Nigeria, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and a working paper on a draft international convention on the elimination of all forms of racial discrimination submitted by Czechoslovakia to the seventeenth session of the Assembly (E/CN.4/Sub.2/234, annex IV and E/CN.4/Sub.2/234/Add.1-3); the text of ILO Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation (E/CN.4/Sub.2/234, annex I); the text of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II); the text of the UNESCO Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention Against Discrimination in Education, 1962 (E/CN.4/Sub.2/234, annex III).

20. Written statements were submitted to the Commission by the following non-governmental organizations: Co-ordinating Board of Jewish Organizations (E/CN.4/NGO/115), International League for the Rights of Man (E/CN.4/NGO/119), World Jewish Congress (E/CN.4/NGO/121), International Federation of Christian Trade Unions (E/CN.4/NGO/122), and the International Commission of Jurists (E/CN.4/NGO/123). Statements were also made at the 789th, 796th and 808th meetings of the Commission, respectively, by the representatives of the Agudas Israel World Organization, the World Federation of Trade Unions and the International Confederation of Free Trade Unions.

21. As asked by the General Assembly, the Commission gave absolute priority to the preparation of a draft convention and devoted its 775th to 810th meetings to that task.

22. Members of the Commission expressed their satisfaction with the work done by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and agreed that the Sub-Commission's draft Convention should constitute the basis of the Commission's discussion.

5/ Official Records of the General Assembly, Seventeenth Session, Third Committee, 1165th to 1173rd meetings; and *ibid.*, Eighteenth Session, 1213th to 1233rd, 1242nd, 1244th to 1249th and 1251st and 1252nd meetings.

23. There was general agreement that the Convention should state in precise legal and more developed form all the important principles set out in the Declaration on the Elimination of All Forms of Racial Discrimination. Some members emphasized that some of the contents and the wording of the Convention would have to be necessarily different from that of the Declaration, since the Convention would have to set out strict legal obligations to be undertaken by States, whereas the Declaration stated general principles applicable not only to States and Governments, but also to groups and individuals. In the view of some members it was also desirable to include in a convention certain measures of implementation concerning the application of the provisions of the Convention by the States Parties. Some members felt that care should be taken to avoid provisions or the use of words which, while intended to protect the rights of persons from the evils of racial discrimination, might at the same time run counter to other fundamental rights proclaimed in the Universal Declaration of Human Rights. Some members considered that the preamble was a very important part of the Convention, reflecting the principles and purposes of the instrument and the historical reasons for its preparation, and constituting a very important element in its interpretation. Certain members expressed the opinion that a text designed to put an immediate and permanent end to racial discrimination wherever it existed was the most desirable one for a convention, but having regard to the various ideological, political and social systems represented in the United Nations, the Commission should concentrate on drafting a convention which met the requirement of universal acceptability. It was generally agreed that the Sub-Commission's text largely corresponded to this requirement.

24. The following paragraphs set out the proposals and amendments, voting thereon, and the texts adopted, with a brief indication of the main issues discussed. These paragraphs do not contain all the opinions expressed by the various members of the Commission; these opinions will be found in the records of the discussion (E/CN.4/SR.775-810).

PREAMBLE

25. The text of the preamble submitted by the Sub-Commission read as follows:

"Considering

"1. that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings and imposes on all Members of the United Nations the obligations to ensure, promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"2. that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind,

"3. that the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 condemned colonialism and all practices of segregation and discrimination connected with it and proclaimed the necessity of bringing them, as well as colonialism in all its forms, wherever it exists, to a speedy and unconditional end,

"4. that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

"5 Convinced that any doctrine based on racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

"6 Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is a fact capable of disturbing peace and security among peoples as did the evil racial doctrines and practices of nazism in the past,

"7 Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation, and desiring therefore to adopt further measures in order to eliminate racial discrimination in all its forms and manifestations as soon as possible,

"8 Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO in 1960,

"9 Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption by Contracting States of practical measures to that end,

"Have agreed as follows:".

26. The Commission considered the preamble at its 775th to 782nd meetings, held from 18 to 21 February and at its 784th meeting on 25 February.

Amendments submitted

27. Amendments were submitted by the representatives of Lebanon (E/CN.4/L.682), the Philippines (E/CN.4/L.683 and E/CN.4/L.683/Rev.1), the United States of America (E/CN.4/L.684 and E/CN.4/L.684/Rev.1), Italy (E/CN.4/L.685 and E/CN.4/L.685/Rev.1), Lebanon and the Philippines (E/CN.4/L.686), India, Lebanon and the Philippines (E/CN.4/L.686/Rev.1).

Amendments to paragraph 1

28. The amendment of Lebanon (E/CN.4/L.682) proposed that the text of the Sub-Commission after the words "all human beings" should be replaced by the following:

"..., sets forth as one of the purposes of the United Nations to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and provides that all Member States pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of this purpose,".

29. The amendment of the Philippines (E/CN.4/L.683) called for a revised text to read as follows:

"Considering

"1. That the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged to take joint and separate action in co-operation with the United Nations to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,".

30. These amendments were withdrawn and a joint amendment was submitted by the representatives of Lebanon and the Philippines (E/CN.4/L.686), which proposed the replacement of the text of the Sub-Commission by the following:

"1. That the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,".

31. Subsequently the words "and encourage" were added after the word "promote" in a revised version of the joint amendment (E/CN.4/L.686/Rev.1) which was also co-sponsored by India.

Amendment to paragraph 2

32. The amendment of Lebanon (E/CN.4/L.682, para. 2) proposed to add the words "in particular as to race, colour or national origin" at the end of the paragraph.

Amendments to paragraph 3

33. The amendment of the Philippines (E/CN.4/L.683) proposed the replacement of the text of the Sub-Commission by the following:

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 condemned colonialism, and all practices of segregation and discrimination connected with it, in whatever form and wherever they exist, and proclaimed the necessity of bringing them to a speedy and unconditional end,".

34. The Philippines' amendment was revised to read as follows (E/CN.4/L.683/Rev.1):

"That the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,".

35. The amendment of the United States of America (E/CN.4/L.684) proposed that the text should read as follows:

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 affirmed that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,".

36. The amendment of the United States of America was revised to read as follows (E/CN.4/L.684/Rev.1):

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 affirmed that an end must be

put to colonialism and all practices of segregation and discrimination associated therewith, and proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations,".

Amendment to paragraph 5

37. The amendment of Lebanon (E/CN.4/L.682, para. 3) proposed to replace the words "based on racial differentiation or superiority" by the words "of superiority based on racial differentiation".

Amendment to paragraph 6

38. The representative of the Philippines proposed orally to replace the word "fact" by the word "is".

Amendments to paragraph 7

39. The amendment of Lebanon (E/CN.4/L.682, para. 4) which proposed to replace the word "further" by the words "all possible," was withdrawn after the submission of the Italian amendments to this paragraph.

40. The amendments of Italy (E/CN.4/L.685) proposed to delete from the text of the Sub-Commission the words "... and desiring therefore to adopt further measures in order to eliminate racial discrimination in all its forms and manifestations as soon as possible", and to insert a new paragraph, after paragraph 7, reading as follows:

"Resolved to adopt all necessary measures to eliminate as quickly as possible racial discrimination in all its forms and manifestations and determined to prevent and combat doctrines and practices incompatible with the building of a world society free from all forms of racial segregation and racial discrimination."

41. The proposed new paragraph was later revised (E/CN.4/L.685/Rev.1), to omit the words "as quickly as possible," as proposed by the representative of Lebanon, and the words "a world society" were replaced by "an international community" as proposed by the representative of Ecuador.

42. Subsequently the proposed new paragraph was submitted as a joint oral amendment by Italy and Lebanon, incorporating suggestions made by the representatives of India, Lebanon and the USSR, in the following form:

"Resolved to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination."

Issues discussed

Paragraph 1

43. There was a full discussion on the statement in the text of the Sub-Commission that the Charter of the United Nations "imposes on all Members of the United Nations the obligations to ensure, promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all". Some representatives maintained that this statement was erroneous since neither the Charter nor any other authoritative instrument imposed an obligation on any State Member of the United Nations to ensure universal respect for human rights. Other representatives expressed the view that under Article 56 of the Charter, all Members had pledged themselves to take joint and separate action for the achievement of the purposes set forth in Articles 1 and 55 of the Charter, and that separate action meant action by each State within its territory. In the opinion of some of these representatives these Articles and other provisions of the Charter as well as the fact that the Charter was an international agreement provided a sufficient basis for an obligation on the part of Member States to ensure, promote and encourage universal respect for human rights.

44. Those adhering to the latter opinion considered the Sub-Commission's text most appropriate and desired to retain in any amendment the notion that the Charter imposed on Member States the obligation to ensure universal respect for human rights. They therefore favoured the retention in the text of the word "ensure". Other representatives felt that because of the controversy prevailing in the Commission concerning the interpretation of the Charter on that question it was preferable to adopt a form of words directly based on the wording of Articles 1, 55 and 56 of the Charter.

45. While certain representatives considered that in the light of these differences of opinion it would be best to incorporate the first paragraph of the preamble of the Declaration on the Elimination of All Forms of Racial Discrimination, which had been adopted unanimously by the General Assembly, as the first paragraph of the preamble of the draft Convention, many other representatives thought it desirable to strengthen the text of the Declaration. The amendments submitted by the representative of Lebanon (see paragraph 28 above) and by the representative of the Philippines (see paragraph 29 above), sought to strengthen the Declaration's text and to meet the objections of those who were not in favour of the Sub-Commission's text. Both amendments avoided introducing into the paragraph the idea that the Charter imposed on States the obligation to ensure universal respect for human rights and fundamental freedoms.

46. The amendment of Lebanon sought to combine into the paragraph the provisions of Article 1, paragraph 3 and Article 56 of the Charter. It was the view of those supporting the amendment that it took cognizance of the important concept of international co-operation and adhered closely to the wording of the Charter. In support of the Philippines amendment it was urged that it stated the principle on which the Convention was based and the obligation of Member States as provided in Article 1, paragraph 3 and Articles 55 and 56 of the Charter.

47. Subsequently the representatives of Lebanon and the Philippines submitted a joint text (see para. 30 above), which was further revised with India joining as a co-sponsor (see para. 31 above). The object of the revised amendment was to produce a text which would adhere as closely as possible to the language of the Charter and which at the same time would be acceptable to most members of the Commission.

Paragraph 2

48. The amendment of the representative of Lebanon (see para. 32 above), sought to add at the end of the paragraph the words "in particular as to race, colour or national origin". Although its purpose was said to be merely to bring the preamble of the Convention into line with the second preambular paragraph of the preamble of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination the inclusion of the words "or national origin" in the amendment was objected to. It was said that the expression "national origin" was open to different interpretations - it might refer to nationality of persons or to different origins of the citizens of a country - but whatever its interpretation discrimination on grounds of national origin was a matter of minor significance compared to discrimination based on ethnic origin with which the Convention was, and should be, concerned. Moreover, the question of national origin would be better dealt with under article I.

Paragraph 3

49. In support of the amendment of the Philippines (see paragraph 33 above), it was pointed out that the text, which was considered more direct than that submitted by the Sub-Commission, would make it clear that a speedy and unconditional end must be put, not only to colonialism, but to all practices of segregation and discrimination associated therewith in whatever form and wherever they existed.

50. Certain representatives, however, were of the view that neither the Sub-Commission's text nor the Philippine amendment was entirely satisfactory since neither was an accurate quotation from the Declaration on the granting of independence to colonial countries and peoples. They pointed out that nowhere in the Declaration was it stated that the General Assembly had proclaimed the necessity of bringing colonialism and all practices of segregation and discrimination connected with it, in whatever form and wherever they existed, to a speedy and unconditional end.

51. In support of the amendment submitted by the United States of America (see paragraph 35 above), it was pointed out that the text was closer to the language of the Declaration on the granting of independence to colonial countries and peoples. The amendment, however, was criticized on the ground that it sought to delete from the text submitted by the Sub-Commission any reference to the various forms that colonialism could take.

52. Both amendments were revised (see paragraphs 34 and 36 above), to take account of the comments made. Those supporting the revised Philippine amendment contended that, while the amendment did not follow word for word the Declaration on the granting of independence to colonial countries and peoples, it stated in a

broader and more satisfactory manner certain concepts which had already been adopted by the United Nations. Moreover, the only addition to the Declaration on the granting of independence to colonial countries and peoples in the amendment consisted of the words "in whatever form and wherever they existed". It was pointed out that the sense of the Declaration fully justified the use of those words. Certain representatives maintained that their objection to the Philippine amendment as indicated in paragraph 50 equally applied to the revised Philippine text and they preferred the revised amendment of the United States. However, the United States representative stated that although she preferred her amendment, she agreed with the substance of the revised Philippine amendment and would therefore not press her amendment to a vote.

Paragraph 5

53. There was general agreement with the Lebanese amendment (see paragraph 37 above), to replace the passage in the Sub-Commission's text stating that "any doctrine based on racial differentiation or superiority is scientifically false", by "any doctrine of superiority based on racial discrimination is scientifically false", since this was a more correct statement. Moreover, the amendment would bring the other languages in line with the Spanish version which was the original language of the text.

Paragraph 6

54. Discussion centred on the request of the representative of France to vote separately on the words "of nazism" in the passage of the text submitted by the Sub-Commission which provided for reaffirmation that discrimination between human beings on the grounds of race, colour or ethnic origin "is capable of disturbing peace and security among peoples, as did the evil racial doctrines and practices of nazism in the past".

55. Those favouring the omission of the reference to nazism emphasized that, although they were second to none in detesting nazism and abhorring its pernicious doctrines and practices which had led to the loss of so many lives, historically there had been other equally repulsive and reprehensible evils which were not specifically singled out. Therefore it was preferable to adopt a text which proscribed all evil racial doctrines and practices of the past. It was pointed out also that a specific reference to nazism had not been included in the Declaration on the Elimination of All Forms of Racial Discrimination or gained acceptance in the Universal Declaration of Human Rights. Nor was nazism mentioned in the Charter which had been drafted just after the Second World War. It was therefore inappropriate to insert the word "nazism" in a convention on the elimination of racial discrimination in all its forms.

56. Those opposed to the omission of reference to nazism considered that nazism represented the most striking historical instance that could be cited because its racist doctrines and practices had led to the Second World War, and the struggle to eradicate them had been largely responsible for the establishment of the United Nations. According to this view, omission of reference to nazism would also disregard the need to guard against a rebirth of nazism at a time when fear of the resurgence of such practices had some justification. Some representatives contended, in this connexion, that nazism was currently reappearing in certain countries. It was thought also to be logical for the United Nations,

which had laid so much emphasis on the victims of racial discrimination practised under colonialism, to lay equal stress on the even more numerous victims of racial discrimination under nazism. Certain representatives considered the move to omit the reference to nazism as being politically motivated, although this was denied. Certain representatives felt that the many and complex causes of the Second World War could not be attributed to racial doctrines and practices alone.

Paragraph 7

57. The representative of Italy said that his amendments (see paragraph 40 above), were aimed at incorporating in a new paragraph, after the seventh paragraph submitted by the Sub-Commission, the idea of building a world society free from all forms of racial segregation and racial discrimination, which was set forth in the eleventh paragraph of the preamble to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, in order not to limit the aims of the Convention to the present but to look ahead as well. His amendments proposed also to omit the last passage of the seventh preambular paragraph submitted by the Sub-Commission and to incorporate its substance in the proposed new paragraph so that the idea of eliminating the existing forms of racial discrimination and preventing and combatting doctrines and practices incompatible with the building of a world society free from all forms of racial segregation and racial discrimination would appear in one paragraph.

58. Many members supported the intentions of the Italian amendments but some doubts were expressed whether the wording of the original and the first revised version (see paragraph 41 above), of the amendments expressed these intentions adequately. Some representatives thought the text of the proposed new paragraph required to be clarified and strengthened in order not to weaken the idea that measures should be taken to eliminate apartheid and racial discrimination and to stress the necessity of taking such measures speedily. Some representatives pointed out that although the term "world society" was used in the Declaration on the Elimination of All Forms of Racial Discrimination, it was better to refer to the building of an "international community" rather than to either "world society" or "world community". This would take account of the fact that society usually referred to a homogenous group while the world today was made up of diverse communities in relationship with one another and did not constitute as yet the universal community. The latter concept rather appeared as an ideal towards which peoples should direct their aspirations. Certain representatives also expressed concern about the linking of the positive element, namely, the building of an international community to the negative concept of preventing and combatting racist doctrines and practices. Other representatives, however, supported the insertion in the paragraph of a reference to the elimination of racist doctrines and practices with a view to establishing a society free from all forms of racial discrimination.

59. The second revised version of the proposed new paragraph (see paragraph 42 above), which was moved jointly by Italy and Lebanon, took into account various comments and suggestions and was more generally approved.

Adoption of the preamble

60. At the 781st meeting the Commission voted on the text of the first paragraph of the preamble submitted by the Sub-Commission and the amendment thereto. At the 782nd meeting the Commission voted on the rest of the preamble submitted by the Sub-Commission and the amendments thereto as well as on the preamble as a whole.

Paragraph 1

61. The revised amendment of the representatives of India, Lebanon and the Philippines (see paragraphs 30-31 above), was adopted by 16 votes to none, with 5 abstentions. The first paragraph, as amended, was adopted by 18 votes to none, with 3 abstentions.

Paragraph 2

62. The amendment of the representative of Lebanon (see paragraph 32 above), was adopted by 17 votes to none, with 3 abstentions. On the proposal of the representative of France, it was agreed to replace the words "in the Declaration" by the word "therein". The second paragraph, as amended, was adopted unanimously.

Paragraph 3

63. The revised amendment of the representative of the United States (see paragraph 36 above), was not pressed to a vote. The revised amendment of the representative of the Philippines (see paragraph 34 above), was adopted by 19 votes to none, with 2 abstentions. The third paragraph, as amended, was adopted by 19 votes to none, with 2 abstentions.

Paragraph 4

64. The fourth paragraph of the preamble submitted by the Sub-Commission (see paragraph 25 above), was adopted unanimously.

Paragraph 5

65. The amendment of the representative of Lebanon (see paragraph 37 above), was adopted unanimously. The fifth paragraph, as amended, was adopted unanimously.

Paragraph 6

66. An oral amendment of the representative of the Philippines (see paragraph 38 above), to replace the words "a fact" by the word "is" was adopted unanimously. The words "of nazism" in the same paragraph were voted on separately, at the request of the representative of France, and they were rejected by 8 votes to 6, with 5 abstentions. The sixth paragraph, as amended, was adopted by 18 votes to none, with 3 abstentions.

Paragraph 7 and additional paragraph (new paragraph 8)

67. The amendment of the representative of Italy (see paragraph 40 above), to the seventh paragraph of the preamble and the revised amendment of the representatives of Italy and Lebanon to add a new paragraph after the seventh paragraph, paragraph 42 above, were voted on together and adopted by 17 votes to none, with 4 abstentions. The seventh paragraph, as amended, and the additional paragraph (new eighth paragraph), as a whole, were adopted unanimously.

Paragraph 8 (new paragraph 9)

68. The eighth paragraph (new ninth paragraph) submitted by the Sub-Commission (see paragraph 25 above) was adopted unanimously.

Paragraph 9 (new paragraph 10)

69. The Commission agreed to the proposal of the Lebanese representative to insert at the beginning of the preamble the words "The States Parties to this Convention" and, as a consequence, to omit from the ninth paragraph of the preamble the words "by Contracting States". The ninth paragraph (new tenth paragraph) submitted by the Sub-Commission (see paragraph 25 above), with this drafting change, was adopted unanimously.

Preamble as a whole

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

/For the text of the preamble, see chapter XI, draft resolution I, annex./

ARTICLE I

71. The text of article I submitted by the Sub-Commission read as follows:

"1. In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin (and in the case of States composed of different nationalities discrimination based on such difference) which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in political, economic, social, cultural or any other field of public life set forth inter alia in the Universal Declaration of Human Rights.

"2. Measures giving preference to certain racial groups for the sole purpose of securing adequate development or protection of individuals belonging to them shall not be deemed racial discrimination, provided however that such measures do not, as a consequence, lead to the maintenance of unequal or separate rights for different racial groups."

72. The Commission considered this article at its 783rd to 788th meetings, held from 25 to 28 February 1964 (see paras. 99-101 below).

Amendments submitted

73. Amendments were submitted by the representatives of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.689), Poland (E/CN.4/L.690), Lebanon (E/CN.4/L.691), Italy and the Netherlands (E/CN.4/L.692), Lebanon and Poland (E/CN.4/L.694), Italy, Lebanon, the Netherlands and Poland (E/CN.4/L.695) and India (E/CN.4/L.697 and E/CN.4/L.697/Rev.1).

Amendment to paragraph 1

74. The amendment of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.689) called for the transposition of the words "in political, economic, social, cultural or any other field of public life" from their present place to follow the words "equal footing", and to insert between the word "of" and the words "human rights" the words "any of the". The amendment further called for the deletion of the words "inter alia". The text as amended would then read:

"... of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, in political, economic, social, cultural or any other field of public life, of any of the human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights".

75. This amendment was withdrawn at the 786th meeting by the representative of the United Kingdom of Great Britain and Northern Ireland who agreed to the oral amendment of the representative of Lebanon to end the paragraph after the words "of public life".

Amendments to paragraph 2

76. The amendment of Poland (E/CN.4/L.690) proposed that the paragraph be redrafted to read as follows:

"Measures adopted for the sole purpose of securing for certain racial groups adequate development or protection of individuals belonging to them shall not be deemed preference giving rise to racial discrimination, provided however that such measures do not, as a consequence, lead to the maintenance of unequal or separate rights for different racial groups."

77. The amendment of Lebanon (E/CN.4/L.691) proposed that the opening words, "measures giving preference to certain racial groups for the sole purpose of securing adequate development or protection", be replaced by the words "special measures for the sole purpose of securing adequate development or protection of certain racial groups or".

78. The amendments of Poland and Lebanon were replaced by a joint amendment of Lebanon and Poland (E/CN.4/L.694), which proposed that the paragraph be redrafted as follows:

"Special measures for the sole purpose of securing adequate development or protection of certain racial groups or individuals belonging to them shall not be deemed measures of racial discrimination, provided however that such measures do not, as a consequence, lead to the maintenance of unequal or separate rights for different racial groups."

79. The amendment of Italy and the Netherlands (E/CN.4/L.692) proposed that the paragraph be replaced by the following text:

"Special measures adopted in appropriate circumstances for the sole purpose of securing adequate development or protection of individuals belonging to certain racial groups shall not be deemed racial discrimination, provided however that such measures shall not be maintained after the objectives for which they were taken have been achieved."

80. All of the above amendments were subsequently replaced by an amendment jointly sponsored by Italy, Lebanon, the Netherlands and Poland (E/CN.4/L.695) which proposed the following text:

"Special measures for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to them equal enjoyment of human rights and fundamental freedoms shall not be deemed measures of racial discrimination, provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups, and that they shall not be maintained after the objectives for which they were taken have been achieved."

Following the suggestion of a number of representatives that a modified text of this joint amendment might serve as a basis for the text of the second paragraph of article II, this amendment was withdrawn as an amendment to article I, paragraph 2.

81. The amendment of India (E/CN.4/L.697) was to replace the paragraph by the following text:

"Measures taken with a view to achieving aims and objectives such as those set forth in paragraph 2 of article II shall not be deemed racial discrimination."

82. Subsequently India submitted a revised amendment (E/CN.4/L.697/Rev.1) to replace the paragraph by the following text:

"Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to them equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups, and that they shall not be continued after the objectives for which they were taken have been achieved."

Issues discussed

Paragraph 1

83. The amendment of the representative of the United Kingdom of Great Britain and Northern Ireland, see paragraph 74 above, proposed a number of changes. With respect to these changes, it was pointed out that the Sub-Commission's text followed the wording contained in the ILO Convention Concerning Discrimination in Respect of Employment and Occupation and the UNESCO Convention Against Discrimination in Education.

84. The United Kingdom amendment further proposed the deletion of the words "inter alia" from the phrase "set forth inter alia in the Universal Declaration of Human Rights". The retention of these words, it was contended, introduced an element of uncertainty, giving the impression that there were instruments other than the Universal Declaration of Human Rights which were concerned with the prohibition of racial discrimination. It was argued that all aspects of human rights and fundamental freedoms which could be impaired by racial discrimination were set out in the Universal Declaration of Human Rights. Some representatives, however, felt that the deletion of the words "inter alia" was unacceptable, since these words were meant to refer to a broader range of human rights than was contained in the Universal Declaration of Human Rights, such as those set out in other international instruments or national constitutions and laws. Moreover, it would be difficult to enumerate exhaustively in the article all the relevant instruments. The representative of the United Kingdom agreed not to press his amendments to vote if the oral proposal of the Lebanese representative, see paragraph 75 above, to delete the whole phrase beginning with the words "set forth" to the end of the paragraph was accepted, since his objection was not to enlarging the scope of the paragraph but rather to using the vague term "inter alia" in a legal text.

85. The advisability of retaining the words "national or" in paragraph 1 was questioned. Some members expressed the view that while national origin was a possible pretext for discrimination, a fact recognized in the Universal

Declaration of Human Rights, its mention was procedurally wrong and confusing in a convention on the elimination of racial discrimination. It might be proper to include those words in a preambular paragraph reproducing the wording of article 2 of the Universal Declaration of Human Rights, as was done in the second preambular paragraph of the Convention, but inclusion of the words in the operative part of the Convention was undesirable since their meaning and scope were so vague as to lead to misinterpretation. Moreover, no similar words had been included in the Declaration on the Elimination of All Forms of Racial Discrimination. Other representatives felt, however, that the words should be retained, since the Convention should protect persons against discrimination on grounds of national origin, provided that their status was not governed by laws relating to aliens, bilateral agreements on nationality, or such international instruments as the Convention on the Reduction of Statelessness. It was also pointed out that the expression "national or ethnic origin", read in conjunction with article VIII of the Sub-Commission's draft, seemed to refer, not to nationality, but to country of origin (see also paras. 99-101 below).

86. There was little disagreement concerning the omission of the parenthetical phrase in the Sub-Commission's text providing that racial discrimination meant "in the case of States composed of different nationalities discrimination based on such differences". Although it was urged that the Sub-Commission's text dealt with a form of discrimination which was as serious as racial discrimination, it was felt that the Sub-Commission's text was out of place in the Convention, it was likely to give rise to ambiguous interpretations, and it might raise serious difficulties for multinational State or States which encouraged immigration.

Paragraph 2

87. Some representatives felt that the Sub-Commission's text of paragraph 2 required further clarification. The Polish, see paragraph 76 above, and the Lebanese amendment, see paragraph 77 above, as well as the amendment of Italy and the Netherlands, see paragraph 79 above, sought to make it clear that measures adopted solely for the adequate development or protection of individuals of racial groups should not be deemed preferential or discriminatory. The amendment of Lebanon also added a reference to "racial groups" in order that the Convention should protect groups as well as individuals. It was argued, however, that groups as such should not be stressed because the draft Convention should seek to accomplish the objective of the Universal Declaration of Human Rights - to promote the rights and freedoms of all human beings without distinction of any kind. The aim should not be to emphasize the distinctions between different racial groups but rather to ensure that persons belonging to such groups could be integrated into the community.

88. The amendment of Italy and the Netherlands also aimed at ensuring that the special measures which were adopted should not be maintained indefinitely. In this connexion, it was suggested that the paragraph should end by stating that the maintenance of separate rights should not be continued after the objectives sought were achieved, rather than that unequal rights should not be maintained. Measures designed to guarantee the enjoyment of certain rights to persons who had previously been deprived of them were designed to establish equality rather than create unequal rights.

89. In view of the basic similarity of ideas expressed in the various amendments, the representatives of Italy, Lebanon, the Netherlands and Poland submitted a

joint amendment, see paragraph 80 above. Some representatives felt that the use of the word "under-developed" in this amendment had some element of offence and therefore should be deleted. It was also felt that the word "under-developed" should be omitted since it merely made explicit what was already implicit in the text. A number of other suggestions were made to replace the word "under-developed" by other words, such as "which have not attained their full development,". It was pointed out also that article 2, paragraph 3 of the Declaration on the Elimination of All Forms of Racial Discrimination, which was similar to the amendments, did not use the term "under-developed".

90. After a brief discussion of this amendment the Commission agreed, on the suggestion of the representative of the Soviet Union, to postpone consideration of article I, paragraph 2, until a decision had been taken on the text of article II, paragraph 2, since it was thought better to decide first on what special measures States would be obliged to take to protect under-developed racial groups under article II, paragraph 2 so that it would not find itself bound by too narrow a definition in article I, paragraph 2.

91. When the consideration of article I, paragraph 2 was resumed it was suggested that in the light of the text of article II, paragraph 2, which the Commission had adopted it might be sufficient in article I, paragraph 2 to state in a general manner that measures such as those taken in accordance with article II, paragraph 2 should not be deemed racial discrimination. The amendment of the representative of India, see paragraph 81 above, based on this idea was, however, revised, see paragraph 82 above, to correspond closely to the text of article II, paragraph 2 as that was found to be the most acceptable text.

Adoption of article I

92. At the 786th meeting the Commission voted on the text of paragraph 1 of article I submitted by the Sub-Commission and on the amendment thereto (see paras. 99-101 below). Without objection, the Commission decided, on the proposal of the representative of the USSR, to vote on paragraph 2 of article I after it had voted on paragraph 2 of article II. The Commission, having voted on article II, paragraph 2, at its 787th meeting (see paragraphs 126 and 134 below), voted on article I, paragraph 2, submitted by the Sub-Commission and on the amendment thereto and on article I as a whole at its 788th meeting.

Paragraph 1

93. At the request of the representative of the United Kingdom, a separate vote was taken on the words "national or" in paragraph 1. The words were retained by 10 votes to 9, with 1 abstention.

94. At the request of the representative of Ecuador, a separate vote was taken on the parenthetical phrase in paragraph 1. The phrase was eliminated by 14 votes to 2, with 5 abstentions.

95. The Lebanese oral amendment to delete the words "set forth inter alia in the Universal Declaration of Human Rights" after the word "life" was adopted unanimously.

96. Paragraph 1, as amended, was adopted unanimously (see paras. 99-101 below).

Paragraph 2

97. The revised amendment to paragraph 2 of article I submitted by the representative of India, see paragraph 82 above, was adopted unanimously. Paragraph 2, as amended, was adopted unanimously.

Article I as a whole

98. Article I, as a whole, as amended, was adopted unanimously.

/For the text of article I, see chapter XI, draft resolution I, annex./

Reconsideration of article I, paragraph 1

99. After the Commission had decided to delete article VIII of the draft Convention (see paragraph 256 below), the representative of France moved at the 809th meeting of the Commission to reconsider article I, paragraph 1, with a view to deciding whether the word "national" should be retained. This motion, which after prolonged discussion was voted on by roll-call at the request of the representatives of France and the USSR, was adopted by 8 votes to 6, with 7 abstentions. The voting was as follows:

<u>In favour:</u>	Denmark, France, Italy, Lebanon, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland and the United States of America.
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<u>Against:</u>	Chile, India, Liberia, Poland, Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.
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<u>Abstentions:</u>	Austria, Canada, Costa Rica, Dahomey, Ecuador, El Salvador and the Philippines.
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100. During the consideration of the retention of the word "national" in article I, paragraph 1, it was pointed out that the deletion of article VIII only compounded the difficulties which had been referred to by some representatives in the Commission in the earlier discussion on that word, see paragraph 85 above. It was said that since the draft Convention no longer contained any interpretation of the meaning of that word, it was necessary to delete it, especially as its retention would cause doubts about the scope and meaning of certain provisions of the Convention and in particular of article V thereof. On the other hand, it was suggested that the difficulty arose out of the term "national" in the English and French languages, since in those languages the word was not necessarily related to country of origin but referred to citizenship, and nationals other than citizens could not enjoy political rights as provided in article V of the draft Convention.

101. While the various points of view expressed earlier, see paragraph 85, were reiterated there was a general desire to find a formula which would be acceptable without voting again on paragraph 1. After a number of textual suggestions had been made, the Commission agreed, at its 810th meeting, without

objection, on the suggestion of the representative of Denmark, to place the word "national" within square brackets and to place the following words, proposed by the representative of the USSR, also within square brackets, at the end of the paragraph: "In this paragraph the expression 'national origin' does not cover the status of any person as a citizen of a given State".

/For the text of article I, paragraph 1, see chapter XI, draft
resolution I, annex./

ARTICLE II

102. The text of article II submitted by the Sub-Commission read as follows:

"1. States Parties to the present Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination, and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation. Each State Party undertakes not to encourage, advocate or support racial discrimination by any person, group or organization;

(b) Each State Party shall take effective measures to revise governmental and other public policies, and to rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(c) Each State Party shall prohibit racial discrimination by any person, group or organization, and undertakes to adopt all necessary measures, including legislation, if appropriate.

"2. States Parties shall take special concrete measures in appropriate circumstances in order to secure adequate development or protection of individuals belonging to under-developed racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups."

103. The Commission considered this article at its 786th to 789th meetings, held from 26 to 28 February 1964.

Amendments submitted

104. Amendments were submitted by the representatives of Austria (E/CN.4/L.687), the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.689), Poland (E/CN.4/L.690), Lebanon (E/CN.4/L.691), Italy and the Netherlands (E/CN.4/L.692), and Italy, Lebanon, the Netherlands and Poland (E/CN.4/L.696).

Amendments to paragraph 1 (a)

105. The amendment of Austria (E/CN.4/L.687) proposed that the words "against persons, groups of persons or institutions" be added after the words "practice of racial discrimination".

106. The amendment of Lebanon (E/CN.4/L.691) proposed the deletion of the second sentence of paragraph 1 (a).

Amendment to paragraph 1 (b)

107. The amendment of Poland (E/CN.4/L.690) to paragraph 1 (b) proposed replacing the words "governmental and other public policies" by the words "governmental policies and the policies of other State authorities and public institutions, both central and local,". This amendment was withdrawn at the 789th meeting on the understanding that the text of the paragraph in the various languages would be made to conform.

Amendments to paragraph 1 (c)

108. The amendment of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.689) proposed that paragraph 1 (c) be redrafted as follows:

"Each State Party undertakes to adopt all necessary measures, including legislation if appropriate, for the purpose of bringing to an end all racial discrimination by any person, group or organization."

109. Subsequently the representative of the United Kingdom incorporated in the text of his amendment an oral amendment of the representative of the Netherlands to insert the words "prohibiting and" after the words "for the purpose of".

110. The representative of Turkey moved an oral amendment to have paragraph 1 (c) read as follows:

"Each State Party shall prohibit and bring to an end by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization."

Amendments to paragraph 2

111. The amendment of Lebanon (E/CN.4/L.691) proposed that the words "the full enjoyment by such individuals" be replaced by the words "equality among all individuals in the enjoyment". At the 786th meeting the representative of Lebanon orally modified his amendment and proposed that the words "the full" before "enjoyment" should be replaced by the word "equal".

112. The amendment of Italy and the Netherlands (E/CN.4/L.692) as orally modified at the 786th meeting proposed to add after the second sentence of paragraph 2 the following text:

"These measures shall not be continued after the objectives for which they were taken have been achieved."

113. All of the above amendments to paragraph 2 were replaced by a joint amendment of Italy, Lebanon, the Netherlands and Poland (E/CN.4/L.696) which proposed that paragraph 2 be replaced by the following text:

"States Parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to them equal enjoyment of human rights and

fundamental freedoms, provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups, and that they shall not be continued after the objectives for which they were taken have been achieved."

114. Subsequently the sponsors of the joint amendment incorporated in their amendment an oral suggestion of the representative of the Philippines to insert after the word "enjoyment" the words "or exercise", and the suggestion of the representative of the United Kingdom to change the word "them" before the word "equal" in the English text to "such groups or individuals".

Issues discussed

Paragraph 1 (a)

115. It was pointed out that because article II laid down the fundamental obligations of States Parties to the Convention it should be very clear and explicit in indicating against whom States might engage in acts or practices of discrimination. The amendment of Austria, see paragraph 105 above, therefore proposed that the words "against persons, groups of persons or institutions" be added after the words "no act or practice of racial discrimination". There was little discussion or opposition to this amendment although certain representatives thought that the addition of the words did not strengthen the text and that they were perhaps redundant since the expression "no act or practice of racial discrimination" was all inclusive.

116. There was general agreement that the second sentence of paragraph 1 (a), requiring States to undertake not to encourage, advocate or support racial discrimination by any person, group or organization, should be deleted, as proposed in the Lebanese amendment, see paragraph 106 above, since it was unthinkable that States Parties would encourage, advocate or support racial discrimination. Moreover, it was better to deal with the subject matter of that sentence under paragraph 1 (c).

Paragraph 1 (b)

117. The advisability of retaining the word "revise" in the phrase "to revise governmental and other public policies" was questioned. The representative of the United Kingdom in suggesting that the word "revise" be replaced by the word "review" or "revise when necessary," pointed out that the word "revise" by itself could imply an assumption that all countries would need to change their policy with regard to racial discrimination. Although it was felt that the word "revise" would cover all amendments or changes which might be necessary, the word "review" was generally preferred, especially as its inclusion would mean that all governments would be required to examine their laws with care and would therefore be in a better position to decide what changes they should make in those laws.

118. The words "rescind or nullify" in the phrase "to rescind or nullify any laws and regulations" evoked considerable discussion. It was pointed out that article 4 of the Declaration on the Elimination of All Forms of Racial Discrimination contained only the word "rescind". It was therefore suggested that the word "nullify" be deleted, especially as it merely duplicated the word "rescind". It was argued,

however, that "nullify", which meant to suppress entirely, had the merit of being unequivocal and more forceful than "rescind", and that both words should be kept. It was further contended that since in certain situations it might be easier to nullify a law rather than to rescind it, perhaps the words should be retained even at the risk of redundancy. Most representatives felt that the Sub-Commission's text should be retained to take into account the differences between legal systems.

119. There was no opposition to the proposal of the representative of India to insert the word "amend" before the words "rescind or nullify". It was considered that the text should contain some provision providing for the amending of existing laws and regulations which had the effect of creating or perpetuating racial discrimination wherever it existed.

Paragraph 1 (c)

120. The amendment of the representative of the United Kingdom, see paragraph 108 above, in its first draft omitted a reference to prohibition and proposed that each State Party should undertake to adopt all necessary measures, including legislation if appropriate, for the purpose of bringing to an end all racial discrimination by any person, group or organization. It was considered that the amendment resolved the conflict between the provisions of paragraph 1 (c) and the introductory phrase of paragraph 1 in the Sub-Commission's text. In the introductory paragraph of that text, the States Parties condemned racial discrimination and undertook to pursue a policy of eliminating such discrimination without delay. It was thus recognized that to arrive at the goal set by paragraph 1 (c) it would be necessary to undertake action which could inevitably require time. But paragraph 1 (c) by stating that each State Party "shall prohibit" racial discrimination by any person, group or institution implied an immediate undertaking. At the same time, it appeared from the rest of the text of paragraph 1 (c) of the Sub-Commission that a State Party would also undertake to adopt all necessary measures, including legislation, if appropriate, to prohibit racial discrimination, an undertaking which, on the face of it, did not require immediate action. It was doubted whether every State would be in a position to undertake immediate prohibition of racial discrimination. Moreover, it was felt that to get rid of racial discrimination other methods than legislation might be needed, such as educational measures, and that a categorical undertaking to prohibit as implied in paragraph 1 (c) would not necessarily solve the problem of racial discrimination. It was also pointed out that, in States with a common law system, racial discrimination was dealt with not by making it an offence, but by the protection given under the law to all, without distinction, in the enjoyment of human rights and fundamental freedoms. It was thought also advisable to use a more general phraseology which would be acceptable to all States and which would avoid the ambiguity in the meaning of the Sub-Commission's text.

121. Some representatives stated that they could not accept the idea that the elimination of racial discrimination would take time and, that, therefore, it was not possible to stipulate a prohibition as envisaged in paragraph 1 (c). In their view it was not the prohibition which would take time but the measures for its application referred to in the second part of paragraph 1 (c). If a State Party refused to prohibit racial discrimination and proposed instead to undertake to bring it to an end within an unspecified period of time, the purpose for which the convention was being drafted would never be attained. It was necessary to avoid vague texts which could provide loopholes by means of which compliance with various

provisions of the convention could be evaded. Any weakening of the undertaking to prohibit racial discrimination, it was feared, would undermine the very basis and purpose of the Convention.

122. The United Kingdom amendment was later revised to incorporate the suggestion of the representative of the Netherlands to include a reference to prohibiting racial discrimination by any person, group or organization, see paragraph 109 above. But even with this reference it was considered by some members that the notion of prohibition in the amendment was deprived of its full meaning and force.

123. Subsequently, general approval was voiced on the text proposed by the representative of Turkey, see paragraph 110 above, which provided that each State Party "shall prohibit and bring to an end by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization". The phrase "all appropriate means" was said to be much broader than the expression "all necessary means" used in the Sub-Commission and United Kingdom texts. It was also pointed out that "by all appropriate means" would allow the States the necessary latitude and would not commit them to enact new laws unless that was necessary.

Paragraph 2

124. During the consideration of the Sub-Commission's text of paragraph 2, it was pointed out that the words "the full" in the phrase "ensuring the full enjoyment by such individuals of human rights and fundamental freedoms" might create a new kind of inequality, since some countries might be too poor to implement certain provisions of the Universal Declaration for the entire population, and yet, under the Convention, they might be obliged to ensure that those provisions were fully applied to under-developed racial groups. The granting of full enjoyment of such rights to those groups would be tantamount to discriminating against the rest of the population. The representative of Lebanon therefore proposed, see paragraph 111 above, that the words "the full" before "enjoyment" be replaced by the word "equal". It was argued, however, that, in certain circumstances, equal enjoyment of rights could still fall short of the full exercise of the rights concerned. The Lebanese amendment was included in the joint amendment of Italy, Lebanon, the Netherlands and Poland, see paragraph 113 above.

125. The joint amendment was a redraft of the text of the joint amendment submitted to replace the Sub-Commission's text of article I, paragraph 2; it was redrafted to take account of the differences in purpose between article I, paragraph 2, and article II, paragraph 2. However, the issues discussed were closely related to the consideration of article I, paragraph 2, and they are indicated in paragraphs 87-90 above.

Adoption of Article II

126. Pursuant to its agreement to vote first on article II, paragraph 2, before voting on article I, paragraph 2, see paragraphs 90 and 92 above, the Commission voted first, at its 787th meeting, on article II, paragraph 2, submitted by the Sub-Commission and the amendment thereto. The Commission agreed without objection to the proposal of the representative of the USSR to proceed thereafter to vote on article II, paragraph 1 (c), before voting on article II, paragraph 1 (a) and

paragraph 1 (b). It voted on article II, paragraph 1 (c) and paragraph 1 (a) submitted by the Sub-Commission and the amendments thereto at its 788th meeting. At its 789th meeting, the Commission voted on article II, paragraph 1 (b), of the text of the article submitted by the Sub-Commission and the amendments thereto and on the article as a whole.

Paragraph 1 (a)

127. The amendment submitted by the representative of Austria, see paragraph 105 above, was adopted by 12 votes to none, with 8 abstentions.

128. The amendment submitted by the representative of Lebanon, see paragraph 106 above, was adopted by 15 votes to 1, with 4 abstentions.

129. Paragraph 1 (a), as amended, was adopted unanimously.

Paragraph 1 (b)

130. The Commission decided without objection to replace the word "revise" by the word "review", as proposed by the representative of the United Kingdom. It decided also without objection to insert the word "amend" before the word "rescind", as proposed by the representative of India. It decided further, without objection, to replace the words "tout règlement" by "toute disposition réglementaire" in the French text, as proposed by the representatives of France and Turkey, and to replace "los reglamentos" by the words "las disposiciones reglamentarias", in the Spanish text.

131. Paragraph 1 (b) as modified was adopted unanimously.

Paragraph 1 (c)

132. The representative of the United Kingdom agreed that the oral amendment of Turkey, see paragraph 110 above, be voted on before his amendment, see paragraphs 108 and 109 above, and stated that if the Turkish amendment was adopted he would withdraw his amendment. The Turkish amendment was adopted unanimously. Paragraph 1 (c), as amended, was adopted unanimously.

Paragraph 1 as a whole

133. Paragraph 1 as a whole, as amended, was adopted unanimously.

Paragraph 2

134. At the request of the representative of the Philippines, a separate vote was taken on the word "under-developed", contained in the amendment of Italy, Lebanon, the Netherlands and Poland as orally revised, see paragraphs 113 and 114 above, and the word was retained by 7 votes to 2, with 12 abstentions. The joint amendment, as amended, was adopted unanimously. Paragraph 2, as amended, was adopted unanimously.

Article II as a whole

135. Article II, as a whole, as amended, was adopted unanimously.

/For the text of article II, see chapter XI, draft resolution I, annex./

ARTICLE III

136. The text of the article submitted by the Sub-Commission read as follows:

"States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature."

137. The Commission considered article III at its 789th and 790th meetings, held on 28 February 1964.

Amendments submitted

138. An oral amendment of the United States of America was to replace the words "racial segregation and apartheid" by "racial segregation, apartheid and anti-semitism".

139. The Union of Soviet Socialist Republics orally proposed the following sub-amendment to the United States amendment: to add the word "nazism" after the word "apartheid" and the words "and other expressions of hatred based on doctrines of racial superiority" after the word "anti-semitism".

Issues discussed

140. Some representatives felt that anti-semitism should be mentioned in article III. This idea was referred to in a statement made by the representative of the Agudas Israel World Organization. Other representatives expressed the view that mentioning anti-semitism was out of place in article III because article III was concerned solely with segregation and apartheid, while anti-semitism was not only a manifestation of segregation but a form of racial discrimination of a wider scope. In the opinion of some, if anti-semitism was mentioned, other forms of manifestations of racial discrimination, particularly nazism and neo-nazism, should also be included. Certain representatives thought that if anti-semitism was to be mentioned in the Convention it should be mentioned in another article of the Convention.

141. Doubts were expressed regarding the words "in territories subject to their jurisdiction" in the Sub-Commission's text because of the attempts made in the past by some States to extend their jurisdiction beyond their own territory to lands seized by them during the period of colonial expansion. Some representatives pointed out that so long as there were still colonial and non-self-governing territories the administering Powers should be obliged to eliminate racial discrimination in those territories.

Adoption of the article

142. At its 790th meeting, the representative of the United States withdrew her oral amendment stating that she would introduce a new article for insertion in the Convention (see paragraph 271 below).

143. Article III as submitted by the Sub-Commission, see paragraph 136 above, was adopted unanimously.

/For the text of article III, see chapter XI, draft resolution I, annex./

ARTICLE IV

144. The text of article IV submitted by the Sub-Commission read as follows:

"States Parties condemn all propaganda and organizations which justify or promote racial hatred and discrimination and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in or likely to cause acts of violence;

(b) Shall declare illegal and prohibit organizations, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

145. The Commission considered article IV at its 790th to 796th meetings, held from 28 February to 4 March 1964.

Amendments submitted

146. Amendments were submitted by the representatives of the USSR (E/CN.4/L.681, and E/CN.4/L.703), the United States of America (E/CN.4/L.688), Poland (E/CN.4/L.699), Costa Rica (E/CN.4/L.702), and Denmark (E/CN.4/L.704).

Amendments to the introductory paragraph

147. The amendments of the USSR (E/CN.4/L.681) proposed: (a) to insert after the words "States Parties" the word "severely"; (b) to insert after the word "organizations" the following: "based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin". This amendment was orally revised, incorporating suggestions made by the representative of India, to read as follows: "which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin or"; (c) to insert the words "in any form" between the words "discrimination" and "and undertake".

Amendments to paragraph (a)

148. The amendment of Denmark (E/CN.4/L.704) proposed to replace the words "racial discrimination resulting in or likely to cause acts of violence", by the words "or acts of violence against any race or group of persons of another colour or ethnic origin".

149. The Danish amendment was withdrawn later in favour of an Indian oral amendment which proposed to replace the words "or likely to cause acts of violence", in the text submitted by the Sub-Commission, by the following:

"acts of violence as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin".

Amendments to paragraph (b)

150. The amendment of the United States of America (E/CN.4/L.688) proposed the insertion of the words "activities or" before the word "organizations".

151. The United States amendment was withdrawn in favour of the amendment of Costa Rica (E/CN.4/L.702), initially submitted as a sub-amendment to the United States amendment, to insert after the word "organizations" the following: "or the activities of organizations, as appropriate".

152. The representative of the USSR proposed an oral sub-amendment to the Costa Rican amendment to replace the word "or" by the word "and".

153. The amendments of the USSR (E/CN.4/L.681) proposed: (a) to insert after the word "organized", the words "and any other"; (b) to replace the word "and" between the words "promote" and "incite", by the word "or"; (c) to add at the end of paragraph (b) the following: "shall also declare illegal the provision by Government organs, private individuals and associations of private individuals of financial and any other assistance in the activities of the above-mentioned organizations". This text was later revised to read (E/CN.4/L.703, paragraph 1): "as also the rendering of any assistance whatsoever to such organizations and their activities, including their financing".

154. The amendment of Poland (E/CN.4/L.699) proposed the addition, at the end of paragraph (b), of the following:

"and shall declare participation in such organizations or activities to be an offence punishable by law".

155. The USSR sub-amendment (E/CN.4/L.703) to the Polish amendment, which was moved contingent upon the adoption of the third revised amendment of the USSR (paragraph 153 above) was to insert after the word "activities," the words "or the rendering of assistance to them."

Issues discussed

Introductory paragraph

156. In support of the USSR amendment, see paragraph 147 above, to insert the word "severely" after the words "States Parties" it was pointed out that the word "severely" appeared in article 9, paragraph 1, of the Declaration on the Elimination of All Forms of Racial Discrimination, and that the general purpose

of all the USSR amendments was to bring article IV of the Convention into line with the above-mentioned paragraph of the Declaration. It was stressed that the addition of the word "severely" before the verb "condemn" would add to the strength of the condemnation, and was therefore most appropriate, in an article which dealt with positive measures to be taken by States Parties, such as article IV.

157. Some representatives did not object to the amendment although they felt that the insertion of the adverb would weaken the condemnation appearing already in previous articles of the draft convention as adopted by the Commission. Furthermore, they were of the opinion that the amendment would add nothing to the legal strength of the article, and would only give a moral tone to the condemnation. Several representatives expressed the view that it would not be very effective to establish degrees in the condemnations contained in such an important document as the Convention and that if that were to be done racial discrimination should be more severely condemned than those specific acts referred to in article IV.

158. Concerning the USSR amendment, see paragraph 147 above, to insert after the word "organizations" the phrase "based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin", it was explained that the proposed insertion would restore the text of article 9, paragraph 1, of the Declaration on the Elimination of All Forms of Racial Discrimination. The amendment was in complete consonance with the whole spirit of the Convention since it would condemn those organizations which were based on the ideas or theories described but which did not put them into practice. Doubts were raised, however, about the necessity of introducing those words. It was said that the fifth preambular paragraph of the preamble, as adopted by the Commission, already contained the idea set forth in the amendment. It was felt also that the proposed insertion would limit the applicability of article IV, since organizations which justified or promoted racial hatred and discrimination would be prosecuted only on the condition that they were based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin. Thus, it was said, in order to be condemned, organizations would have to meet two qualifications instead of one.

159. Although the USSR representative did not agree that his proposal would restrict the scope of the article, he accepted certain suggestions of the representative of India and revised his amendment, paragraph 147 above, so that the text would cover organizations which were based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin as well as organizations justifying or promoting racial hatred and discrimination. Many representatives approved of the revised text, but those who objected to it, pointed out that it established two categories of organizations to be condemned: those which were based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin and those which justified or promoted racial hatred and discrimination. They could not see why the Convention should be concerned with the first group, since, by definition, they were not justifying or promoting racial hatred and discrimination.

160. Most representatives approved of the USSR amendment, see paragraph 147 above, to insert, after the words "racial hatred and discrimination", the words "in any form", which in their view, were in conformity with the wording of the Declaration

and the spirit of the Convention. However, certain representatives were of the opinion that the amendment was ambiguous since it was not clear whether the proposed additional words referred to discrimination or to racial hatred and discrimination.

Paragraph (a)

161. Many representatives expressed misgivings regarding the words "or likely to cause" in paragraph (a) of the text of the Sub-Commission which provided that States Parties "shall declare an offence punishable by law all incitement to racial discrimination resulting in or likely to cause acts of violence". They felt that that expression was too vague and introduced an element of uncertainty as to its possible interpretation. They expressed their concern that it might provide too wide an opening for subjective judgement and possible abuse on the part of Governments, police and administrators of the law.

162. Some representatives preferred to replace the words "racial discrimination resulting in or likely to cause acts of violence," by "or acts of violence against any race or group of persons of another colour or ethnic origin" as proposed in the Danish amendment, see paragraph 148 above. They held that the wording of the amendment was similar to that of article 9, paragraph 2, of the Declaration on the Elimination of All Forms of Racial Discrimination and that it was clearer in stating in precise legal terms what would be declared an offence punishable by law. Some representatives pointed out, however, that the Danish amendment referred only to acts of violence and incitement to acts of violence, which in most countries were already punishable by penal law regardless of their motivation, and that no reference was made in the amendment to racial discrimination. They stressed that appeals to acts of racial discrimination and racial violence should also be held punishable in order to comply with one of the main objectives of the Convention, which was to prevent such acts from gaining strength to create circumstances which would result in acts against any given race.

163. The representative of Denmark withdrew his amendment in favour of the Indian oral proposal, see paragraph 149 above, which avoided the drawback of the Sub-Commission's text and the possible restrictive construction to which the Danish amendment might be susceptible.

Paragraph (b)

164. In support of the amendment of the United States of America, see paragraph 150 above, which called for the insertion of the words "activities of" before the word "organizations", it was explained that the amendment would safeguard undue curtailment of freedom of expression and freedom of association, which were recognized as basic human rights in articles 19 and 20 of the Universal Declaration of Human Rights. It was recalled that under the law of many countries, organizations as such could not be prohibited, although persons who actually engaged in illegal activities could be prosecuted for their actions. Several representatives also felt that the purpose of the paragraph was to penalize activities or acts prohibited by law, and not ideas, thoughts or intentions which did not lead to acts. They pointed out that any attempt to outlaw

potentially harmful speech, publication and association in the absence of any act would pave the way to grave abuses by authorities in deciding whether a particular expressed opinion was punishable or not. Other representatives stated that the formation of organizations constituted acts, and not merely thoughts, and that, if such organizations promoted and incited to discrimination, they must be declared unlawful.

165. In the course of a lengthy debate some representatives opposed the amendment, pointing out that, valuable as they may be, the rights to freedom of expression and to freedom of association were not unlimited but ought to be exercised within some basic limitations - such as those contained in article 29, paragraph 2, of the Universal Declaration of Human Rights. Therefore, harmful organizations could not be freely allowed to become so powerful as to endanger peace. Certain representatives contended that such organizations should be declared illegal before they reached that stage and, even better, as soon as it was clear that they intended to engage in promoting and inciting racial discrimination. They considered that, if an organization engaged in activities which were prohibited by law, not only should the individuals who actually committed offences be held responsible and be punished, but the organization as such should be declared illegal, and the leaders of the organization should be prosecuted as well as all persons and associations who gave any help. In their view, countries wishing to become parties to the Convention would have to put their own legislation in line with the provisions of the Convention, in particular with that of paragraph (b), by declaring illegal and prohibiting organizations which promoted or incited racial discrimination.

166. In the light of these differences of opinion, the representative of Costa Rica submitted a sub-amendment to the amendment of the United States of America, see paragraph 151 above, which sought to insert after the word "organizations" the words "or the activities of organizations, as appropriate", in order to permit countries whose legislations did not prohibit organizations to continue their fight against racial discrimination by prohibiting the discriminatory activities of such organizations. The Costa Rican proposal, it was claimed, would allow a greater number of countries to ratify the Convention.

167. Although the United States amendment was withdrawn in favour of the more generally acceptable text proposed by the representative of Costa Rica, certain representatives voiced opposition to the Costa Rican amendment. They recalled that it was desirable to declare illegal and prohibit organizations as well as their activities, as envisaged in the Sub-Commission's text. They objected to the expression "as appropriate" in the amendment, which they considered would not only open the way to a subjective choice by States Parties in regard to the obligations they undertook, but would be also contrary to the equality of obligations which all States Parties should undertake under the Convention. To meet these objections, the representative of the Union of Soviet Socialist Republics proposed to replace the word "or" by the word "and" and to delete the phrase "as appropriate" in the amendment.

168. As regards the USSR amendment, see paragraph 153 above, to insert between the word "organized" and the word "propaganda" the words "and any other", it was explained that it would be better to prohibit organized as well as any other

propaganda activities, since both types of propaganda activities, having similar results, should fall within the purview of article IV. While certain representatives favoured the proposed insertion in order to close a possible loophole in the text, since States might argue that propaganda activities were not punishable because they were not organized, other representatives felt that under the amendments a Government might declare illegal and prohibit not only organized propaganda activities, but also any other expression of views which it disapproved. In their opinion, the United Nations should not give international approval to such an outcome, which could have grave adverse effects on, for instance, formation and expression of views by different political parties whose aims were unconnected with racial discrimination.

169. In connexion with the USSR amendment, see paragraph 153 above, which proposed to replace "and" between the words "promote" and "incite" by the word "or", it was pointed out that the expression "promote or incite" was included in article 9, paragraph 3 of the Declaration on the Elimination of All Forms of Racial Discrimination, and that it should therefore be restored in paragraph (b). It was further explained that the question was whether promotion of or incitement to racial discrimination or both would have to be established in order to declare illegal and prohibit organizations, acts of organizations and organized propaganda activities, and that the obvious answer was that only one of the two offences need be proven. Several representatives objected to the amendment on the ground that while incitement was a conscious and motivated act, promotion presented a lower degree of motivation and might occur even without any real intention or endeavour to incite. Consequently, since the two words had different meanings and also because the first paragraph of article IV made it clear that the article was concerned with measures to eradicate all incitement to racial discrimination, either the word "and" should be retained, as there could not be incitement without promotion, or the word "promote" should be deleted. Certain representatives maintained that the USSR amendment should be supported if the Costa Rican amendment were accepted, otherwise the text of paragraph (b) would be weaker than either the Sub-Commission's text or article 9, paragraph 3 of the Declaration.

170. In support of the USSR amendment, see paragraph 153 above, which in its revised form proposed to add, at the end of paragraph (b) the phrase "as also the rendering of any assistance whatsoever to such organizations and their activities, including their financing", it was recalled that the nazis had been financed by important industrialists and monopolies, and that fascist organizations were springing up, securing financial support, soliciting members and planning their activities. Such situations could not be tolerated and any assistance whatsoever of this kind should be prohibited. Although some representatives approved of the proposed addition for, in their view, such organizations could, in most cases, only exist to the extent that they were able to obtain funds, it was thought the purport of the amendment would be covered by article IV as a whole.

171. In support of the Polish amendment, see paragraph 154 above, to add at the end of paragraph (b) the following words "and shall declare participation in such organizations or activities to be an offence punishable by law", it was pointed out that, logically, paragraph (b) which prohibited organizations and propaganda activities promoting and inciting racial discrimination should also specify the legal consequences of participation in such organizations and activities and that the proposed addition was intended to achieve that end. Certain representatives approved this proposal and the USSR addition to it while others felt that the

amendment went too far and could not be accepted since it could mean that a person could be punished simply because he belonged to an organization some of whose other members engaged in discrimination. In their view mere participation in an organization should not be considered a crime.

Adoption of article IV

172. At the 795th meeting, the Commission voted on the text of article IV submitted by the Sub-Commission and the amendments thereto.

Introductory paragraph

173. The first USSR amendment, see paragraph 147 above, was rejected by 6 votes to 5, with 10 abstentions.

174. The second revised USSR amendment was adopted by 13 votes to 6, with 2 abstentions.

175. The third USSR amendment was adopted by 19 votes to none, with 1 abstention.

176. The introductory paragraph, as a whole, as amended, was adopted by 17 votes to none, with 4 abstentions.

Paragraph (a)

177. The Indian amendment, see paragraph 149 above, was adopted unanimously. Paragraph (a), as a whole, as amended, was adopted unanimously.

Paragraph (b)

178. At the request of the representative of the USSR, a roll-call vote was taken on the second USSR amendment. See paragraph 153 above. The amendment was rejected by 12 votes to 8, with 1 abstention. The voting was as follows:

In favour: Chile, Dahomey, India, Lebanon, Liberia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Austria, Canada, Costa Rica, Denmark, El Salvador, France, Italy, Netherlands, Philippines, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Ecuador.

179. The USSR oral sub-amendment, see paragraph 152 above, to the Costa Rican amendment, see paragraph 151 above, was rejected by 12 votes to 3 with 6 abstentions.

180. At the request of the representative of the USSR, a separate roll-call vote was taken on the words "as appropriate" in the Costa Rican amendment. The words were retained by 15 votes to 3, with 3 abstentions. The voting was as follows:

In favour: Austria, Canada, Costa Rica, Dahomey, Denmark, Ecuador, El Salvador, France, Italy, Liberia, Netherlands, Philippines, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

Abstaining: Chile, India, Lebanon.

181. At the request of the representative of the USSR, a roll-call vote was taken on the Costa Rican amendment, see paragraph 151 above. The amendment was adopted by 15 votes to 4, with 2 abstentions. The voting was as follows:

In favour: Austria, Canada, Costa Rica, Dahomey, Denmark, Ecuador, El Salvador, France, Italy, Liberia, Netherlands, Philippines, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

Abstaining: Chile, Lebanon.

182. The first USSR amendment, see paragraph 153 above, was rejected by 9 votes to 4, with 8 abstentions.

183. At the request of the representative of the USSR, a roll-call vote was taken on his third revised amendment, see paragraph 153 above. The amendment was rejected by 9 votes to 5, with 7 abstentions. The voting was as follows:

In favour: India, Liberia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Canada, Denmark, El Salvador, France, Italy, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Chile, Costa Rica, Dahomey, Ecuador, Lebanon, Philippines.

184. As a consequence of the vote mentioned in the preceding paragraph the USSR amendment, see paragraph 155 above, to the Polish amendment was not voted upon. At the request of the representative of Poland a roll-call vote was taken on his

amendment, see paragraph 15⁴ above. The amendment was rejected by 10 votes to 4, with 7 abstentions. The voting was as follows:

In favour: El Salvador, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Austria, Canada, Dahomey, Denmark, France, Italy, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Costa Rica, Ecuador, India, Lebanon, Liberia, Philippines.

185. At the request of the representative of the Ukrainian SSR, a separate vote was taken on the word "organized" before the words "propaganda activities" in the text of the Sub-Commission. The word was retained by 13 votes to 3, with 5 abstentions.

186. Paragraph (b) as a whole, as amended, was adopted by 16 votes to none, with 5 abstentions.

Paragraph (c)

187. The text of paragraph (c) as submitted by the Sub-Commission, see paragraph 144 above, was adopted unanimously.

Article IV as a whole

188. Article IV, as a whole, as amended, was adopted unanimously.

/For the text of article IV, see chapter XI, draft resolution I, annex./

ARTICLE V

189. The text of article V submitted by the Sub-Commission read as follows:

"In compliance with the fundamental obligations laid down in article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms notably in the enjoyment of the following rights:

(a) The rights to equality before the law and to equal justice under the law;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) the right to freedom of movement and residence within the border of the State;

(ii) the right to leave any country including his own, and to return to his country;

(iii) the right to nationality;

(iv) the right to marriage;

(v) the right to own property alone as well as in association with others;

(vi) the right to freedom of thought, conscience and religion;

(vii) the right to freedom of opinion and expression;

(viii) the right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;

(ii) the right to form and join trade unions;

(iii) housing;

- (iv) public health, medical care and social security and social services;
- (v) education and training;
- (vi) equal participation in cultural activities;
- (f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks."

190. The Commission considered this article at its 796th to 800th meetings, held from 4 to 6 March 1964.

Amendments submitted

191. Amendments were submitted by the representatives of Austria (E/CN.4/L.698), Poland (E/CN.4/L.699 and E/CN.4/L.699/Rev.1), the United Kingdom (E/CN.4/L.706) and France, Italy and Poland (E/CN.4/L.708).

Amendments to the introductory paragraph

192. The amendment of Poland (E/CN.4/L.699) proposed the redrafting of the introductory paragraph as follows: "In compliance with the fundamental obligations laid down in article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the rights of each citizen to equality before the law, notably in the enjoyment of the following rights:".

193. The revised Polish amendment (E/CN.4/L.699/Rev.1), taking account of suggestions made by the representatives of France and Lebanon, proposed the insertion after the words "racial discrimination in all its forms", the words "and to guarantee the right of every person to equality before the law, without distinction as to race, colour or ethnic origin".

194. The sub-amendment of the United Kingdom (E/CN.4/L.706) to the initial Polish amendment called for the transposition of the words "States Parties undertake", from their place, to follow the words "all its forms", deleting the word "and". This sub-amendment was withdrawn at the 798th meeting.

195. The Polish amendments were withdrawn, but the Polish revised amendment was reintroduced as a joint amendment of France and Poland, with certain modifications, to insert the words "and to guarantee, without distinction as to race, colour or ethnic origin, the right of everyone to equality before the law" after the words "racial discrimination in all its forms".

Amendments to paragraph (a)

196. The amendment of Austria (E/CN.4/L.698) called for the addition after the words "under the law" of the words "in particular to a fair trial". This amendment was withdrawn at the 799th meeting.

197. The amendment of Poland (E/CN.4/L.699 and E/CN.4/L.699/Rev.1) proposed the redrafting of paragraph (a) as follows: "(a) The right to equal justice under the law".

198. Subsequently, the Polish amendment was replaced by a joint amendment of France, Italy and Poland (E/CN.4/L.708) to replace paragraph (a) by the following: "(a) The right to a fair trial". This amendment was later revised orally to read as follows: "The right to equal treatment before the tribunals and all other organs administering justice".

Amendment to paragraph (d)

199. The amendment of Poland (E/CN.4/L.699) proposed to add: "(vi) the right to inherit" after paragraph (d) (v).

Issues discussed

200. Most of the representatives agreed that the structure and the drafting of article V was entirely satisfactory, although certain representatives were of the opinion that a general formulation might have been preferable to the detailed list of rights appearing in the article. It was emphasized that many of the rights proclaimed in the Universal Declaration of Human Rights had been left out but that the word "notably" preceding the list of rights implied that there had been a selection of the rights to which special attention should be accorded. On the other hand it was stated that the selection was so wide as to nullify this intention. One representative made a reservation concerning paragraph (d) (ii) as regards the return to their country of members of former royal families. Another representative pointed out that the draft Convention was not intended to refer to such cases.

Introductory paragraph

201. While approving of the text submitted by the Sub-Commission, many representatives felt that the Polish amendment, see paragraph 192 above, would improve the text, since it would be proper to include the right to equality before the law in the introductory paragraph, for that right set a general principle which the other rights listed merely served to illustrate.

202. The word "citizen" contained in the amendment was thought to be too restrictive in the context of the article and following an exchange of views, that word was replaced by the word "everyone" which was used in the Universal Declaration of Human Rights.

203. There was general agreement with the suggestion of the representatives of France and Lebanon to insert the words "without distinction as to race, colour or ethnic origin" after the word "guarantee", as that would emphasize the spirit of the Convention.

204. Some representatives supported the United Kingdom sub-amendment, see paragraph 194 above, to the Polish amendment because they considered that the proposed rearrangement of the words in the original Polish amendment, see paragraph 192 above, would clarify the relationship between article II and article V. Certain representatives objected to the United Kingdom sub-amendment on the ground that it introduced substantial changes in the text and that it limited the scope of the obligations to be assumed by States under the article. Furthermore,

they stressed that this was not a sub-amendment but an amendment since it referred only to that part of the Polish amendment which reproduced the text submitted by the Sub-Commission. In support of the sub-amendment it was pointed out that the existing text might appear to create a new obligation in terms different from those of article II, and that the purpose of the sub-amendment was to remove this apparent contradiction. Some representatives expressed their disagreement with this point of view.

205. After a procedural discussion, during which the Polish amendments and the United Kingdom sub-amendment were withdrawn, the representatives of France and Poland reintroduced the revised Polish amendment in a modified form (see paragraph 195 above) since there was a general feeling that the Sub-Commission's text would be improved by the joint amendment.

Paragraph (a)

206. The discussion centred on the expression "equal justice under the law" used in the text of the Sub-Commission as well as in the text of the Polish amendment, see paragraph 197 above, which in the view of many representatives was too vague and might be made more specific either by the addition proposed in the Austrian amendment, see paragraph 196 above, to add after the words "under the law", the words "in particular to a fair trial", or by the wording proposed in the amendment submitted jointly by France, Italy and Poland, see paragraph 198 above, to replace paragraph (a) by the following: "The right to equal treatment before the courts".

207. Misgivings were expressed, however, regarding the word "courts", which in the view of some representatives should be replaced by the word "tribunals". Several representatives proposed to add after the word "courts" or "tribunals" an expression which would cover the right to equal justice before administrative bodies. Many wordings were proposed to that effect by various representatives. Finally, general approval was voiced for the text of the revised joint amendment, see paragraph 198 above, which proposed that paragraph (a) should be redrafted to read: "The right to equal treatment before the tribunals and all other organs administering justice".

Adoption of article V

208. At the 798th meeting the Commission voted on the introductory paragraph of article V submitted by the Sub-Commission and the amendments thereto. At the 799th meeting the Commission voted on the rest of the article submitted by the Sub-Commission and the amendments thereto as well as on the article as a whole.

Introductory paragraph

209. The joint amendment of France and Poland, see paragraph 195 above, was adopted unanimously. The introductory paragraph, as amended, was adopted unanimously.

Paragraph (a)

210. The revised amendment of France, Italy and Poland, see paragraph 198 above, was adopted unanimously. Paragraph (a) as amended was adopted unanimously.

Paragraph (d)

211. The Polish amendment to paragraph (d), see paragraph 199 above, was adopted by 19 votes to none, with 2 abstentions.

Article V, as a whole

212. Article V as a whole, as amended, was adopted unanimously.

/For the text of article V, see chapter XI, draft resolution I, annex./

ARTICLE VI

213. The text of article VI submitted by the Sub-Commission read as follows:

"States Parties shall assure to everyone within their jurisdiction effective remedies and protection through independent tribunals against any racial discrimination and the right to obtain from such tribunals reparation for any damage suffered as a result of racial discrimination."

214. The Commission considered this article at its 800th to 802nd meetings, held on 6 and 9 March 1964.

Amendments submitted

215. Amendments were submitted by the representatives of the Union of Soviet Socialist Republics (E/CN.4/L.681), the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.700), Austria (E/CN.4/L.711) and Lebanon (E/CN.4/L.712).

216. The amendment of the Union of Soviet Socialist Republics (E/CN.4/L.681) was to insert after "independent tribunals" the words "competent to consider such cases".

217. The amendment of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.700) was to insert the words "contrary to the present Convention" after "racial discrimination" and the word "such" before "racial discrimination".

218. The amendment of Austria (E/CN.4/L.711) was to replace the word "reparation" by "just satisfaction".

219. As a compromise the representative of Lebanon proposed (E/CN.4/L.712) that the article submitted by the Sub-Commission be redrafted to read as follows:

"States Parties shall assure to everyone within their jurisdiction effective remedies and protection through independent tribunals, competent to consider such cases, against any acts of racial discrimination which, contrary to this Convention, violate his human rights and fundamental freedoms, and the right to obtain from such tribunals remedial decisions for reparation of any damage suffered as a result of such discrimination."

220. Subsequently the representative of Lebanon orally revised his text, taking into account the various amendments and suggestions. The revised text read as follows:

"States Parties shall assure to everyone within their jurisdiction effective remedies and protection through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedoms, contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation for any damage suffered as a result of such discrimination."

221. The representative of Austria withdrew his amendment, see paragraph 218 above, as a sub-amendment to the Lebanese amendment in favour of an oral sub-amendment of Costa Rica to add the words "or satisfaction" after "reparation" in the Lebanese revised amendment.

Issues discussed

222. One of the issues discussed concerned the nature of the tribunals which were to assure effective remedies and protection. It was agreed that such tribunals should be independent national tribunals. The reference to "national", it was pointed out, had been inadvertently omitted from the Sub-Commission's text. The reference to the tribunals being "competent to consider such cases," as proposed in the amendment of the Soviet Union, see paragraph 216 above, was considered as suggesting that new tribunals might have to be set up to consider only cases of racial discrimination, although it was pointed out that the word "competent" was used in a similar context in article 8 of the Universal Declaration of Human Rights and meant no more than competent according to the constitution and laws in force in the various countries. It was, however, agreed that the purport of the amendment would be covered by the insertion of the word "competent" before "national tribunals".

223. It was also stated that tribunals could be competent and independent but that they need not as a result be impartial. It was urged that it was absolutely necessary to have impartial tribunals to adjudge cases of racial discrimination. But the addition of the qualification "impartial" was considered unnecessary since the requirement of independence would suffice; it was more capable of objective determination than impartial which might give rise to controversy and even suggest that in certain countries the administration of justice was not impartial.

224. The purpose of the United Kingdom amendment, see paragraph 217 above, was said to be to clarify the Sub-Commission's text by providing that the remedies and protection which were to be available "against racial discrimination" should refer to racial discrimination "contrary to the present Convention". This would make clear that the article was concerned with racial discrimination which was the subject of the obligations to be undertaken by the States Parties under other articles of the Convention. Although it was felt that the purpose of the amendment was to give precision to the obligation of States Parties under this article, it was felt that the amendment did not quite meet that objective. Moreover, it was pointed out that the Convention did not cover all cases of discrimination; for instance, the enumeration of the rights in article V was incomplete. It was also thought that an impression should not be given that the effective remedies and protection would be available only in the event of discriminatory acts in violation of the Convention, as if its scope was narrow and outside it no remedies were possible. One suggestion was to state that remedy and protection should relate to "any acts of racial discrimination contrary to the present Convention", since the emphasis ought to be placed on acts of racial discrimination and not on racial discrimination in general. Other suggestions were to have the text read "against any acts of racial discrimination violating human rights and fundamental freedoms", or "against any acts of racial discrimination which, contrary to the present Convention, might violate human rights and fundamental freedoms". In this connexion, it was also suggested that reference should be made to "acts or practices of racial discrimination",

because there might be some doubt whether the word "acts" covered "practices". Finally, an agreement was reached on the text "against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention".

225. As regards the latter part of the Sub-Commission's text, which assured to everyone the right to obtain from the tribunals reparation for any damage suffered as a result of racial discrimination, a number of comments were made. It was questioned whether it was correct to refer to the right to obtain reparation, since all that could be assured was the possibility of approaching tribunals which would then have to decide upon the merits of the case whether reparations were to be made. It was suggested that perhaps the reference should be to the obtaining of remedial decisions for reparations. However, it was thought better to refer to the "right to seek" reparations.

226. The representative of Austria proposed, see paragraph 218 above, that after "reparation" the words "just satisfaction" should be added, since that would cover cases where pecuniary damages were insufficient and would bring into play the notion of equitable reparation. Certain representatives doubted whether it was possible to refer to more than legitimate or legal satisfaction because of the difficulty in determining what was just satisfaction. It was also suggested that a more appropriate formula would be to refer to "just and adequate reparation or satisfaction". Although this wording was accepted some representatives maintain that "just and adequate" were subjective terms which would place a heavy burden on tribunals in deciding upon cases. It was also doubted whether "just and adequate reparation or satisfaction" could be found for all cases of racial discrimination. On the other hand, it was considered that the right to obtain reparations should be stated very broadly since it concerned not only the reparation for financial damage, but also the restoration of the victims rights.

Adoption of Article VI

227. At the 802nd meeting the Commission voted on article VI submitted by the Sub-Commission and the amendment thereto.

228. The sub-amendment of Costa Rica, see paragraph 221 above, supported by Austria, to add the words "or satisfaction" after "reparation" in the Lebanese amendment, see paragraph 220 above, was adopted by 19 votes to none, with 2 abstentions.

229. At the request of the representative of the United Kingdom, a separate vote was taken on the words "and adequate" in the Lebanese amendment, see paragraph 220 above, and the words were retained by 13 votes to 4, with 4 abstentions.

230. At the request of the representative of Austria, a separate vote was taken on the word "competent" in the Lebanese amendment, and the word was retained by 20 votes to none, with 1 abstention.

231. The amendment of Lebanon, see paragraph 220 above, as amended, was adopted unanimously.

232. Article VI, as a whole, as amended, was adopted unanimously.

/For the text of article VI, see chapter XI, draft resolution I, annex./

ARTICLE VII

233. The text of article VII submitted by the Sub-Commission read as follows:

"States Parties undertake to adopt immediate and effective measures particularly in the fields of teaching, education and information, with a view to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination."

234. The Commission considered this article at its 802nd meeting held on 9 March 1964.

Amendments submitted

235. An amendment was submitted by the representative of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.700). This amendment called for the insertion after the word "undertake" of the words "to take all appropriate measures to combat prejudices which lead to racial discrimination and ...".

236. Upon a suggestion of the representative of Lebanon, the representative of the United Kingdom orally revised his amendment to read:

"States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information with a view to combatting prejudices which lead to racial discrimination and promoting...".

Issues discussed

237. One representative pointed out that the wording of this article should be closely aligned with the wording of article 8 of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. It was also stated that in another article of the Convention reference was made to racial hatred and to racial discrimination.

238. However, it was felt that in an article dealing with measures connected with teaching, education and information, it was sufficient and appropriate to refer to racial discrimination and to emphasize the need to combat prejudices which lead to racial discrimination, as proposed in the revised United Kingdom amendment.

Adoption of article VII

239. At the 802nd meeting, the Commission voted on the text of article VII submitted by the Sub-Commission and on the amendment thereto.

240. The revised amendment, see paragraph 236 above, proposed by the representative of the United Kingdom was adopted unanimously.

241. Article VII, as a whole, as amended, was adopted unanimously.

/For the text of article VII, see chapter XI, draft resolution I, annex./

ARTICLE VIII

242. The text of article VIII of the draft Convention submitted by the Sub-Commission read as follows:

"Nothing in the present Convention may be interpreted as implicitly recognizing or denying political or other rights to non-nationals nor to groups of persons of a common race, colour, ethnic or national origin which exist or may exist as distinct groups within a State Party."

243. The Commission considered this article at its 802nd to 804th, 808th and 809th meetings, held from 9 to 10 and 12 to 13 March 1964.

Amendments submitted

244. Amendments were submitted by the Ukrainian Soviet Socialist Republic (E/CN.4/L.680, para. 1), by France (E/CN.4/L.707), and by France, India and the Philippines (E/CN.4/L.715).

245. The amendment of the Ukrainian SSR (E/CN.4/L.680, para. 1) proposed to delete the portion of the text of the Sub-Commission following the words: "to non-nationals".

246. The amendment of France (E/CN.4/L.707) proposed to add the following phrase to the text of the Sub-Commission: "or as amending provisions governing, on a temporary basis, the exercise of political or other rights by naturalized persons".

247. The amendment of France, India and the Philippines (E/CN.4/L.715) proposed the replacement of the text of the Sub-Commission by the following:

"Nothing in the present Convention may be interpreted as affecting in any way the distinction between nationals and non-nationals of a State, as recognized by international law, in the enjoyment of political or other rights, or as amending provisions governing the exercise of political or other rights by naturalized persons; nor does anything in this Convention impose a duty to grant special political or other rights to any groups of persons because of race, colour or ethnic origin."

Subsequently the phrase "as recognized by international law" was deleted from the text by the sponsors.

Issues discussed

248. There was general agreement that article VIII was intended by the Sub-Commission to be an interpretative article. It was aimed at precluding certain interpretations of the provisions of the Convention as they applied to nationals, non-nationals and certain groups. There was considerable discussion, however, about the scope and intention of some of the wordings used in the Sub-Commission's text.

249. There was little divergence of opinion concerning the distinction to be drawn between nationals and non-nationals in the enjoyment of political or other rights by them. It was further agreed that such a distinction was recognized in all States but the reference to recognition of it "by international law" was open to doubt since there was no categorical specific rule of international law concerning the matter. There emerged also a consensus of opinion that the article might refer also to the special position of naturalized persons who might not be in a position, in every country, to enjoy political or other rights immediately on naturalization, though it was thought unnecessary to refer specifically to the "temporary basis" for the existence of such a situation as proposed in the French amendment, see paragraph 246 above. These views were reflected in the joint amendment of France, India and the Philippines, see paragraph 247 above, which was thought to be an improvement of the first part of the Sub-Commission's text.

250. Considerable differences of opinion arose, however, in connexion with the Ukrainian amendment, see paragraph 245 above, to omit from the Sub-Commission's text the passage following the words "non-nationals". The amendment would delete from the Sub-Commission's text the reference to the interpretation that nothing in the Convention might be interpreted as implicitly recognizing or denying political or other rights "to groups of persons of a common race, colour, ethnic or national origin which exist or may exist as distinct groups within a State Party". It was contended that the provisions of the Convention should apply to all nationals of a State, regardless of the ethnic group to which they belonged, particularly since the concept of ethnic origin was akin to that of race and the object of the Convention was precisely that of eliminating all forms of racial discrimination. The Convention should not seek to perpetuate a situation where distinct ethnic groups (or ethnographical groups) with different cultures, religions and languages did not enjoy the same political rights as other groups of the population. Some representatives stated that the Convention should apply to all ethnographical groups, including those referred to in article VIII, since otherwise that article would rob the Convention of its significance with regard to those groups and would thus discriminate against them.

251. Some representatives considered that the purpose of the second half of the Sub-Commission's text was to make it clear that the status of non-nationals did not connote that the group referred to should be subject to racial discrimination or that a State Party could alter the status of distinct ethnic or racial groups, as such, by granting them special rights. It was suggested that a mere statement to the effect that the Convention did not intend to confer any special rights on these groups might suffice. Another point of view expressed was that the text of the Sub-Commission related to groups, as such, and not to individuals falling within them, and therefore there would be no question of discrimination, because discrimination could only arise if certain groups were granted rights which at the same time were denied to others. The Sub-Commission's text also took account of the provisions contained in articles I and II of the draft Convention regarding special treatment which States might accord to under-developed groups.

252. In order to dispel some of the misgivings expressed in connexion with the latter part of the Sub-Commission's text it was proposed in the amendment of France, India and the Philippines, see paragraph 247 above, to state that "nor does anything in this Convention impose a duty to grant special political or other rights to any groups of persons because of race, colour or ethnic origin". This

wording, which was taken from a proposed text moved in the Sub-Commission (E/CN.4/873, para. 107), as well as the replacement of "other rights", by "other specific rights" were questioned. It was felt by certain representatives that if the intention was not to grant special political rights to any group because of race, colour or ethnic origin that might be acceptable, but the texts tended to insert a reservation clause for which there was no need since the texts neither added to nor detracted from the provisions of the Convention. Moreover, the texts might give the impression that they were concerned with matters such as the degree of political autonomy or the right of self-determination to which groups might legitimately be entitled. It was pointed out, however, that the texts did not concern the right of peoples to self-determination or state that special political rights must not be granted in certain cases but simply that States Parties were not obliged to grant the rights concerned, so that there was nothing to stop States from granting those rights if they so desired.

253. Many representatives doubted the wisdom of including any texts on the lines suggested by the Sub-Commission or the joint amendment. They feared that any text adopted would be open to ambiguous interpretations. But some representatives maintained that owing to the reference to "national origin" in article I, paragraph 1, it was essential at least to deal with the position of nationals and non-nationals in article VIII, and certain of these representatives stated that they had voted for article I, paragraph 1, on the understanding that article VIII would provide some interpretation as regards the scope of the reference to "national origin".

254. At the 804th meeting, the Commission agreed to the proposal of the representative of Ecuador that since article VIII was of an interpretative nature, it should be considered at the end of all other substantive articles of the Convention; discussion of the article was accordingly suspended.

255. The Commission returned to the discussion of article VIII at its 808th meeting. The representatives of India and the Philippines mentioned that since there was no consensus in the Commission for the inclusion of the ideas set forth in article VIII of the draft Convention and as many representatives thought that such an article was redundant or might cause more problems than it would solve, they would withdraw from the sponsorship of the amendment which they had presented jointly with France, see paragraph 247 above. Thereupon the representative of France stated that he would still sponsor the text of the joint amendment but that he would be willing to withdraw it if the Commission were to revert back to the consideration of article I and to delete from that article the reference to "national origin" (see paras. 85 and 99-101 above).

Deletion of article VIII

256. At the 808th meeting the Commission, on the motion of the representative of Austria, decided by 12 votes to 2, with 6 abstentions to delete article VIII from the draft Convention.

ARTICLE IX

257. The text of article IX submitted by the Sub-Commission read as follows:

"States Parties shall as far as appropriate include in their constitutions or fundamental laws provisions prohibiting all forms of racial discrimination."

258. The Commission considered this article at its 805th to 807th meetings, held on 11 and 12 March 1964.

Amendments submitted

259. Amendments were submitted by the representatives of the Ukrainian SSR (E/CN.4/L.680, paragraphs 2 and 3) and Costa Rica (E/CN.4/L.705).

260. The amendment of the Ukrainian SSR (E/CN.4/L.680) proposed (a) the replacement of the words "as far as appropriate" by the words "if this has not yet been done", (b) the addition at the end of the article of the words "and establishing administrative responsibility and responsibility before the courts for the violations of these provisions".

261. The amendment of Costa Rica (E/CN.4/L.705) proposed the replacement of the text of the Sub-Commission by the following:

"States Parties shall take steps to enact, in conformity with their legal systems, constitutional or legal provisions prohibiting all forms of racial discrimination."

262. The Costa Rican amendment was revised to take into account the various comments and suggestions made during the discussion and in its revised version (E/CN.4/SR.806) it read as follows:

"States Parties shall take steps to promulgate, in conformity with their legal systems, constitutional or legal provisions which may be necessary to prohibit all forms of racial discrimination, and to establish administrative and judicial responsibility for the violation of these provisions."

Issues discussed

263. It was suggested that article IX was an important addition to the articles of the draft Convention already adopted by the Commission. It provided clearly for an obligation to put into effect the provisions of the Convention in the constitution or fundamental law of States Parties, especially as the provisions of the Convention were not necessarily self-executory. It was said that the first Ukrainian amendment, see paragraph 260 above, by replacing the words "as far as appropriate" by "if this has not yet been done" properly emphasized that not all States would be required to undertake the action envisaged in the article.

264. Some representatives, however, felt that the Sub-Commission's text was ambiguous. On the one hand, it required States to include in their constitutions or fundamental laws provisions prohibiting all forms of racial discrimination. On the other hand, it required such action only "as far as appropriate". Although this ambiguity might be lessened by the adoption of the Ukrainian amendment there were still other reasons which militated against the inclusion of the article, even in the amended form, in the Convention. For instance, the text implied an obligation on States to amend their constitutions, which would pose many difficulties for States where the procedure for amending constitutions was complicated and an exceptional act. There were also countries which had no constitutions, and there were countries where the prohibition of racial discrimination could be brought about without adoption of constitutional or legal measures. The arguments cited in the two preceding sentences were invoked by the Costa Rican representative as the main grounds for the presentation of his amendments to article IX (see paragraphs 261 and 262 above). In this connexion, certain representatives felt that article IX even in the amended formulation of Costa Rica was unnecessary because it added nothing substantial to the other provisions of the Convention, and because it might even be dangerous since it might suggest that the provisions in other articles were equivocal. They felt that the provisions of article V and article II, paragraph 1 (c), especially the latter which provided that "Each State Party shall prohibit and bring to an end by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization," was categoric and would cover all that was envisaged by article IX and the amendments thereto.

265. Some representatives maintained, however, that the provisions of articles II and V were general and covered certain limited fields only, and that they might, in any case, require the enactment of new legislation and modifications of existing constitutions to give them full effect. The amended text fully took into account the different legal systems by using the phrase "in conformity with their legal systems", and added the concrete obligation to prosecute violators of the prohibition of racial discrimination.

266. As regards the proposal to establish administrative responsibility and responsibility before the courts, or administrative and judicial responsibility, for violations of provisions of constitutions or laws prohibiting racial discrimination, in the Ukrainian and Costa Rican revised amendments, see paragraphs 260 and 262 above, it was claimed that the proposal was an important addition to the Sub-Commission's text. It provided a necessary sanction and supplemented the provisions of article VI relating to reparations against damages suffered as a result of racial discrimination. However, it was felt that the proposal concerned matters which should be dealt with by the ordinary law. Nor was it thought that the meaning of the proposed text was clear enough to add anything to the provisions of article VI.

267. It was emphasized by some members that the Sub-Commission had unanimously adopted its text of article IX with the object of sanctifying the prohibition of racial discrimination in the constitution or fundamental law of a State and thereby placing the prohibition on a higher level than that which could be provided by the ordinary law. The article was also intended to be an injunction

to newly independent countries to consider inclusion of provisions prohibiting racial discrimination in constitutions which they might adopt. These objectives, however, did not appear to have been laid down in clear mandatory terms by the Sub-Commission, and they were obscured by the amendments. Moreover, the discussions had shown the difficulties which might exist in carrying out the provisions of the article under different judicial systems. It seemed best therefore not to include any article on the lines suggested by the Sub-Commission or the amendments thereto.

Deletion of article IX

268. At the 806th meeting the Commission adopted by 18 votes to none, with 3 abstentions, the motion of the representative of India for the closure of the debate on this article. Thereupon, the representative of the United Kingdom of Great Britain and Northern Ireland moved not to consider any amendments to article IX and to delete article IX from the text of the draft Convention submitted by the Sub-Commission.

269. After a procedural debate, a vote was taken on whether the motion of the representative of the United Kingdom of Great Britain and Northern Ireland was receivable. By 12 votes to 4, with 5 abstentions, the Commission decided that the United Kingdom amendment was receivable.

270. The motion of the representative of the United Kingdom for the deletion of article IX from the text of the draft Convention was then put to the vote and adopted by 10 votes to 5, with 6 abstentions.

Proposed additional article

271. In accordance with the statement made by the representative of the United States in connexion with her amendment to article III of the draft Convention submitted by the Sub-Commission, see paragraph 142 above, the representative of the United States of America proposed the inclusion of the following additional article (E/CN.4/L.701):

"States Parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction."

272. The Union of Soviet Socialist Republics submitted the following sub-amendment to the United States amendment (E/CN.4/L.710):

- "1. Insert the words 'nazism, including all its new manifestations (neo-nazism), genocide', after the word 'condemn' in the first line.
2. Replace the words 'as a form' by the words 'as also other forms'.
3. Insert the words 'and manifestations of atrocious racist ideas and practices' after the words 'racial discrimination'.

4. Replace the word 'its' by the word 'their'."

The resulting text of the new article will be as follows:

"States Parties condemn nazism, including all its new manifestations (neo-nazism), genocide, anti-Semitism, as also other forms of racial discrimination and manifestations of atrocious racist ideas and practices and shall take action as appropriate for their speedy eradication in the territories subject to their jurisdiction."

273. The United States amendment was revised to insert in the original text, after the word "anti-Semitism", the following: "whether manifested as a form of racial discrimination or otherwise" (E/CN.4/L.701/Rev.1). Subsequently, a second revised text was submitted which read as follows:

"States Parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction."

274. To the second revised text of the United States, the representative of the USSR submitted the following amendments (E/CN.4/L.710/Rev.1):

"In view of the fact that the United States of America has modified the text of its amendment, the sub-amendment of the USSR has also been modified as follows:

1. Insert the words 'nazism, including all its new manifestations (neo-nazism), genocide', after the word 'condemn' in the first line.
2. Insert the words 'and other manifestations of atrocious racist ideas and practices' after the word 'anti-Semitism'.
3. Replace the word 'its' by the word 'their'."

The resulting text of the new article will be as follows:

"States Parties condemn nazism, including all its new manifestations (neo-nazism), genocide, anti-Semitism and other manifestations of atrocious racist ideas and practices and shall take action as appropriate for their speedy eradication in the territories subject to their jurisdiction."

275. The Commission had tentatively agreed, at its 805th meeting, to allow the sponsors of the proposal for the new article and the amendments thereto to introduce their texts and thereafter to hold a brief exchange of views without taking a decision on the proposed new article. At the 807th and 808th meetings statements on the proposals and the amendments thereto were made by the representatives of the United States, the USSR, Canada, Austria, Lebanon, Italy, Dahomey, the Ukrainian SSR, the Netherlands, France, Liberia, Costa Rica, Poland, Philippines and Ecuador. A statement was made also by the observer from Israel. Further, the Commissioner heard the representative of the International Confederation of Free Trade Unions. Thereafter, at its 808th meeting, the

Commission confirmed its earlier agreement by approving by 19 votes to none, with 2 abstentions, the motion of the representative of India to transmit the proposal of the United States and the amendments thereto of the USSR together with the records of the discussion thereon, to the General Assembly, through the Economic and Social Council.

276. Subsequently, at its 810th meeting, the Commission unanimously adopted resolution 1 (XX) by which it recommended to the Council to submit to the General Assembly the proposal for an additional article submitted by the United States of America and the sub-amendment submitted thereto by the USSR as well as the records of the discussion thereon in the Commission.

277. Most representatives who spoke favoured the adoption of the revised United States amendment to condemn anti-Semitism and to provide for its speedy eradication by the States Parties in the territories subject to their jurisdiction. It was pointed out that anti-Semitism had wrought havoc in the past and its vestiges had not disappeared altogether even today. Its most pernicious form had been the policies of extermination of Jews by Hitler. It was held that anti-Semitism, in all its manifestations, past and present, was a repugnant form of racial discrimination, it was a dangerous social and political phenomenon, and it was a serious obstacle to the establishment of friendly relations and co-operation among peoples.

278. Many representatives who spoke did not object to the sub-amendments of the USSR, although it was suggested that the inclusion of the words "neo-nazism" did not seem to denote anything specific since its exact meaning might be doubtful; it might also have political implications, and if it was intended to refer to nazism in a new form that objective was covered by the reference to nazism "including all its new manifestations" in the text of the sub-amendment. Among the arguments advanced in support of the sub-amendment were that it was essential to refer to nazism, including all its new manifestations, because nazism did not aim solely at the extermination of Jews but also at the liquidation of many other groups who were regarded as inferior races. Moreover, the threat of neo-nazism was constantly growing. The reference to genocide hardly needed elaboration since it had been condemned by the United Nations and was a subject of a United Nations Convention. It was equally desirable to refer to "other manifestations of atrocious racist ideas and practices", because it was inadvisable to set up any distinction or degrees of importance in specifying the forms which racial discrimination could take.

279. Some representatives thought it better to deal with anti-Semitism in an article and in another article to deal with nazism, genocide and other forms of racist ideas and practices. Other representatives thought that instead of two articles separate paragraphs of the same article could include the enumeration proposed. One suggestion was to include such enumerations in the preamble.

280. Some representatives expressed doubts about the desirability of singling out any special form of racial discrimination in the draft Convention which rightly referred to all forms of racial discrimination. It was pointed out that the special reference to apartheid in article III of the Convention followed

a similar reference in the Declaration on the Elimination of All Forms of Racial Discrimination because the policy of apartheid had been declared to be part of a governmental policy of a Member State, and it was therefore proper for the United Nations to condemn that policy. As regards condemnation of other forms of racial discrimination, however, it would be necessary to determine carefully their enumeration, since otherwise there would not be general agreement on the enumeration. For instance, the Commission had decided earlier to leave out the reference to nazism in paragraph 6 of the preamble to the draft Convention (see paragraphs 54 to 56 and 66 above). Moreover, the discussion had shown that what was being considered was anti-judaism rather than anti-Semitism which had a broader meaning. It was better, in any case, to leave any enumeration of special forms of racial discrimination to be determined by the General Assembly.

ARTICLE X

281. The text of article X submitted by the Sub-Commission read as follows:

"1. The States Parties to this Convention undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention, (a) within one year after the entry into force of the Convention for the State concerned and (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council which may transmit them to the Commission on Human Rights or the specialized agency for information, study and, if necessary, general recommendations.

3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article."

282. During its 805th and 808th meetings the Commission agreed not to examine this article because of lack of time. Subsequently, at its 810th meeting, the Commission unanimously adopted resolution 1 (XX) by which it recommended to the Economic and Social Council to submit the text of article X to the General Assembly with the records of the discussion thereon in the Commission (see paras. 284-288).

ADOPTION OF DRAFT RESOLUTION

283. At the 810th meeting, held on 13 March 1964, the Commission considered a draft resolution proposed by the representatives of Ecuador and the Philippines (E/CN.4/L.719). The purpose of the draft resolution was to transmit to the General Assembly, through the Economic and Social Council, the texts of the draft Convention adopted by the Commission, certain other relevant documents and the summary records of the discussion of the Commission. The sponsors of the draft resolution accepted the suggestion of the Austrian representative to add to the end of the introductory passage of the operative paragraph of the draft resolution the phrase "documents which have not yet been voted on by the Commission", since this would let the Assembly know that the documents being transmitted to it had not been voted on. The sponsors also accepted two suggestions made by the representative of the USSR to insert at the end of operative paragraphs (b) and (c) the words "as well as the records of the discussion thereon in the Commission," in order to make the texts of those paragraphs correspond to that of paragraph (a).

284. During the discussion on the draft resolution it was recalled that at its 805th and 808th meetings the Commission had agreed, because of lack of time, not to examine article X of the draft Convention submitted by the Sub-Commission

(E/CN.4/873, para. 119, resolution 1 (XVI), annex) which related to measures of implementation of the Convention but to transmit it together with the preliminary draft additional measures of implementation, also submitted by the Sub-Commission (ibid., para. 123, resolution 2 (XVI), annex), to the General Assembly through the Economic and Social Council.

285. Several representatives emphasized the need for inclusion of measures of implementation in the Convention to make its provisions fully effective, and they considered that without such measures the Convention would not be very different to the Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly last year. Some representatives regretted that the Commission had been unable to vote on article X submitted by the Sub-Commission, which provided for a system of reporting by States Parties on the implementation of the provisions of the Convention, since it seemed that the adoption of that article would raise no objections.

286. Certain representatives commended the additional measures of implementation transmitted by the Sub-Commission to the Commission, pointing out that those measures were based on the measures of implementation approved some years ago by the Commission itself for the draft Covenant on Civil and Political Rights; those measures were based also on the UNESCO Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking settlement of any dispute which might arise between States Parties to the Convention Against Discrimination in Education. On the other hand, the opinion was expressed that it was preferable to entrust the implementation of the Convention to a committee of the States Parties to the Convention rather than to a small committee of persons nominated by States Parties to the Convention and elected by the General Assembly as proposed in the additional measures of implementation transmitted by the Sub-Commission. A committee of the States Parties could offer its services to States Parties concerned in a disagreement concerning the implementation of the Convention, and after examining the relevant documentation and the situation it could submit its recommendations to the States Parties concerned to solve any differences of opinion between them. The committee would also transmit its report on the matter and the recommendations it had formulated to the Secretary-General for publication. Another view was that the additional measures of implementation transmitted to the Commission were confined to machinery for considering complaints by one State Party against another State Party, which would only lead to conflicts between States and would not help in furthering the objectives of the Convention. Those objectives could be met only by providing for the right of individual petition against any violation of the provisions of the Convention, subject, however, to rules which would afford safeguards against possible abuses of the right of petition. Therefore, it was better for the Commission to consider the measures of implementation for the Convention at its next session instead of transmitting the documents mentioned in the draft resolution to the General Assembly.

287. The Commission then unanimously adopted the draft resolution of Ecuador and the Philippines, as modified by the sponsors, to incorporate the suggestions made into its operative part, see paragraph 283 above.

288. The text of the resolution, as adopted at the 810th meeting, on 13 March 1964, read as follows:

1 (XX) Draft Convention on the Elimination of All Forms
of Racial Discrimination

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 XI, draft resolution I./

III. DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

289. The Commission, at its nineteenth session held in 1963, was able to hold only a preliminary exchange of views 6/ on General Assembly resolution 1781 (XVII) of 7 December 1962, which was transmitted to the Commission by the Economic and Social Council. In that resolution, the Assembly asked the Commission to prepare (a) a draft declaration on the elimination of all forms of religious intolerance, to be submitted to the Assembly for consideration at its eighteenth session; and (b) a draft international convention on the elimination of all forms of religious intolerance, to be submitted to the Assembly, if possible, at its nineteenth session and, in any case, not later than at its twentieth session. In preparing such drafts, the Commission was to bear in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the General Assembly, any proposals on the matter submitted by Governments and any international instruments already adopted in this field by the specialized agencies. In the same resolution, the General Assembly invited Member States to submit their comments and proposals concerning the draft Convention by 15 January 1964.

290. The Commission, in resolution 10 (XIX), decided to give priority at its twentieth session to preparing a draft declaration on the elimination of all forms of religious intolerance and requested the Sub-Commission to prepare and submit to it a preliminary draft of such a declaration, taking into account the views expressed during the debate on the subject at the nineteenth session of the Commission. It requested the Secretary-General to invite Governments of Member States to submit any proposals which they might wish to make as to the provisions which such a declaration should contain in time for consideration by the Commission at its twentieth session. The Commission also recommended that the Economic and Social Council draw the attention of the General Assembly to resolution 10 (XIX) of the Commission. The Council did this by its resolution 958 (XXXVI).

291. At its twentieth session, the Commission had before it a preliminary draft of a United Nations declaration on the elimination of all forms of religious intolerance submitted by the Sub-Commission "as representing its general views consistent with the principles adopted in 1960, regarding the substance which should be taken into account in preparing a draft declaration on the elimination of all forms of religious intolerance" (E/CN.4/873, para. 142, resolution 3 (XVI), annex), together with the records of the discussion in the Sub-Commission (E/CN.4/Sub.2/SR.419, 421, 422, 424 and 426) on the item and all other relevant documentation (E/CN.4/873, paras. 124-142 and annex II).

292. The Commission also had before it a note by the Secretary-General (E/CN.4/866) and the proposals and comments submitted in accordance with General Assembly resolution 1781 (XVII) and Commission resolution 10 (XIX) by the Governments of Burma, Chad, China, Finland, Indonesia, Israel, Lebanon, Nigeria, the Netherlands and the United Kingdom (E/CN.4/Sub.2/235, E/CN.4/Sub.2/235/Rev.1, and Add. 2-5, E/CN.4/Sub.2/235/Add.1/Rev.1.)

6/ See Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8, chapter X.

293. Written statements were submitted to the Commission by the following non-governmental organizations: International Humanist and Ethical Union (E/CN.4/NGO/113), World Union for Progressive Judaism (E/CN.4/NGO/114), Coordination Board of Jewish Organizations (E/CN.4/NGO/116) and International League for the Rights of Man (E/CN.4/NGO/118).

294. The text of the preliminary draft declaration submitted by the Sub-Commission read as follows:

PRELIMINARY DRAFT OF A UNITED NATIONS DECLARATION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, in particular as to race, colour, religion or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering further that the right of everyone to freedom of thought, conscience and religion has been proclaimed in the Universal Declaration of Human Rights, which right includes freedom to change one's religion or belief, and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship or observance.

Noting that the disregard of human rights and fundamental freedoms through discrimination because of religion and the denial of the right to freedom of thought, conscience and religion has brought in the past untold sorrow to mankind by inflicting grievous suffering on those who were its victims and in injuring those responsible for them,

Considering that in order to eliminate and prevent all such forms of religious intolerance it is vital for Governments to take legislative, educational and other measures to that end, and for organizations and private persons to lend their fullest support to the achievement of this objective,

Convinced that the building of a world society free from all forms of religious intolerance is one of the fundamental objectives of the United Nations,

Solemnly affirms the necessity of adopting national and international measures to that end and in order to secure the universal and effective recognition and observance of the principles set forth below,

Proclaims this declaration:

ARTICLE I

Discrimination between human beings on the grounds of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

ARTICLE II

No States, institution, group or individual shall make any discrimination in matters of human rights and fundamental freedoms in the treatment of persons on the grounds of their religion or their belief.

ARTICLE III

1. Particular efforts shall be made to prevent discrimination based on religion, especially in the fields of civil rights, access to citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of his country.

2. Everyone has the right to effective remedial relief by the competent national tribunals against any discrimination he may suffer on the grounds of religion or belief, through acts violating fundamental rights granted him by the constitution or by law.

ARTICLE IV

Everyone has the right to adhere, or not to adhere, to a religion or belief and to change in accordance with the dictates of his conscience - without being subjected to any pressure, inducement or undue influence likely to impair his freedom of choice or decision in this matter.

ARTICLE V

Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of its parents, the best interests of the child being the guiding principle, their expressed or presumed wish shall be duly taken into account.

ARTICLE VI

Everyone has the right to comply with what is prescribed by his religion or belief and shall be free to worship, and profess, in public or in private, without suffering any discrimination on account of his religion or belief and specifically:

1. Every person and every group has the right to worship, either alone or together with others, in public or in private, and to maintain houses of worship in accordance with the prescription of their belief.

2. (i) Every individual has the right in association with others, without any limitation based on the number of members, to form and maintain religious communities and institutions.

(ii) Every religious community and institution has the right, in association with similar religious communities and institutions, to form territorial federations on a national, regional or local basis.

3. Everyone has the right to teach and to learn his religion or belief, his sacred language and religious traditions, either in public or in private. No one shall be compelled to receive instruction in a religion or belief contrary to his convictions or, in the case of children, contrary to the wishes of their parents, or legal guardians. All education shall be directed to promote understanding, tolerance and friendship among all religions and beliefs.

4. Every religious group or community has the right to write, to print and to publish religious books and texts and shall be permitted to train the personnel required for the performance of its practices or rites. No religious group or community shall be prevented from bringing teachers from abroad for this purpose. Every religious group or community shall be enabled to have contacts with communities and institutions belonging to the same religion abroad.

5. (i) Everyone has the right to observe the dietary practices prescribed by his religion or belief. Any individual or any religious community shall be permitted to acquire and produce all materials and objects necessary for the observance of prescribed ritual or practices, including dietary practices.

(ii) Where the State controls the means of production and distribution, it shall help to provide the above-mentioned materials, or the materials and means necessary for their production, to religious communities of the religions concerned and to its members, and if necessary allow them to be imported.

6. Everyone has the right to make pilgrimage to sites held in veneration, whether inside or outside his country, and every State shall grant freedom of access to these places.

7. Equal legal protection shall be accorded to all forms of worship, places of worship and institutions. Similar guarantees shall be accorded to ritual objects, language of worship and sacred books.

8. Due account shall be taken of the prescriptions of each religion or belief relating to holy days and days of rest, and all discrimination in this regard between persons of different religions or beliefs shall be prohibited.

ARTICLE VII

Everyone shall have the right to have marriage rites performed in accordance with the prescriptions of his religion or belief, and no one shall be compelled to undergo a religious marriage ceremony not in conformity with his convictions. Nothing in this Article shall, however, dispense anyone from the obligations to observe other requirements and formalities laid down by the law regarding marriage.

ARTICLE VIII

The prescriptions of the religion of a deceased person shall be followed in all matters affecting burial customs, subject to the wishes, if any, expressed by the deceased during his lifetime, or failing that those of his family.

ARTICLE IX

Equal legal protection shall be afforded to all cemeteries or other burial place and also to the funeral or memorial rites of all religions or beliefs.

ARTICLE X

[Religious communities shall have the right to receive the funds necessary for the carrying out of their functions.]

ARTICLE XI

No one shall be compelled to take an oath of a religious nature contrary to his convictions.

ARTICLE XII

No State shall discriminate in the granting of subsidies, in taxation or in exemptions from taxation, between different religions or beliefs or their adherents. However, public authorities shall not be precluded from levying general taxes or from contributing funds for the preservation of religious structures recognized as monuments of historic or artistic value.

ARTICLE XIII

1. The freedoms and rights set out in Articles I, II, III, IV, V and XI shall not be subject to any restrictions.

2. The freedoms and rights set out elsewhere in this Declaration shall be subject only to the restrictions prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the legitimate requirements of morality, health, public order and the general welfare in a democratic society. Any restrictions which may be imposed shall be consistent with the purposes and principles of the United Nations and with the rights and freedoms stated in the Universal Declaration of Human Rights. These freedoms and rights may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE XIV

1. All acts directed or intended to prevent or to restrict the freedom of religion or cult shall be prohibited.

2. All incitements to hatred or acts of violence, whether by individuals or organizations against any religious group of persons belonging to a religious community, shall be considered an offence against society and punishable by law and all propaganda designed to foster or justify it, shall be condemned.

3. In order to put into effect the purposes and principles of the present declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or declare illegal organizations which promote and incite to religious discrimination or incite to, or use violence for purposes of discrimination based on religion.

4. The United Nations, the specialized agencies, Member States and non-governmental organizations shall do all in their power to promote energetic action, through research, education, information, and appropriate legislation with a view to hastening the elimination of all forms of religious discrimination and intolerance.

295. A working group was set up to prepare a draft declaration on the elimination of all forms of religious intolerance (see para. 10 above).

296. The working group submitted the following report (E/CN.4/L.713/Rev.1):

"At its first meeting on 25 February 1964, the working group elected Mr. Hakim (Lebanon) as Chairman-Rapporteur and Mr. Brillantes (Philippines) as Vice-Chairman.

"The group held thirteen meetings from 25 February to 10 March 1964.

"The working group was instructed by the Commission to prepare a draft declaration on the elimination of all forms of religious intolerance, using as a basis for its discussion the text submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, para. 142).

"There was no disagreement in the working group that the declaration should protect equally the right to adhere to any religion and the right to maintain any non-religious belief. Certain members felt, however, that the text of the draft declaration submitted by the Sub-Commission (E/CN.4/873, para. 142), which used the words 'religion or belief', did not adequately cover the notion of non-religious beliefs, particularly 'atheism'. They would like to have the draft declaration spell out clearly and categorically the right to non-religious beliefs, including 'atheism' and to this end proposed that a definition along those lines should be inserted before Article I. On the other hand, several members felt that it was unnecessary to define the terms 'religion' and 'belief' since they were terms whose meanings were well understood in United Nations usage. However, a number of members were prepared to co-operate in drafting a definition if one was deemed essential. The working group agreed to leave the question of a definition to the Commission and decided to transmit to the Commission the following suggested definitions:

- (a) Austria: For the purpose of this Declaration the term "belief" is understood as expression for the various theistic creeds or such other beliefs as agnosticism, free thought, atheism and rationalism.
- (b) Ukrainian SSR: In this Declaration the term "religion or belief" means both religious beliefs and atheistic convictions.
- (c) United Kingdom: In this Declaration the term "belief" includes both religious and non-religious beliefs.

"The working group was not able to take into consideration more than the first six articles of the text submitted by the Sub-Commission (E/CN.4/873, para. 142) in relation to which it prepared the draft provisions set forth below. The words in square brackets are those on which no agreement was reached in the working group. The words 'religion or belief' which appear throughout the working group's text are provisional only, and their final form will depend on the Commission's decision on the question of a definition mentioned above.

Text of the articles as prepared by the working group

Article I

"Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or to any religious or non-religious belief and to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter.

Article II

"Discrimination between human beings on the ground of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human

rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

Article III

"1. No individual or group shall be subjected by any State, institution, group or individual on the ground of religion or belief to any discrimination in the recognition, exercise and enjoyment of human rights and fundamental freedoms.

"2. Everyone has the right to effective remedial relief by the competent national tribunals against any acts violating the rights set forth in this Declaration or any acts of discrimination he may suffer on the grounds of religion or belief [with respect to his fundamental rights and freedoms] [as defined by the Constitution or by law].

Article IV

"[1.] All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life. They should enact or rescind legislation where necessary to prohibit such discrimination and take all appropriate measures to combat those prejudices which lead to religious intolerance.

"[2.] Particular efforts shall be made to prevent discrimination based on religion or belief, especially in the fields of civil rights, [access to] citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment.]

Article V

"[1.] Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of its parents, their expressed [or presumed] wish shall be duly taken into account, the best interests of the child being the guiding principle. [If the child has reached a sufficient degree of understanding, his wish shall be taken into account.]

"[2.] The decision concerning the religion or belief in which a child should be brought up must not be injurious to its interest or health, and must not do him physical or moral harm. The child must be guarded against practices which might inculcate in him any discrimination on account of religion or belief.]

Article VI^{7/}

"Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the grounds of religion or belief; this right includes in particular:

- (a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- (b) freedom to teach, to disseminate at home and abroad, and to learn their religion or belief, and also its sacred languages or traditions;
- (c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- (d) freedom to observe the rites or customs of their religion or belief.

Annex

"The following proposals submitted to the working group could not be discussed because of lack of time:

"1. Ukrainian SSR: proposal for a new article:

'1. In order to ensure full freedom of conscience, the Church is shall be separated from the State and the School from the Church.

'2. All churches, religious creeds and movements are equal before the law. No church, creed or religious organization is or may be the object of any privileges or restrictions in their activities. The domination, whether in name or in fact, of a particular church or creed shall be eliminated.'

"2. Union of Soviet Socialist Republics: (a) proposal for a new preambular paragraph:

'Considering that freedom of atheistic beliefs is of the utmost importance to those who profess them, and that freedom of those beliefs, including the right to express them, should therefore be restricted and guaranteed.'

^{7/} The inclusion of this article was agreed upon by all members of the working group. The representative of the United States of America felt, however, that the text failed to reflect all of the points covered in the original text of article VI, as transmitted by the Sub-Commission, and that it needed completing with the further provisions proposed by his delegation and appearing in the annex.

(b) proposal for a new article:

'Freedom of religious and non-religious belief, and the rights and duties of persons of different beliefs, shall not be used for purposes of political or electoral campaigns or the kindling of hatred between peoples and different religious and national groups.'

(c) proposal for a new article:

'No religious creed or belief of any kind shall in any circumstances be used in order to prejudice the interests of strengthening universal peace and security or friendship and co-operation between peoples and States.'

"3. United States of America: proposal for new articles to follow after Article VI:

I

'Everyone, alone or in association with others, shall be free to comply with the tenets of his religion or belief, to observe its rituals, dietary and other practices, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices, with freedom to import such articles from abroad if necessary. Where the State controls the means of production and distribution, it shall make these articles and foods available or provide the means for their purchase or production.'

II

Everyone shall be free to observe the Holy Days associated with his religion or belief. Everyone shall have the right to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country, and free access shall be granted to all Holy Places.

III

Every individual and religious group has the right to legal protection for its places of worship, for its rites, ceremonies, and activities, and for the burial places associated with its religion or belief.

IV

Every person and every group, in accordance with his religion or belief, shall have the right to organize and maintain local, regional, national and international associations in connexion with their activities. Everyone shall have the right to communicate with and visit his co-religionists and believers, whether individuals or organizations at home and abroad.'

297. The Commission devoted to this item part of its 810th meeting. In introducing the report of the working group, its Vice-Chairman pointed out that it did not deal with the preamble in accordance with the practice of United Nations bodies to deal first with the substantive provisions before drafting the preamble. He conveyed to the Commission the regrets of the group that, for reasons beyond its control, it was unable to discuss all the provisions of the Sub-Commission's preliminary draft and complete a draft declaration.

298. During the brief discussion which followed this statement, the representatives who spoke praised the draft articles presented by the working group and expressed regret that for lack of time it was unable to complete its task. However, one speaker voiced disappointment that the working group's draft gave no indication as to the true situation in the world as regards religious beliefs and atheistic convictions. Other representatives expressed complete disagreement with this view.

299. The Commission then considered a draft resolution (E/CN.4/L.720) submitted by the representative of the Philippines. In the light of the comments made by the various representatives in the Commission, the representative of the Philippines orally revised his draft resolution. He accepted the suggestion of the representative of the USSR to insert the words "to consider and" before the word "adopt", in the fifth preambular paragraph.

300. Some misgivings were expressed about the wording of operative paragraph 2 of the Philippine draft resolution which read as follows:

"2. Suggests that the Economic and Social Council, at its thirty-seventh session, continue work on the draft declaration, keeping in mind the draft articles prepared by the working group, and to present its draft in whatever form to the nineteenth session of the General Assembly;"

301. It was thought that operative paragraph 2 suggested a procedure which had never been resorted to before by the Commission. It was, therefore, desirable either to transmit all the documents to the General Assembly through the Economic and Social Council, recommending to that body that it give such further consideration as it might deem practicable to the drafting of a declaration, or to delete this paragraph and decide that the Commission would continue discussion of the draft declaration at its next session. Thereupon the representative of the United Kingdom suggested a text which was accepted by the representative of the Philippines, and which read as follows:

"Recommends to the Economic and Social Council to give such further consideration as it may deem practicable to the drafting of a declaration on the elimination of all forms of religious intolerance, in the light of the comments of Governments, and that it transmit the appropriate documents to the General Assembly for consideration at its nineteenth session."

302. The draft resolution as a whole as amended was adopted unanimously. The view was expressed, however, that a decision on this matter should not constitute a precedent, since it could not be regarded as proper that documents which had not been considered and approved by the Commission on Human Rights should be transmitted to the Economic and Social Council and to Governments for comment.

303. The text of the resolution, as adopted at the 810th meeting, on 13 March 1964, is as follows:

2 (XX) DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

The Commission on Human Rights,

Recalling General Assembly resolution 1781 (XVII) requesting the Commission to prepare a draft declaration and a draft convention on the elimination of all forms of religious intolerance,

Recalling its resolution 10 (XIX) requesting the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare and submit to the Commission at its twentieth session a preliminary draft of a declaration on the elimination of all forms of religious intolerance,

Noting the report of the Sub-Commission (E/CN.4/873, chapter III) on the subject,

Noting the report of the working group (E/CN.4/L.713/Rev.1) established by the Commission at its present session to prepare a draft declaration on the elimination of all forms of religious intolerance,

Having been unable for lack of sufficient time to consider and to adopt a draft declaration on the elimination of all forms of religious intolerance,

1. Requests the Secretary-General to transmit (a) to Member Governments for comment not later than 15 June 1964 the report of the working group (E/CN.4/L.713/Rev.1) 8/ and the preliminary draft of a declaration on the elimination of all forms of religious intolerance submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, paragraph 142, resolution 3 (XVI), annex) 9/, (b) to the ECOSOC at its thirty-seventh session the comments of Governments and the documents mentioned in (a);

2. Recommends to the Economic and Social Council to give such further consideration as it may deem practicable to the drafting of a declaration on the elimination of all forms of religious intolerance, in the light of the comments of Governments, and that it transmit the appropriate documents to the General Assembly for consideration at its nineteenth session;

8/ For the text of the report of the working group see paragraph 296 above.

9/ For the text submitted by the Sub-Commission see paragraph 294 above.

3. Decides to prepare at the twenty-first session of the Commission a draft convention on the elimination of all forms of religious intolerance in compliance with General Assembly resolution 1781 (XVII);
4. Invites the Sub-Commission to prepare and submit to the Commission at its twenty-first session a preliminary draft convention on the elimination of all forms of religious intolerance.

IV. PERIODIC REPORTS ON HUMAN RIGHTS

304. In initiating the system of periodic reports on human rights, by its resolution 1 (XII), the Commission decided to consider general developments and progress achieved in the field of human rights, and measures taken to safeguard human liberty, in States Members of the United Nations and of the specialized agencies; and to transmit to the Economic and Social Council comments, conclusions and recommendations of an objective and general character, in accordance with the Charter of the United Nations.

305. The Council, in resolution 624 B (XXII), requested States Members of the United Nations and of the specialized agencies to transmit to the Secretary-General every three years reports describing developments and the progress achieved during the preceding three years in the field of human rights. It asked the Secretary-General to prepare a brief summary, on a topical basis, of the reports received. The Council also invited the specialized agencies, in respect of rights coming within their purview, to transmit to the Secretary-General reports summarizing, on a topical basis, the information received from their Member States.

306. When the Commission considered the summary of the first series of triennial reports (E/CN.4/575 and Add.1-7) 10/ it requested the Secretary-General to prepare suggestions which might guide Governments in preparing future reports. Among the suggestions 11/ which the Secretary-General prepared and which were approved by the Commission and the Council in its resolution 728 B (XXVIII) were the following: that the triennial reports should be confined to developments of particular significance; that Governments should concentrate on evaluating and interpreting significant events and experiences; that they might consider developments which have arisen in connexion with constitutional provisions, laws or decrees, judicial decisions and administrative regulations or measures; that they might describe and explain, among other things, difficulties encountered, techniques found to be of value in promoting human rights or in combatting difficulties, and the progress achieved.

307. When the Commission considered the summary of the second series of triennial reports, covering the years 1957-1959 (E/CN.4/810 and Add.1-2), 12/ it decided to establish a Committee of Periodic Reports on Human Rights, consisting of six of its members, to examine the summary, to prepare draft comments, conclusions and recommendations of an objective and general character, and to make recommendations to the Commission on the procedure to be followed with respect to future periodic reports. The Committee submitted a report (E/CN.4/831) to the eighteenth session of the Commission, in which it made certain comments and conclusions regarding the

10/ See Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 8, paras. 16 to 30; Ibid., Twenty-eighth Session, Supplement No. 8, paras. 90 to 96.

11/ Ibid., para. 96.

12/ Ibid., Thirty-second Session, Supplement No. 8, paras. 51 to 73; Ibid., Thirty-fourth Session, Supplement No. 8, paras. 55 to 88.

situation in the field of human rights; the report also contained a draft resolution which the Commission, after amending it, recommended to the Economic and Social Council for adoption.

308. The Council, in resolution 888 B (XXIV), inter alia, noted that the triennial reports made little reference to the situation in respect of human rights and fundamental freedoms in Non-Self-Governing and Trust Territories; expressed the belief that, to meet the objectives of the Council and the Commission in initiating the reporting system, a greater number of reports were required and that more information should be given therein concerning the problems or difficulties which have been or may be encountered; decided to continue the reporting system; and urged all States Members of the United Nations and of the specialized agencies to submit reports, on developments in their metropolitan areas as well as in all dependent territories, concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence. The Council also requested Governments to take into account the suggestion made by the Committee on Periodic Reports that Governments concentrate on reporting developments of particular significance and explaining why they were significant, rather than attempting to report developments relating to all the rights enumerated in the Universal Declaration. The Council again invited the specialized agencies to co-operate in carrying out the task undertaken by the Commission as indicated in Council resolution 624 B (XXII), and also invited non-governmental organizations in consultative status to submit comments and observations of an objective character on the situation in the field of human rights.

309. At its twentieth session the Commission had before it summaries of reports covering the years 1960-1962, prepared by the Secretary-General (E/CN.4/860 and Add.1-3) and by the ITU, the WHO, the ILO and UNESCO (E/CN.4/861 and Add.1-2). The summaries of the Secretary-General were derived from the reports of forty-eight Governments, namely: Algeria, Argentina, Austria, Burma, Byelorussian Soviet Socialist Republic, Canada, China, Cuba, Czechoslovakia, Denmark, Finland, Federal Republic of Germany, France, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Laos, Luxembourg, Mexico, Monaco, Nepal, Netherlands, Norway, Pakistan, Poland, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, Sierra Leone, Somalia, Sudan, Sweden, Tanganyika, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States and Yugoslavia. The Commission also had before it a note by the Secretary-General on the comments and observations received from non-governmental organizations in consultative status in accordance with resolution 888 B (XXXIV) of the Economic and Social Council (E/CN.4/872 and Add.1).

310. The Commission considered this agenda item at its 811th and 812th meetings on 14 March 1964.

311. France and Lebanon submitted the following draft resolution (E/CN.4/L.714):

"The Commission on Human Rights,

"Having given preliminary consideration to the summaries of periodic reports on human rights for the years 1960-1962 (E/CN.4/860 and Add.1-3, E/CN.4/861 and Add.1-2), together with the note by the Secretary-General on the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council (E/CN.4/872 and Add.1),

"1. Urges States Members of the United Nations and members of the specialized agencies, which have not yet done so, to submit by 30 June 1964 reports on developments in human rights during 1960-1962, in accordance with Economic and Social Council resolutions 624 B (XXII) and 888 B (XXXIV);

"2. Requests the Secretary-General 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 1960-1962;

"3. Decides to appoint a Committee on Periodic Reports on Human Rights consisting of the representatives of ...;

"4. Requests the Committee to meet one week immediately prior to the twenty-first session of the Commission:

(a) To examine the summaries of periodic reports for the years 1960-1962, including any additional reports received in accordance with this resolution;

(b) To prepare a general survey of the developments in human rights during the years 1960-1962, on the basis of the Secretary-General's summary (E/CN.4/860 and Add.1-3) and the reports of the specialized agencies (E/CN.4/861 and Add.1-2), similar to that contained in Chapter II of the report (E/CN.4/831) of the Committee on Periodic Reports on Human Rights appointed by the Commission at its seventeenth session;

(c) To prepare, for consideration by the Commission, conclusions and recommendations based on the summaries and of an objective and general character, of the type contemplated in resolution 1 (XII) of the Commission;

(d) To recommend to the Commission a procedure to be followed by the Secretary-General in relation to the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council;

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

(f) To submit its report to the Commission at its twenty-first session;

"5. Invites the Commission on the Status of Women to appoint one of its members to represent it at the meetings of the Committee;

"6. Decides to consider this item further at the twenty-first session."

312. A statement of financial implications concerning this draft resolution was submitted by the Secretary-General (E/CN.4/L.714/Add.1; see annex III).

313. The following revised draft resolution (E/CN.4/L.714/Rev.1), concerning also Freedom of Information, was submitted by France, Lebanon and the Philippines:

"The Commission on Human Rights,

"Having given preliminary consideration to the summaries of periodic reports on human rights for the years 1960-1962 (E/CN.4/860 and Add.1-3, E/CN.4/861 and Add.1-2), together with the note by the Secretary-General on the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council (E/CN.4/872 and Add.1),

"Noting that while the Commission decided, at its fifteenth session, to review developments affecting freedom of information, as a regular item on its agenda, it has not yet been in a position to examine the report on developments in the field of freedom of information since 1954 (E/3443 and Add.1-2); nor has it examined the Secretary-General's annual reports on freedom of information for the years 1960-1961, 1961-1962 and 1962-1963 (documents E/CN.4/822 and Add.1-3, E/CN.4/838 and Add.1-3 and E/CN.4/862 respectively),

A

"1. Urges States Members of the United Nations and members of the specialized agencies, which have not yet done so, to submit by 30 June 1964 reports on developments in human rights during 1960-1962, in accordance with Economic and Social Council resolutions 624 B (XXII) and 888 B (XXXIV);

"2. Requests the Secretary-General 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 1960-1962;

"3. Decides to appoint a Committee consisting of the representatives of ...;

"4. Requests the Committee to meet prior to the twenty-first session of the Commission:

(a) To examine the summaries of periodic reports for the years 1960-1962, including any additional reports received in accordance with this resolution;

(b) To prepare a general survey of the developments in human rights during the years 1960-1962, on the basis of the Secretary-General's summary (E/CN.4/860 and Add.1-3) and the reports of the specialized agencies (E/CN.4/861 and Add.1-2), similar to that contained in Chapter II of the report (E/CN.4/831) of the Committee on Periodic Reports on Human Rights appointed by the Commission at its seventeenth session;

(c) To prepare, for consideration by the Commission, conclusions and recommendations based on the summaries and of an objective and general character, of the type contemplated in resolution 1 (XII) of the Commission;

(d) To recommend to the Commission a procedure to be followed by the Secretary-General in relation to the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council;

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

(f) To submit its report to the Commission at its twenty-first session;

"5. Invites the Commission on the Status of Women to appoint one of its members to represent it at the meetings of the Committee;

"6. Decides to consider this item further at the twenty-first session.

B

"1. Requests the Committee appointed under A, paragraph 3 above to examine the reports on freedom of information which are at present before the Commission and, in their light, make recommendations to the Commission at its twenty-first session concerning steps which should be taken with respect to problems of freedom of information by the United Nations in co-operation with the specialized agencies, particularly UNESCO;

"2. Requests the Secretary-General to give all necessary assistance to the Committee in its consideration of this matter and expresses the hope that the specialized agencies concerned, particularly UNESCO, will co-operate with it in its work."

314. Costa Rica, Dahomey and the United States of America submitted a draft resolution (E/CN.4/L.716) which reads as follows:

"The Commission on Human Rights,

"Noting the periodic reports on human rights covering the years 1960-1962 as summarized by the Secretary-General (E/CN.4/860 and Add.1-3) and as forwarded by various specialized agencies (E/CN.4/861 and Add.1-2),

"Noting also the recommendations of the Secretary-General, to facilitate the consideration of these reports and the use of material received from non-governmental organizations in consultative status,

"Believing that regular review of developments in the field of human rights is of value for practical and realistic recommendations for the advancement of human rights,

"1. Decides to establish an Ad Hoc Committee, consisting of the following seven members: ..., to be represented by their permanent delegations, with responsibility to:

(a) Consider and report on any possible modifications of the present arrangements relating to periodic reports, including the advice given by the Secretary-General as to their preparation, that are desirable in order to increase the usefulness of reports in the fields of human rights;

(b) Examine the 1960-1962 series of reports and submit any conclusions or recommendations which it may wish to make in consequence of this examination;

(c) Consider the material received from non-governmental organizations in consultative status and the comments of member Governments on references to them, and recommend appropriate utilization and distribution of this material in future years,

"2. Requests the Ad Hoc Committee to meet at Headquarters and report to the Commission at its twenty-first session,

"3. Suggests that the needs and experience of the Commission on the Status of Women be taken into account along with that of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

"4. Requests the Secretary-General to provide the Ad Hoc Committee with all the pertinent documents and necessary assistance, and to prepare suggestions for the improvement of present procedures,

"5. Requests the Secretary-General to provide the Ad Hoc Committee with copies of the material received from non-governmental organizations in consultative status, and to communicate to Member States for comment any particular reference to them in this material, with the understanding that such comments will also be supplied to the Ad Hoc Committee."

315. The following amendments to the revised draft resolution proposed by France, Lebanon and Philippines were proposed orally by the United States:

- (i) to amend paragraph 3 of part A of the revised draft resolution to read: "Decides to appoint a Committee consisting of the representatives of eight States Members of the Commission;"
- (ii) to insert in paragraph 4 of part A, after the word "meet" and before the word "prior", the words "in consultation with the Secretary-General throughout the year."
- (iii) to replace paragraph 5 of part A of the revised draft by paragraph 3 of the draft resolution proposed by Costa Rica, Dahomey and the United States
- (iv) to add after paragraph 6 of part A of the revised draft resolution a new paragraph reproducing paragraph 5 of the draft resolution proposed by Costa Rica, Dahomey and the United States.

316. The representative of Austria suggested that in the revised draft resolution mention should be made of the report prepared by the Committee on Periodic Reports on Human Rights (E/CN.4/831) and in particular of Chapters III and IV of that report.

317. The representative of the Netherlands considered that paragraph 2 of part A of the revised draft resolution (E/CN.4/L.714/Rev.1) was unnecessary and suggested its deletion.

318. The representative of France, on behalf also of the two other co-sponsors of the revised draft resolution accepted the Austrian suggestion, by adding after the second preambular paragraph the following paragraph:

"Recalling the report of the Committee on Periodic Reports on Human Rights (E/CN.4/831), particularly Chapters III and IV,"

319. The representative of France also adopted, on behalf of the other co-sponsors, the other proposals and suggestions described in paragraphs 315 (i) and (iii) and 317 above.

320. In paragraph 4 of the revised draft resolution the words "in consultation with the Secretary-General" were also accepted, but not the words "throughout the year".

321. The inclusion of paragraph 5 of the draft resolution proposed in E/CN.4/L.716 to become a new paragraph 7 in part A of the revised draft resolution was not agreed upon by the co-sponsors of the revised draft resolution, and in its place the representative of France proposed a new text to become paragraph 4 of the amended draft resolution, reading as follows:

"Requests the Secretary-General to transmit to the Committee, for the purposes mentioned in paragraph 3 (d) above, copies of the comments and observations received from non-governmental organizations in consultative status;"

322. It was generally felt by members of the Commission that the appointment of a temporary, subsidiary body of the type envisaged in the draft resolution adopted would be useful. However, some differences of opinion appeared as to the terms of reference of the Committee.

323. It was argued that the inclusion of paragraph 5 of the draft resolution proposed by Costa Rica, Dahomey and the United States in the draft resolution submitted by France, Lebanon and the Philippines (E/CN.4/L.714/Rev.1), would represent a violation of the pertinent resolutions and of the existing practice of the Commission on Human Rights and of the Economic and Social Council and that it would be ultra vires the Charter of the United Nations. In the light of these observations, Dahomey withdrew as a sponsor of the draft resolution. Some representatives also opposed the inclusion of such a paragraph on the ground that it would tend to confer on the non-governmental organizations wider powers than were authorized under the existing arrangements for consultation established by the Economic and Social Council. Furthermore, it was pointed out that it would be improper to provide non-governmental organizations with more rights and more power than Member States, and to create, in the words of the USSR representative, a "surrogate commission on human rights" with a wider range of responsibilities than those of the Commission itself.

324. Two members of the Commission argued that the procedure envisaged in paragraph 5 would represent an improvement of the system of periodic reports, would ensure that the Committee had the information needed for its work and would give due recognition to the importance of non-governmental organizations. The United States representative pointed out that the non-governmental organizations could contribute to the reporting in the field of human rights by presenting, through their observations, independent verification of the information supplied by Governments. The argument was made that Member Governments should have a chance to comment on

references made to them by the non-governmental organizations. In reply, the USSR representative stated that he was not inclined to over-estimate the importance of the observations of non-governmental organizations, some of which, regrettably, embarked on the unseemly course of submitting biased observations; he also emphasized that the observations of non-governmental organizations relating to individual countries must in all cases be examined in strict accordance with the procedure laid down by the relevant resolutions of the Economic and Social Council.

325. One opinion expressed was that the Committee should examine, inter alia, the desirability of having the periodic reports summarized annually.

326. It was noted with satisfaction that part B of the revised draft resolution submitted by France, Lebanon and the Philippines (E/CN.4/L.714/Rev.1) requested the Committee on Periodic Reports to examine also the reports on freedom of information which the Commission had been unable to examine for several years and make recommendations to the Commission on the problem of freedom of information.

327. The revised draft resolution, submitted by France, Lebanon and the Philippines and co-sponsored also by Costa Rica, as orally revised, see above, paragraphs 315-321, was unanimously adopted.

328. The text of the resolution as adopted at the 812th meeting on 14 March 1964 is as follows:

3 (XX) Periodic Reports on Human Rights: Freedom of Information^{13/}

The Commission on Human Rights,

Having given preliminary consideration to the summaries of periodic reports on human rights for the years 1960-1962 (E/CN.4/860 and Add.1-3, E/CN.4/861 and Add.1-2), together with the note by the Secretary-General on the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council (E/CN.4/872 and Add.1),

Noting that while the Commission decided, at its fifteenth session, to review developments affecting freedom of information, as a regular item on its agenda, it has not yet been in a position to examine the report on developments in the field of freedom of information since 1954 (E/3443 and Add.1-2); nor has it examined the Secretary-General's annual reports on freedom of information for the years 1960-1961, 1961-1962 and 1962-1963 (E/CN.4/822 and Add.1-3, E/CN.4/838 and Add.1-3 and E/CN.4/862),

Recalling the report of the Committee on Periodic Reports on Human Rights (E/CN.4/831), particularly Chapters III and IV,

A

1. Urges States Members of the United Nations and members of the specialized agencies, which have not yet done so, to submit by 30 June 1964 reports on developments in human rights during 1960-1962, in accordance with Economic and Social Council resolutions 624 B (XXII) and 888 B (XXXIV);

^{13/} For the financial implications relating to the resolution see agenda III.

2. Decides to appoint a Committee consisting of the representatives of eight States Members of the Commission;

3. Requests the Committee to meet in consultation with the Secretary-General prior to the twenty-first session of the Commission:

(a) To examine the summaries of periodic reports for the years 1960-1962, including any additional reports received in accordance with this resolution;

(b) To prepare a general survey of the developments in human rights during the years 1960-1962, on the basis of the Secretary-General's summary (E/CN.4/860 and Add.1-3) and the reports of the specialized agencies (E/CN.4/861 and Add.1-2), similar to that contained in Chapter II of the report (E/CN.4/831) of the Committee on Periodic Reports on Human Rights appointed by the Commission at its seventeenth session;

(c) To prepare, for consideration by the Commission, conclusions and recommendations based on the summaries and of an objective and general character, of the type contemplated in resolution 1 (XII) of the Commission;

(d) To recommend to the Commission a procedure to be followed by the Secretary-General in relation to the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council;

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

(f) To submit its report to the Commission at its twenty-first session;

4. Requests the Secretary-General to transmit to the Committee, for the purposes mentioned in paragraph 3 (d) above, copies of the comments and observations received from non-governmental organizations in consultative status;

5. Suggests that the needs and experience of the Commission on the Status of Women be taken into account along with that of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities;

6. Decides to consider this item further at the twenty-first session.

B

1. Requests the Committee appointed, paragraph 3 of part A above, to examine the reports on freedom of information which are at present before the Commission and, in their light, make recommendations to the Commission at its twenty-first session concerning steps which should be taken with respect to problems of freedom of information by the United Nations in co-operation with the specialized agencies, particularly UNESCO;

2. Requests the Secretary-General to give all necessary assistance to the Committee in its consideration of this matter and expresses the hope that the specialized agencies concerned, particularly UNESCO, will co-operate with it in its work.

329. The Commission decided by 20 votes to 1 that the Committee established under the resolution be composed of the following eight States members of the Commission on Human Rights: Costa Rica, Dahomey, France, the Philippines, Poland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Austrian representative, after recalling that Austria had been the sponsor of the first proposal to appoint a committee responsible for the examination of the summaries of periodic reports, expressed the view that there was no provision in the rules of procedure of the Economic and Social Council or of its functional commissions entrusting to the permanent members of the Security Council the function of directing the Commission's work; that it would be contrary to the principle of the equality of States proclaimed in the Charter and to rule 21 of the rules of procedure of the functional commissions to decide that the four members of the Commission who were permanent members of the Security Council must be members of the committee as of right; and that Austria could not accept the principle applied in the designation of the members of the committee since it considered that principle wholly unwarranted. In his view, therefore, the procedure which had been followed could not be regarded as creating a precedent.

V. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

330. The Commission considered this item 9 of its agenda relating to prevention of discrimination and protection of minorities at its 812th meeting on 14 March 1964. The item was divided into four parts: (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices; (b) Draft principles on freedom and non-discrimination in the matter of political rights; (c) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country; (d) Report of the sixteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

A. DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES

B. DRAFT PRINCIPLES ON FREEDOM AND NON-DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

C. STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN AND TO RETURN TO HIS COUNTRY

331. The Commission was unable, owing to lack of time, to discuss any of these items. However, the representative of the Philippines suggested that the Commission should recommend to the Economic and Social Council that it request the Secretary-General to make arrangements for the attendance at the Commission's next session of Mr. José D. Ingles, who, as Special Rapporteur of the Sub-Commission, had prepared the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. It was observed that the Special Rapporteurs who had prepared the other studies on the basis of which the draft principles under items 9 (a) and (b) were prepared by the Sub-Commission had already been heard by the Commission and that last year's recommendation to the Council to have Mr. Ingles attend the present session of the Commission, which had been endorsed by the Council in its resolution 958 B (XXXVI), would have to be reiterated because the Council's approval would be necessary in order to make the financial arrangements. Certain representatives felt that it was necessary not to prejudge which of the three items it would take up first, especially as some of them considered that priority should be given to the consideration of the draft principles on freedom and non-discrimination in the matter of political rights, and that, therefore, any resolution which the Commission might adopt should be in general terms providing that Mr. Ingles should attend the session of the Commission at which his study might be considered.

332. The representative of the Philippines, taking account of suggestions made by the representatives of the USSR and the United Kingdom, then proposed a draft resolution which was adopted unanimously.

333. The text of the resolution, as adopted at the 812th meeting, on 14 March, read as follows:

- 4 (XX) Draft principles on freedom and non-discrimination in the matter of political rights: study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country

The Commission on Human Rights

Postpones the consideration of items 9 (b) and (c) to its twenty-first session because of lack of time,

Recommends that the Economic and Social Council request the Secretary-General to make arrangements for the Special Rapporteur, Mr. José D. Ingles, to attend the meetings of the Commission on Human Rights when it undertakes the consideration of his report on the right of everyone to leave any country, including his own, and to return to his country.^{14/}

334. Subsequently, at the same meeting on the proposal of the representative of the Philippines, the Commission agreed, owing to lack of time, to postpone consideration of item 9 (a) relating to the draft principles on freedom and non-discrimination in the matter of religious rights and practices to its twenty-first session.

D. REPORT OF THE SIXTEENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

335. The Commission had before it the report of the sixteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873). Chapter II of the report related to the draft International Convention on the Elimination of All Forms of Racial Discrimination. Chapter III concerned the preparation of a draft declaration and a draft convention on the elimination of all forms of religious intolerance. Chapter IV dealt with the study of discrimination against persons born out of wedlock. Chapter V related to the study of equality in the administration of justice. Chapter VI concerned the consideration of the future work of the Sub-Commission, and Chapter VII related to the protection of minorities (see para. 372 below).

336. Chapters II and III of the Sub-Commission's report were considered by the Commission separately (see chapters II and III above). The only other chapter of the Sub-Commission's report which the Commission considered was chapter VII relating to the protection of minorities.

337. In resolution 6 (XVI) on protection of minorities (E/CN.4/873, para. 168) the Sub-Commission had noted the memorandum prepared by the Secretary-General listing and classifying special protective measures of an international character for ethnic, religious or linguistic groups (E/CN.4/Sub.2/221) and the compilation of the texts of those international instruments and similar measures of an international character which were of contemporary interest and which provided special protective measures for ethnic, religious or linguistic groups (E/CN.4/Sub.2/214). And, after considering that a joint publication of the compilation and memorandum, available also to the public, would contribute to the understanding of the problems involved, the Sub-Commission had requested the Secretary-General within the frame of appropriated means to print the memorandum and the compilation as one publication.

^{14/} For the financial implications relating to this recommendation see annex III.

338. At the 812th meeting of the Commission, held on 14 March 1964, the representative of Austria submitted the following draft resolution:

"The Commission on Human Rights,

"Considering resolution 6 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recommends that the Economic and Social Council adopt the following draft resolution:

'The Economic and Social Council,

'Having considered the report of the Commission on Human Rights on protection of minorities,

'Takes note of the memorandum by the Secretary-General, listing and classifying special protective measures of an international character for ethnic, religious or linguistic groups (E/CN.4/Sub.2/221) and the compilation of 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 (E/CN.4/Sub.2/214),

'Decides to request the Secretary-General within the frame of appropriated means to print the memorandum and the compilation as one publication.'"

339. The financial implications of the printing costs submitted to the Sub-Commission by the Secretary-General had envisaged an estimated cost of \$2,500 and had pointed out that the publication programme for 1964 would exceed the relevant appropriation so that it would be the Secretary-General's intention to include the necessary funds in his initial estimates for 1965 if the Commission and the Economic and Social Council were subsequently to endorse the request for printing (E/CN.4/873, annex III). This position was restated before the Commission.

340. It was pointed out in the Commission that the cost of printing of the memorandum and the compilation would be small and it should be possible to absorb them within the available funds, and that a further effort should be made by the Secretary-General notwithstanding his reiteration of the costs involved. Some representatives thought, however, that the financial implications made it inadvisable to adopt the draft resolution. It was also felt that the publication envisaged would have rather a scientific than a practical character. And there were other studies, such as that relating to the right of everyone to be free from arbitrary arrest, detention and exile, whose publication perhaps merited greater consideration than the publication proposed in the draft resolution.

341. The draft resolution of the representative of Austria was rejected by 4 votes to 3, with 13 abstentions.

342. At the 812th meeting on 14 March 1964 the Commission adopted unanimously the following draft resolution proposed by the representative of the Philippines:

5 (XX) Report of the Sub-Commission on Prevention of Discrimination
and Protection of Minorities on its sixteenth session

The Commission on Human Rights

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its sixteenth session (E/CN.4/873).

VI. FREEDOM OF INFORMATION

343. At its nineteenth session the Commission decided to postpone to its twentieth session, due to lack of time, the consideration of the agenda item on freedom of information.

344. At its twentieth session the Commission had before it:

(a) A report on developments in the field of freedom of information since 1954 (E/3443), together with the comments of Governments and specialized agencies thereon (E/3443/Add.1 and 2);

(b) Annual reports on freedom of information for 1960-1961, 1961-1962 and 1962-1963 (E/CN.4/822 and Add.1-3, E/CN.4/838 and Add.1-3, and E/CN.4/862 and Add.1-2).

345. Due to lack of time the Commission was again unable to discuss this item and decided to postpone its consideration to the twenty-first session (see para. 8 above).

346. However, in connexion with item 5 of its agenda "Periodic reports on human rights", the Commission decided to establish a Committee which, inter alia, was requested "to examine the reports on freedom of information which are at present before the Commission and, in their light, make recommendations to the Commission at its twenty-first session concerning steps which should be taken with respect to problems of freedom of information by the United Nations in co-operation with the specialized agencies, particularly UNESCO" (see para. 328, resolution 3 B (XX)).

VII. DESIGNATION OF 1968 AS INTERNATIONAL YEAR FOR HUMAN RIGHTS

347. At the request of the Government of Jamaica, an item entitled "Designation of 1968 as International Year for Human Rights" had been included in the agenda of the General Assembly's eighteenth session.

348. At that session, on the recommendation of the Third Committee, the Assembly had adopted resolution 1961 (XVIII) on that subject. In the operative part of that resolution the General Assembly, in particular, designated the year 1968 as International Year for Human Rights, and requested the Economic and Social Council to invite the Commission on Human Rights at its forthcoming session: (a) to prepare a programme of measures and activities representing a lasting contribution to the cause of human rights, to be undertaken by the United Nations, by Member States and by the specialized agencies during the year 1968, in celebration of the twentieth anniversary of the adoption of the Universal Declaration of Human Rights; (b) to prepare, for consideration by the General Assembly, suggestions for a list of goals in the field of human rights to be achieved by the United Nations not later than the end of 1968; and (c) to submit the programme of measures and activities and the suggestions for the list of goals in time for their consideration by the General Assembly at its twentieth session.

349. The Economic and Social Council, at its resumed thirty-sixth session, had decided to transmit that resolution of the General Assembly to the Commission on Human Rights.

350. At its twentieth session, the Commission accordingly had that resolution before it, as also a note by the Secretary-General on that agenda item (E/CN.4/867). On 10 March 1964 the representative of Costa Rica submitted a draft resolution on that subject, reading as follows (E/CN.4/L.717):

"The Commission on Human Rights,

Noting General Assembly resolution 1961 (XVIII) designating the year 1968 as International Year for Human Rights,

Sharing the view of the General Assembly that, in spite of the substantial measure of progress which has been achieved in giving effect to human rights and fundamental freedoms since the adoption of the Universal Declaration of Human Rights, the effective realization of these rights and freedoms remains unsatisfactory in some parts of the world,

Bearing in mind the broad objectives of achieving a set of goals in the field of human rights not later than 1968, and the preparation of a programme of measures and activities in the field of human rights to be undertaken by Member Governments and the specialized agencies during the year 1968,

Decides that a Committee consisting of five of its members appointed by the Chairman of the Commission shall meet two weeks before the 1965 session of the Commission on Human Rights to prepare a programme of measures and activities to be undertaken by Member States during 1968 in celebration of the twentieth anniversary of the Universal Declaration of Human Rights and in the furtherance of Human Rights and fundamental freedoms;

Requests the Economic and Social Council to recommend the following draft resolution to the General Assembly for consideration at its nineteenth session:

The General Assembly,

Recalling its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights,

Recognizing the need for effective measures to be taken at both the international and the national levels to encourage the further development of human rights and fundamental freedoms,

Reaffirming the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

Convinced that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

A

1. Recommends that all Member States be invited to ratify before or during 1968 the Conventions already concluded in the field of human rights, and in particular the following:

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

ILO Convention Concerning the Abolition of Forced Labour;

ILO Convention on Discrimination in Respect of Employment and Occupation;

UNESCO Convention Against Discrimination in Education.

2. Recommends the conclusion of the following draft Conventions before 1968 so that they may be open for ratification and accession before or during 1968:

Draft Covenant on civil and political rights;

Draft Covenant on economic, social and cultural rights;

Draft International Convention on the elimination of all forms of discrimination;

Draft International Convention on the elimination of all forms of religious intolerance;

Draft Convention on Freedom of information.

3. Decides to complete the consideration of the Declarations and Recommendations outstanding in the field of Human Rights now before the General Assembly by 1968;

B

4. Recommends in principle the convening, in 1968, of an International Conference to (i) review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights, (ii) evaluate the effectiveness of the methods and techniques used by the United Nations in the field of human rights and (iii) formulate and prepare a programme of further measures to be taken subsequent to the celebration of Human Rights Year;

5. Requests the Secretary-General to ascertain from Member States their attitude to such a conference and the place and date of meeting of the Conference, and to report on his consultations to the General Assembly at its twentieth session."

351. A statement of the financial implications of the Costa Rican draft resolution (E/CN.4/L.717) was transmitted to the Commission by the Secretary-General (E/CN.4/L.717/Add.1).

352. On 13 March 1964, the Costa Rican representative submitted a revised draft resolution (E/CN.4/L.717/Rev.1), which was corrected and revised orally by its sponsor when the latter introduced it at the 812th meeting on 14 March 1964. The Costa Rican draft resolution, as introduced at that meeting with these corrections and revisions, read as follows:

"The Commission on Human Rights,

"Noting General Assembly resolution 1961 (XVIII) designating the year 1968 as International Year for Human Rights,

"Sharing the view of the General Assembly that, in spite of the substantial measure of progress which has been achieved in giving effect to human rights and fundamental freedoms since the adoption of the Universal Declaration of Human Rights, the effective realization of these rights and freedoms remains unsatisfactory in some parts of the world,

"Bearing in mind the broad objectives of achieving a set of goals in the field of human rights not later than 1968, and the preparation of a programme of measures and activities in the field of human rights to be undertaken by Member Governments and the specialized agencies during the year 1968,

"Decides that a Committee consisting of thirty-three members appointed from Permanent Delegations shall meet prior to the 1965 session after consultation with the Secretary-General to recommend a programme of measures and activities to be undertaken by Member States, the United Nations and specialized agencies in celebration of the Twentieth Anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freedoms;

"Decides that, as a part of its terms of reference, the Committee should give special thought to the considerations relative to the holding of an International Conference in 1968 to (a) review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights; (b) evaluate the effectiveness of the methods and techniques used by the United Nations in the field of human rights; and (c) formulate and prepare a programme of further measures to be taken subsequent to the celebration of Human Rights Year. The Committee should further consider the convenience of inviting all Member States to sign, ratify and apply the conventions already approved in the field of human rights."

353. On 14 March 1964, the representative of the Ukrainian Soviet Socialist Republic submitted a draft resolution (E/CN.4/L.721), which, after certain oral corrections had been made, read as follows:

"The Commission on Human Rights,

Noting General Assembly resolution 1961 (XVIII) designating the year 1968 as International Year for Human Rights,

Sharing the view of the General Assembly that, in spite of the substantial measure of progress which has been achieved in giving effect to human rights and fundamental freedoms since the adoption of the Universal Declaration of Human Rights, the effective realization of these rights and freedoms remains unsatisfactory in some parts of the world,

Bearing in mind the broad objectives of achieving a set of goals in the field of human rights not later than 1968, and the preparation of a programme of measures and activities in the field of human rights to be undertaken by Member Governments and the specialized agencies during the year 1968,

Requests the Economic and Social Council to recommend the following draft resolution to the General Assembly for consideration at its nineteenth session:

The General Assembly,

Recalling its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights,

Recognizing the need for effective measures to be taken at both the international and the national levels to encourage the further development of human rights and fundamental freedoms,

Reaffirming the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

Convinced that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

1. Recommends that all Member States be invited to ratify before 1968 the Conventions already concluded in the field of human rights, and inter alia the following:

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

ILO Convention Concerning the Abolition of Forced Labour;

ILO Convention on Discrimination in Respect of Employment and Occupation;

ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

UNESCO Convention Against Discrimination in Education;

Convention on the Prevention and Punishment of the Crime of Genocide;

Convention on the Political Rights of Women.

2. Recommends the conclusion of the following draft Conventions before 1968 so that they may be open for ratification and accession before 1968:

Draft Covenant on civil and political rights;

Draft Covenant on economic, social and cultural rights;

Draft International Convention on the elimination of all forms of racial discrimination;

Draft International Convention on the elimination of all forms of religious intolerance;

Draft Convention on freedom of information.

3. Decides to complete by 1968 the consideration and preparation of the following draft declarations:

Draft declaration on the elimination of discrimination in the matter of political rights;

Draft declaration on the elimination of discrimination in relation to women."

354. The Commission considered this agenda item, including the drafts before it, at its 812th meeting on 14 March 1964.

355. There was agreement in praising the initiative taken by Jamaica and Trinidad and Tobago, which had led to the adoption of resolution 1961 (XVIII) by the General Assembly, and in recognizing that the Commission on Human Rights should, in accordance with that resolution, give its full attention to the preparation of programmes and lists of goals with a view to intensifying national and international efforts in the field of human rights in connexion with the celebration in 1968 of the twentieth anniversary of the adoption of the Universal Declaration.

356. None of the representatives expressed any objection to the proposal for a meeting of a Committee whose general terms of reference, under both the original and the revised Costa Rican draft resolution (E/CN.4/L.717 and E/CN.4/L.717/Rev.1), would call for it to recommend a programme of measures and activities to be undertaken by Member States, the United Nations and specialized agencies.

357. A discussion took place on the question of whether consideration should be given to the convening, in 1968, of an international conference to review progress, make an evaluation and formulate programmes, as provided in the Costa Rican draft resolutions.

358. One representative questioned whether such a conference could carry out the proposed evaluation and said that it would be preferable for that difficult task to be entrusted to a study group. Several representatives expressed reservations concerning the convening of the conference, emphasizing the extent of the financial implications indicated by the Secretary-General (E/CN.4/L.717/Add.1, para. 6). The Costa Rican representative revised his draft in the light of those various reservations: whereas under the original draft (E/CN.4/L.717, part B) the General Assembly would, at its nineteenth session, recommend "in principle the convening, in 1968," of such a conference, the revised text (E/CN.4/L.717/Rev.1, operative paragraph 2) called for the Committee, which would meet in 1965, to "give special thought to the considerations relevant to the holding" of the conference in 1968. Since several representatives had objected that, even in its revised version, the resolution could be interpreted as implying approval in principle of the plan for an international conference, the Costa Rican representative finally decided on a formula under which "as a part of its terms of reference, the Committee should give special thought to the possibility of holding an International Conference in 1968". The sponsor of the draft resolution contended that the new wording in no way prejudged the advisability of holding the conference and would leave the Committee all the freedom it wished to study the various aspects of the matter. After that oral amendment and those explanations had been made, the above-mentioned objections to the Costa Rican draft resolution were withdrawn.

359. Under the original Costa Rican draft resolution (E/CN.4/L.717, part A), the General Assembly would have recommended that all Member States should be invited to ratify, before or during 1968, the Conventions already concluded in the field of human rights, and in particular certain specified Conventions; it would also have recommended the conclusion before 1968 of a number of specified draft conventions, including the draft Covenants, so that they might be open for ratification and accession before or during 1968; and it would, finally, have decided to complete by 1968 the consideration of the Declarations and Recommendations outstanding in the field of human rights now before the Assembly. In the revised Costa Rican draft resolution (E/CN.4/L.717, operative paragraph 2), these specific recommendations to the Assembly were omitted and there was no longer any reference to the draft Declarations now before the Assembly, but the Committee was called upon further to "consider the convenience of inviting all Member States to sign, ratify and apply the conventions already approved in the field of human rights".

360. The Ukrainian draft resolution (E/CN.4/L.721) was designed to reintroduce part A of the original Costa Rican draft (E/CN.4/L.717). Under the Ukrainian draft, the General Assembly would invite all Member States to ratify before 1968 the Conventions already concluded, inter alia, certain specified conventions; a

number of specified draft Conventions would be concluded so that they might be open for ratification and accession before 1968, and the Assembly would decide to complete by 1968 the preparation of draft declarations. The only differences between the two texts were the following:

- in the Ukrainian draft resolution (operative paragraph 1), as orally amended, Member States were invited to ratify "before 1968" the Conventions already concluded, rather than "before or during 1968", as provided in the original Costa Rican draft, the same point applied to ratification of, and accession to, conventions which were to be drafted and concluded in the meantime (operative paragraph 2);
- in the Ukrainian draft, the list of Conventions already concluded which were to be given special attention included, in addition to the four referred to in the Costa Rican draft, the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention on the Political Rights of Women;
- whereas the original Costa Rican draft (E/CN.4/L.717, part A) called in general terms for the Assembly to complete by 1968 the preparation of the draft Declarations and Recommendations before it, the corresponding Ukrainian proposal (E/CN.4/L.721) related specifically to the draft Declaration on the elimination of discrimination in the matter of political rights and the draft Declaration on the elimination of discrimination in relation to women.

361. The representative of the Ukrainian SSR stressed that his draft (E/CN.4/L.721) should in no way be considered as at variance or in competition with the revised draft submitted by Costa Rica (E/CN.4/L.717/Rev.1); on the contrary, the two texts were in his view complementary, and his sole purpose in submitting his own draft had been to reintroduce the corresponding provisions of the original Costa Rican draft (E/CN.4/L.717, part A), which he considered essential.

362. The Costa Rican representative said that he supported the Ukrainian draft resolution in its main lines; while he had modified his own draft in order to obtain greater agreement within the Commission, he felt that the draft recommendations relating to the conventions and recommendations on human rights contained in his original text and reintroduced in the Ukrainian draft were of great importance for the implementation of General Assembly resolution 1961 (XVIII).

363. A number of representatives also supported the Ukrainian draft resolution, emphasizing that maximum participation in United Nations legislative activity by States Members and the acceleration of the Organization's work in connexion with the conventions and declarations relating to human rights should clearly be regarded as the most important of the measures and activities mentioned in General Assembly resolution 1961 (XVIII). In particular, it was most desirable that emphasis should be placed on the need for expediting work on the draft Conventions, in view of the celebration of the twentieth anniversary of the adoption of the Universal Declaration.

364. In support of the Ukrainian draft resolution (E/CN.4/L.721), a representative also pointed out that if, as that draft resolution proposed, the General Assembly adopted as early as 1964, at its nineteenth session, recommendations concerning

the conventions relating to human rights, States Members would have the time to initiate their constitutional ratification procedures so as to accede to the conventions before 1968 - whereas the procedure proposed in the revised Costa Rican draft (E/CN.4/L.717/Rev.1) might well result in delay.

365. On the other hand, a number of representatives expressed the view that the Ukrainian draft (E/CN.4/L.721) and the original Costa Rican draft (E/CN.4/L.717) had the defect of ignoring certain important conventions and draft recommendations which deserved mention. Examples cited were the convention on the nationality of married women and the convention and recommendation on consent to marriage, minimum age for marriage and registration of marriages. The representative of the ILO suggested - and this suggestion was repeated by a representative - that the list contained in the Ukrainian draft should be supplemented by reference to the ILO conventions relating to the right of association and combination of agricultural workers, freedom to form trade unions and the protection of trade union rights, and the application of the principles of the right of organization and collective bargaining. Certain representatives argued that any attempt at enumeration raised difficulties: to compile such lists of conventions and recommendations was a highly complex task for which the Commission had not enough time, and study of the question would best be left to the Committee. The representatives who supported the Ukrainian draft replied that they saw no need to add references to other instruments to it, since the list of examples mentioned in the draft was in no way to be regarded as exhaustive. In order to dispel misgivings on this point, the Ukrainian representative drew attention to the words "in particular" in operative paragraph 1 of his draft. In addition, he accepted the oral proposal of the United States representative to add references to the draft declaration on the right of asylum and the draft declaration on freedom of information to operative paragraph 3 of his draft (E/CN.4/L.721).

366. A representative criticized the text of the Ukrainian draft reintroduced from the original Costa Rican draft on the ground that, in operative paragraph 2, the General Assembly would be appearing to address recommendations concerning the conclusion of draft conventions to itself. That, he held, was as unusual a procedure, as it was pointless, since - at least so far as concerned the draft Covenants - the Assembly had never failed to give priority to the consideration of the drafts. In order to improve the text, the representative of the Ukrainian SSR accepted a suggestion by the Ecuadorian representative that the words "Recommends the conclusion of the following draft Conventions before 1968" should be replaced by the words "Decides to hasten the conclusion of the following draft Conventions". The reference to the need to hasten the work, it was stressed by the sponsor of the draft, was an essential aspect of his proposal.

367. In agreement with the Costa Rican representative, the Ukrainian representative submitted the draft resolution for the Economic and Social Council contained in his own text (E/CN.4/L.721, orally revised) as an amendment to be added as a second part to the revised Costa Rican draft resolution (E/CN.4/L.717/Rev.1, orally revised); and the Costa Rican representative declared that if that amendment was adopted by the Commission, he would delete the second sentence of operative paragraph 2 of his resolution, providing that the Committee should consider the convenience of inviting Member States to sign, ratify and apply the conventions already approved in the field of human rights.

368. The orally revised Ukrainian amendment to the revised Costa Rican draft resolution was adopted by the Commission by 13 votes to 8, with no abstentions. At the request of the USSR representative, the vote was taken by roll-call and the voting was as follows:

In favour: Austria, Chile, Costa Rica, Dahomey, Ecuador, El Salvador, India, Lebanon, Liberia, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Canada, Denmark, France, Italy, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: None.

369. The Costa Rican draft resolution (E/CN.4/L.717/Rev.1), as orally revised and amended, was unanimously adopted by roll-call vote requested by the USSR representative, all members of the Commission being present and voting.

370. The resolution adopted by the Commission at its 812th meeting on 14 March 1964 reads as follows:

6 (XX) DESIGNATION OF 1968 AS INTERNATIONAL YEAR
FOR HUMAN RIGHTS 15/

The Commission on Human Rights,

Noting General Assembly resolution 1961 (XVIII) designating the year 1968 as International Year for Human Rights,

Sharing the view of the General Assembly that, in spite of the substantial measure of progress which has been achieved in giving effect to human rights and fundamental freedoms since the adoption of the Universal Declaration of Human Rights, the effective realization of these rights and freedoms remains unsatisfactory in some parts of the world,

Bearing in mind the broad objectives of achieving a set of goals in the field of human rights not later than 1968, and the preparation of a programme of measures and activities in the field of human rights to be undertaken by Member Governments and the specialized agencies during the year 1968,

1. Decides that a Committee consisting of thirty-four members^{16/} appointed from Permanent Delegations shall meet prior to the 1965 session after consultation with the Secretary-General to recommend a programme of measures and activities to be undertaken by Member States, the United Nations and specialized agencies in celebration of the Twentieth Anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freedoms;

15/ For the financial implications relating to the resolution see annex III.

16/ For the membership, see paragraph 371 below.

2. Decides that as a part of its terms of reference, the Committee should give special thought to the possibility of holding an International Conference in 1968 to (i) review the progress which has been made in the field of human rights since the adoption of the Universal Declaration on Human Rights, (ii) evaluate the effectiveness of the methods and techniques used by the United Nations in the field of human rights, and (iii) formulate and prepare a programme of further measures to be taken subsequent to the celebration of Human Rights Year;

3. Requests the Economic and Social Council to recommend the following draft resolution to the General Assembly for consideration at its nineteenth session:

/For the text of the draft resolution, see chapter XI, draft resolution III./

371. At its 814th meeting on 18 March 1964 the Commission decided that invitations to appoint representatives to the Committee established by operative paragraph 1 of resolution 6 (XX) should be addressed to all the States members of the Commission on Human Rights and to the other co-sponsors of General Assembly resolution 1961 (XVIII), see paragraph 348 above, namely: Afghanistan, Argentina, Brazil, Ghana, Guatemala, Iraq, Ivory Coast, Jamaica, Nigeria, Saudi Arabia, Trinidad and Tobago, Uganda and Uruguay.

VIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

372. On 14 March 1964, the Commission held a private meeting, at which it considered the item on its agenda relating to communications concerning human rights. The Commission had before it a non-confidential list of communications (E/CN.4/CR.33), a confidential list of communications (H.R. Communications List No. 14), replies of Governments (H.R. Communications Nos. 301-364) and a confidential document of a statistical nature (H.R. Communications/Stat/5). It also had before it paragraph 13 of the report of the sixteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873) which dealt with communications relating to the prevention of discrimination and the protection of minorities.

373. The Commission also had before it a note by the Secretary-General (E/CN.4/819) on communications concerning human rights, which indicated certain difficulties which arose in the application of Economic and Social Council resolution 728 F (XXVIII). The note had been considered by the Commission at its eighteenth 17/ and nineteenth sessions, 18/ but no decision had been reached.

374. In the course of a brief discussion it was recalled that a draft resolution (E/CN.4/L.673), which sought to remove the difficulties arising in the application of Economic and Social Council resolution 728 F (XXVIII) had been submitted by Lebanon and the Philippines to the Commission at its nineteenth session, 19/ but had been withdrawn on the understanding that a decision would be taken at the twentieth session. In view of the inadequate time remaining for discussion at the present session, it was suggested that consideration of the matter should be postponed to the next session and that the item should be placed higher on the Commission's agenda. Some representatives expressed concern that consideration of this question had been postponed so often and that the Commission had not been able to fulfil its intention, affirmed at the previous session, to deal with the matter at its twentieth session.

17/ See Official Records of the Economic and Social Council, Thirty-fourth Session, Supplement No. 8, paras. 286-291.

18/ Ibid., Thirty-sixth Session, Supplement No. 8, paras. 56-59.

19/ Ibid.

IX. PLACE OF MEETING OF THE COMMISSION'S NEXT SESSION

375. At its 812th meeting the Commission considered the question of the place at which its next session would be held. The representative of Italy proposed that the Commission should recommend the Economic and Social Council to decide that the twenty-first session of the Commission on Human Rights should be held at Geneva. That proposal was adopted unanimously.

X. ADOPTION OF THE REPORT

376. At its 813th and 814th meetings on 17 and 18 March 1964, the Commission examined the draft report on the work of its twentieth session (E/CN.4/L.709 and Add.1 to 11). The report was adopted unanimously.

XI. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

I

Draft international convention on the elimination of all forms of racial discrimination 20/

The Economic and Social Council,

Recalling that the General Assembly in resolution 1780 (XVII) and 1906 (XVIII) requested the Commission on Human Rights to prepare a draft international convention on the elimination of all forms of racial discrimination,

Noting that the Commission on Human Rights has adopted at its twentieth session, in pursuance of the General Assembly's request, the substantive articles of a draft convention on the elimination of all forms of racial discrimination, on the basis of a preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits to the General Assembly for its consideration at its nineteenth session, the substantive articles prepared by the Commission on Human Rights, which are annexed to the present resolution, as well as the following documents which have not been voted upon by the Commission:

(a) The proposal for an additional article submitted by the United States of America in document E/CN.4/L.701/Rev.2, and the sub-amendment submitted thereto

20/ See paragraph 288.

by the Union of Soviet Socialist Republics in document E/CN.4/L.710/Rev.1, as well as the records of the discussions thereon in the Commission;

(b) Article X of the draft convention transmitted to the Commission on Human Rights by resolution 1 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, para. 119) which deals with measures of implementation as well as the records of the discussion thereon in the Commission;

(c) The preliminary draft on additional measures of implementation transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission (Annex I of the report of the Commission on Human Rights) as well as the records of the discussion thereon in the Commission;

(d) The working paper prepared by the Secretary-General for the final clauses of the draft convention on the elimination of all forms of racial discrimination (E/CN.4/L.679);

(e) The records of the discussion of this item by the Commission on Human Rights (E/CN.4/SR.774-810).

ANNEX

Provisions of the Draft International Convention on the Elimination of All Forms of Racial Discrimination adopted by the Commission at its twentieth session

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples as evil racial doctrines and practices have done in the past,

Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO by 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

Article I

1. In this Convention the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, /national/ or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public field. /In this paragraph the expression "national origin" does not cover the status of any person as a citizen of a given State./

2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article II

1. States Parties to the prevent Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization.

2. States Parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms, provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article III

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature.

Article IV

States Parties condemn all propaganda and organizations which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article V

In compliance with the fundamental obligations laid down in article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;
- (c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) the right to freedom of movement and residence within the border of the State;
 - (ii) the right to leave any country including his own, and to return to his country;
 - (iii) the right to nationality;
 - (iv) the right to marriage;
 - (v) the right to own property alone as well as in association with others;
 - (vi) the right to inherit;
 - (vii) the right to freedom of thought, conscience and religion;
 - (viii) the right to freedom of opinion and expression;
 - (ix) the right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;
 - (ii) the right to form and join trade unions;
 - (iii) housing;
 - (iv) public health, medical care and social security and social services;
 - (v) education and training;
 - (vi) equal participation in cultural activities;

(f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks.

Article VI

States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article VII

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

II

Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country 21/

The Economic and Social Council,

Having considered resolution 4 (XX) adopted by the Commission on Human Rights at its twentieth session,

Requests the Secretary-General to make arrangements for the Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country, Mr. José D. Ingles, to attend the meetings of the Commission on Human Rights when it undertakes the consideration of his report.

III

Designation of 1968 as International Year for Human Rights^{22/}

The Economic and Social Council,

Having considered chapter VII of the report of the Commission on Human Rights at its twentieth session,

21/ See paragraph 333 and annex III.

22/ See paragraph 370.

Recommends the following draft resolution to the General Assembly for consideration at its nineteenth session:

The General Assembly,

Recalling its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights,

Recognizing the need for effective measures to be taken at both the international and the national levels to encourage the further development of human rights and fundamental freedoms,

Reaffirming the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

Convinced that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

1. Recommends that all Member States be invited to ratify before 1968 the Conventions already concluded in the field of human rights, and in particular the following:

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and practices similar to Slavery;

ILO Convention Concerning the Abolition of Forced Labour;

ILO Convention on Discrimination in Respect of Employment and Occupation;

ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

UNESCO Convention Against Discrimination in Education;

Convention on the Prevention and Punishment of the Crime of Genocide;

Convention on the Political Rights of Women.

2. Decides to hasten the conclusion of the following draft Conventions so that they may be open for ratification and accession before 1968:

Draft Covenant on civil and political rights;

Draft Covenant on economic, social and cultural rights;

Draft International Convention on the elimination of all forms of racial discrimination;

Draft International Convention on the elimination of all forms of religious intolerance;

Draft Convention on freedom of information.

3. Decides to complete by 1968 the consideration and preparation of the following draft declarations:

Draft declaration on the elimination of discrimination in the matter of political rights;

Draft declaration on the elimination of discrimination in relation to women;

Draft declaration on the right of asylum;

Draft declaration on freedom of information.

ANNEX I

Preliminary draft on additional measures of implementation of the Draft International Convention on the Elimination of All Forms of Racial Discrimination, transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities a/

Article 1

There shall be established under the auspices of the United Nations a Good Offices and Conciliation Committee (hereinafter referred to as "The Committee") to be responsible for seeking the amicable settlement of disputes between States Parties concerning the interpretation, application or fulfilment of the present Convention.

Article 2

1. The Committee shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality.

2. The members of the Committee, who shall serve in their personal capacity, shall be elected by the General Assembly of the United Nations in accordance with the procedures established in articles 3 and 4, consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

3. The Committee may not include more than one national of the same State.

Article 3

1. The members of the Committee shall be elected from a list of persons possessing the qualifications prescribed in article 2 and nominated for the purpose by the States Parties to this Convention. Each State Party shall nominate not more than four persons. These persons shall be nationals of the nominating State or of any other State Party to the Convention.

2. At least three months before the date of each election to the Committee, the Secretary-General of the United Nations shall address a letter to the States Parties to the Convention inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated and shall submit it to the General Assembly and to the States Parties to the Convention.

a/ See E/CN.4/873, paragraph 123.

Article 4

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if renominated. The terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these six members shall be chosen by lot by the President of the General Assembly of the United Nations.

Article 5

When electing members of the Committee, the General Assembly of the United Nations shall also designate from the list of nominees submitted by the States Parties under article 3 an alternate for each member so elected. An alternate need not be of the same nationality as the member concerned, but both of them should be from the same geographical area or region.

Article 6

1. In the event of the death or resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, or is unable to continue the discharge of his duties, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall thereupon declare the seat of such member to be vacant.

3. In each of the cases provided for by paragraphs 1 and 2 of this article, the Secretary-General of the United Nations shall forthwith induct into office the alternate concerned as member of the Committee for the unexpired term and shall inform each State Party to this Convention accordingly.

Article 7

Members of the Committee shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Committee from the resources of the United Nations on terms laid down by the General Assembly.

Article 8

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations. Subsequent meetings may be held either at the Headquarters or at the European Office of the United Nations, as determined by the Committee.

2. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

Article 9

1. The Committee shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure. Before adopting such rules, the Committee shall send them in draft form to the States then Parties to the Convention who may communicate any observation and suggestion they may wish to make within three months.
3. The Committee shall re-examine its rules of procedure if at any time so requested by any State Party to the Convention.

Article 10

1. If a State Party to this Convention considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.
2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Secretary-General of the United Nations and to the other State.

Article 11

The Committee shall deal with a matter referred to it under article 10 only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.

Article 12

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

Article 13

1. Subject to the provisions of article 11, the Committee, after obtaining all the information it thinks necessary, shall ascertain the facts, and make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.
2. The Committee shall in every case, and in no event later than eighteen months after the date of receipt by the Secretary-General of the United Nations of the notice under article 10, paragraph 2, draw up a report in accordance with the

provisions of paragraph 3 below which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article 14, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent, in whole or in part the unanimous opinion of the members of the Committee, any member of the Committee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

Article 14

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized.

Article 15

The Committee shall submit to the General Assembly, through the Secretary-General of the United Nations, an annual report on its activities.

Article 16

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article 13, paragraph 1, bring the case before the International Court of Justice after the report provided for in article 13, paragraph 3, has been drawn up.

Article 17

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee; or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

ANNEX II

List of documents before the Commission at its twentieth session

Documents issued in the general series

- A/5305 (Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 48) - Report of the Third Committee on manifestations of racial prejudice and national and religious intolerance.
- A/5603 (Ibid., Eighteenth Session, Annexes, agenda item 43) - Report of the Third Committee on the draft declaration on the elimination of all forms of racial discrimination.
- E/3443 (Official Records of the Economic and Social Council, Thirty-first Session, Annexes, agenda item 10 (part II)) - Report on developments in the field of freedom of information since 1954.
- E/3443/Add.1 and 2 - Comments of Governments and specialized agencies.
- E/3616/Rev.1 (Official Records of the Economic and Social Council, Thirty-fourth Session, Supplement No. 8) - Report of the Commission on Human Rights on its eighteenth session.
- E/3724 (Ibid., Thirty fifth session, Annexes, agenda item 11) - Comments of Ad Hoc Advisory Committee of Experts on the Prevention of Crime and Treatment of Offenders.
- E/3743 (Ibid., Thirty-sixth Session, Supplement No. 8) - Report of the Commission on Human Rights on its nineteenth session.
- E/CN.4/809 and Add.1-10 - Note by the Secretary-General and comments of Governments on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/819 - Note by the Secretary-General on communications concerning human rights.
- E/CN.4/822 and Add.1-3 - Annual report by the Secretary-General on freedom of information, 1960-1961.
- E/CN.4/826 and Corr.1 and 2 - Report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/835 and Add.1-10 and E/CN.4/835/Add.6/Corr.1 - Note by the Secretary-General and comments of Governments on the study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention.
- E/CN.4/837 and Add.1-7 - Note by the Secretary-General and comments of Governments on the draft principles on freedom and non-discrimination in the matter of political rights.

- E/CN.4/838 and Add.1-3 - Annual report by the Secretary-General on freedom of information, 1961-1962.
- E/CN.4/845 and Add.1 - Comments by non-governmental organizations on the draft principles on freedom and non-discrimination in the matter of political rights.
- E/CN.4/852 and Add.1 - Note by the Secretary-General and comments of the specialized agencies on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/858 - Provisional agenda of the twentieth session of the Commission on Human Rights.
- E/CN.4/859 - Note by the Secretary-General on the question of an international code of police ethics.
- E/CN.4/860 and Add.1-3 - Summary prepared by the Secretary-General and reports of Governments on periodic reports on human rights covering the period 1960-1962.
- E/CN.4/861 and Add.1 and 2 - Periodic reports on human rights - Reports of the specialized agencies covering the period 1960-1962.
- E/CN.4/862 and Add.1 and 2 - Annual report by the Secretary-General on freedom of information, 1962-1963.
- E/CN.4/863 - Report of the Secretary-General on advisory services in the field of human rights.
- E/CN.4/864 - Note by the Secretary-General on capital punishment.
- E/CN.4/865 - Note by the Secretary-General on the draft international convention on the elimination of all forms of racial discrimination.
- E/CN.4/866 - Note by the Secretary-General on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/867 - Note by the Secretary-General on the designation of 1968 as international year for human rights.
- E/CN.4/868 and Add.1 - Note by the Secretary-General on the review of the human rights programme: control and limitation of documentation.
- E/CN.4/869 and Add.1-3 - Comments by Governments and non-governmental organizations 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.4/870 - Note by the Secretary-General on the further promotion and encouragement of respect for human rights and fundamental freedoms.

- E/CN.4/871 - 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: progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/872 and Add.1 - Comments and observations from non-governmental organizations in consultative status on periodic reports on human rights covering the period 1960-1962.
- E/CN.4/873 - Report by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (sixteenth session) to the Commission on Human Rights.
- E/CN.4/874 - Report of the Commission on Human Rights on its twentieth session.
- E/CN.4/CR.33 - Non-confidential list of communications dealing with principles involved in the promotion of universal respect for, and observance of, human rights received by the United Nations between 1 February and 16 December 1963, prepared by the Secretary-General.
- E/CN.4/SR.773-814 - Summary records of the meetings of the Commission at its twentieth session.
- E/CN.4/Sub.2/200/Rev.1 (United Nations publication, Sales No.: 60.XIV.2) - Study of discrimination in the matter of religious rights and practices.
- E/CN.4/Sub.2/213/Rev.1 (United Nations Publication, Sales No.: 63.XIV.2) - Study of discrimination in the matter of political rights.
- E/CN.4/Sub.2/229/Rev.1 (United Nations publication, Sales No.: 64.XIV.2) - 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.2/234 and Add.1-3 - Note by the Secretary-General, relevant international instruments and comments by Governments on the draft international convention on the elimination of all forms of racial discrimination.
- E/CN.4/Sub.2/235 and Add.1 and Add.1/Rev.1 and E/CN.4/Sub.2/235/Add.2-4 - Note by the Secretary-General and comments by Governments on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- ST/SOA/SD/9 (United Nations publication, Sales No.: 62.IV.2) - Capital punishment.
- ST/TAO/HR/16 - Report of the United Nations seminar on the role of the police in the protection of human rights, Canberra, Australia, 29 April - 13 May 1963.

Documents issued in the limited series

- E/CN.4/L.602 - Working paper by the Secretary-General on draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/L.679 - Working paper by the Secretary-General on final clauses in respect of the draft international convention on the elimination of all forms of racial discrimination.
- E/CN.4/L.680 - Ukrainian SSR: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.681 - Union of Soviet Socialist Republics: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.682 - Lebanon: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.683 - Philippines: amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.683/Rev.1 - Philippines: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.684 - United States of America: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.684/Rev.1 - United States of America: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.685 - Italy: amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/685/Rev.1 - Italy: revised amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.686 - Lebanon and Philippines: joint amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.686/Rev.1 - India, Lebanon and Philippines: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.687 - Austria: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.688 - United States of America: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.689 - United Kingdom: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.690 - Poland: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.

- E/CN.4/L.691 - Lebanon: amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.692 - Italy and the Netherlands: amendment to document E/CN.4/873 para. 119, resolution I (XVI), annex.
- E/CN.4/L.693 - Text of the preamble, as adopted by the Commission, of the draft international convention on the elimination of all forms of racial discrimination.
- E/CN.4/L.693/Add.1-3 - Text of articles I-VII, as adopted by the Commission, of the draft international convention on the elimination of all forms of racial discrimination.
- E/CN.4/L.694 - Lebanon and Poland: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.695 - Italy, Lebanon, Netherlands and Poland: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.696 - Italy, Lebanon, Netherlands and Poland: joint amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.697 - India: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.697/Rev.1 - India: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.698 - Austria: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.699 - Poland: amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.699/Rev.1 - Poland: revised amendments to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.700 - United Kingdom: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.701 - United States of America: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.701/Rev.1 - United States of America: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.701/Rev.2 - United States of America: revised amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.702 - Costa Rica: sub-amendment to the amendment of the United States of America (E/CN.4/L.688).

- E/CN.4/L.703 - Union of Soviet Socialist Republics: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.704 - Denmark: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.705 - Costa Rica: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.706 - United Kingdom: sub-amendment to the amendment of Poland (E/CN.4/L.699).
- E/CN.4/L.707 - France: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.708 - France, Italy and Poland: sub-amendment to the revised Polish amendment (E/CN.4/L.699/Rev.1).
- E/CN.4/L.709 and Add.1-11 and Add.4/Rev.1 - Draft report of the Commission on Human Rights on its twentieth session.
- E/CN.4/L.710 - Union of Soviet Socialist Republics: sub-amendment to the amendment of the United States of America (E/CN.4/L.701).
- E/CN.4/L.710/Rev.1 - Union of Soviet Socialist Republics: revised sub-amendment to the revised amendment of the United States of America (E/CN.4/L.701/Rev.1).
- E/CN.4/L.711 - Austria: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.712 - Lebanon: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.
- E/CN.4/L.713 - Report of the Working Group appointed on 25 February 1964 on the draft international declaration and convention on the elimination of all forms of religious intolerance.
- E/CN.4/L.713/Rev.1 - Revised report of the Working Group appointed on 25 February 1964 on the draft international declaration and convention on the elimination of all forms of religious intolerance.
- E/CN.4/L.714 - France and Lebanon: draft resolution relating to periodic reports on human rights.
- E/CN.4/L.714/Add.1 - Financial implications of the draft resolution in document E/CN.4/L.714.
- E/CN.4/L.714/Rev.1 - France, Lebanon and Philippines: draft resolution relating to periodic reports and developments in the field of human rights.
- E/CN.4/L.715 - Philippines, India and France: amendment to document E/CN.4/873, para. 119, resolution I (XVI), annex.

- E/CN.4/L.716 - Costa Rica, Dahomey and the United States of America: draft resolution relating to periodic reports on human rights.
- E/CN.4/L.717 - Costa Rica: draft resolution on designation of 1968 as International Year for Human Rights.
- E/CN.4/L.717/Add.1 - Financial implications of the draft resolution in document E/CN.4/L.717.
- E/CN.4/L.717/Rev.1 - Costa Rica: revised draft resolution on designation of 1968 as International Year for Human Rights.
- E/CN.4/L.718 - Austria: draft resolution on the protection of minorities.
- E/CN.4/L.719 - Ecuador and the Philippines: draft resolution on the draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/L.720 - Philippines: draft resolution on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/L.721 - Ukrainian SSR: draft resolution on designation of 1968 as International Year for Human Rights.

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 in consultative status, Category B, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/95 and Add.1 - Statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Register of the Secretary-General, on the draft principles of freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/98 - Statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in consultative status, Category B, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/101 - Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status, Category B, on the draft principles on freedom and non-discrimination in the matter of religious rights and practices.
- E/CN.4/NGO/106 - Statement submitted by the Nouvelles Equipes Internationales/ International Union of Christian Democrats, a non-governmental organization in consultative status, Category B, on freedom and non-discrimination in the matter of religious rights and practices.

- E/CN.4/NGO/108 - Statement submitted by the Commission of the Churches on International Affairs, a non-governmental organization in consultative status, Category B, on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/109 and Corr.1 - Written statement submitted in connexion with item 4 of the agenda of the Commission on Human Rights by Pax Romana, a non-governmental organization in consultative status, Category B, on a draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/113 - Statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Register of the Secretary-General, on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/114 - Statement submitted by the World Union for Progressive Judaism, a non-governmental organization in consultative status, Category B, on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/115 - Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status, Category B, on the draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/NGO/116 - Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status, Category B, on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/117 - Statement submitted by the International Federation of Senior Police Officers, a non-governmental organization on the Register of the Secretary-General, on the question of an international code of police ethics.
- E/CN.4/NGO/118 - Statement submitted by the International League for the Rights of Man, a non-governmental organization in consultative status, Category B, on the draft declaration and draft convention on the elimination of all forms of religious intolerance.
- E/CN.4/NGO/119 - Statement submitted by the International League for the Rights of Man, a non-governmental organization in consultative status, Category B, on the draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/NGO/120 - Statement submitted by the International League for the Rights of Man, a non-governmental organization in consultative status, Category B, on the procedures for circulation of statements of non-governmental organizations in consultative relationship.

- E/CN.4/NGO/121 - Statement submitted by the World Jewish Congress, a non-governmental organization in consultative status, Category B, on the draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/NGO/122 - Statement submitted by the International Federation of Christian Trade Unions, a non-governmental organization in consultative status, Category A, on the draft convention on the elimination of all forms of racial discrimination.
- E/CN.4/NGO/123 - Statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status, Category B, on the draft convention on the elimination of all forms of racial discrimination.

ANNEX III

Financial implications of the decisions taken by the Commission at its twentieth session

A. DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

1. Resolution 1 (XX) recommends that the Economic and Social Council adopt a resolution which calls for the submission to the General Assembly for its consideration at its nineteenth session of:-
 - (i) the substantive articles of a draft convention on the elimination of all forms of racial discrimination on the basis of a preliminary draft prepared by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and
 - (ii) certain pertinent documents which had not been voted upon by the Commission.
2. Included in the documents submitted is a preliminary draft on additional measures of implementation transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission (annex I of the Report of the Commission on Human Rights).
3. This preliminary draft proposes the establishment of a Good Offices and Conciliation Committee to consist of eleven members (see article 2). Articles 2 through 7 provide inter alia that the members would serve in their personal capacity and be persons of high moral standing and acknowledged impartiality elected by the General Assembly from a list of persons nominated by States Parties to the Convention.
4. Since the members of the Committee will be serving in their personal capacity and not as representatives of their Governments, they will, under the provisions of paragraph 2 (a) of General Assembly resolution 1798 (XVII), be eligible to travel expenses and subsistence allowance for the duration of the meetings of the Committee. Article 8 of the draft Convention provides for the first session of the Committee to be held at United Nations Headquarters, New York, to draw up its rules of procedure and presumably to agree on its methods of work. On the assumption that this session would last for no more than a period of four weeks, the estimated costs to the Organization are:

Round-trip travel of 11 members at an average of \$1,200 each	\$13,200
Subsistence allowance for 11 members at \$30 per day for 30 days	\$ 9,900
	<hr/>
	\$23,100

5. No provision is made for payment of fees to the members of the Committee. In this connexion, the Secretary-General invites the attention of the Sub-Commission to the basic principles recommended to the General Assembly by the Fifth Committee and adopted by it at its 1082nd plenary meeting whereby neither fee nor other remuneration shall normally be paid to members serving on organs and subsidiary organs of the United Nations in an individual capacity.

6. While it is difficult to foresee at the present time the additional workload that would arise in consequence of the establishment of this Committee, the Secretary-General would hope to provide the Secretariat for the first session of the Committee from within the available resources. On the basis of the experience of the first session (and the programme and methods of work drawn up by the Committee) a better assessment could perhaps be made of the need for additional substantive and other resources necessary for the functioning of the Committee.

7. In regard to the servicing of the Committee's first session, the Secretary-General assumes that the dates for the meetings could be so scheduled as to be fitted conveniently into the annual programme of meetings. On this assumption, and the further one that summary records of the discussions would not be required, the need for additional resources for conference servicing will not arise. However, the Committee's final report will presumably require to be printed in the three working languages - on the basis of a report of no more than sixty printed pages (8 1/2" x 11" format), the related costs would be \$3,500 for a press run of 6,000 copies (3,000 in English; 1,500 in French; and 1,500 in Spanish).

8. In regard to subsequent sessions of the Committee, it is noted that the Preliminary draft provides for their being held either in New York or in Geneva, as determined by the Committee. With regard to regular meetings of the Committee which may be planned, the Secretary-General invites attention to General Assembly resolution 1202 (XII), regarding the pattern of conferences, and particularly to paragraphs 2 and 4 of this resolution regarding the timing and location of meetings. The Secretary-General would hope that decisions for calling a session of the Committee are taken sufficiently in time for appropriate provision to be made in the annual budget estimates. In this connexion, the Secretary-General would draw attention to the considerations he has been urging since the thirty-fourth session of the Economic and Social Council (E/3702, para. 12), and most recently reiterated in his report on the pattern of conferences (A/5638) submitted to the eighteenth session of the General Assembly.

9. Furthermore, the Secretary-General notes that: (i) under article 10, if a State Party to the Convention considers that another State Party is not giving effect to the provision of the Convention, it may by written communication bring the matter to the attention of that State, and (ii) under article 13, the Committee shall make available its good offices to the States concerned with a view to an amicable solution to the matter on the basis of responsibility to the Convention. With regard to the costs incurred as a result of making available the Committee's good offices under these articles, the Secretary-General suggests that the allocation of such costs, whether on the regular scale of assessment or to the interested States Parties, would be a matter for determination by the General Assembly.

Summary of Costs for the First Session to be held in New York

Travel and subsistence of members	\$23,100
Printing of report	<u>3,500</u>
	\$26,600

B. PERIODIC REPORT ON HUMAN RIGHTS AND REPORTS ON FREEDOM OF
INFORMATION

1. Resolution 3 (XX) adopted by the Commission on Human Rights decides to appoint a Committee consisting of representatives of eight States Members of the Commission to meet in consultation with the Secretary-General prior to the twenty-first session of the Commission in 1965:

(a) To examine the summaries of periodic reports for the years 1960-1962, including any additional reports received in accordance with this resolution;

(b) To prepare a general survey of the developments in human rights during the years 1960-1962, on the basis of the Secretary-General's summary (E/CN.4/860 and Add.1-3) and the reports of the specialized agencies (E/CN.4/861 and Add.1-2), similar to that contained in chapter II of the report (E/CN.4/831) of the Committee on Periodic Reports on Human Rights appointed by the Commission at its seventeenth session;

(c) To prepare, for consideration by the Commission, conclusions and recommendations based on the summaries and of an objective and general character, of the type contemplated in resolution I (XII) of the Commission;

(d) To recommend to the Commission a procedure to be followed by the Secretary-General in relation to the comments and observations received from non-governmental organizations in accordance with resolution 888 B (XXXIV) of the Economic and Social Council;

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

(f) To submit its report to the Commission at its twenty-first session.

The Commission also:

- (i) requests the Committee to examine the reports on freedom of information which are at present before the Commission and in this light make recommendations to the Commission at its twenty-first session concerning steps which should be taken with respect to problems on freedom of information by the United Nations in co-operation with the specialized agencies, particularly UNESCO;
- (ii) requests the Secretary-General to give all necessary assistance to the Committee at its consideration of this matter and expresses the hope that the specialized agencies concerned, particularly UNESCO, will co-operate with it in its work.

2. The Committee is to consist of representatives of States Members of the Commission. On the assumption that the representatives will be appointed from Permanent Delegations and that the Committee will meet in New York, no costs in connexion with the members' attendance at the meetings will arise.

3. In accordance with the provisions of paragraph 4 of General Assembly resolution 1202 (XII), the Secretary-General is authorized to decide the place and time of meeting of any body or ad hoc conference not covered by the basic annual programme of meetings, since

- (i) the Calendar of Conferences for 1964 established in accordance with General Assembly resolution 1202 (XII) is complete;
- (ii) the additional workload, both of a substantive and technical nature, which would be placed upon the Secretariat in servicing the Committee in order to enable it to carry out the responsibilities enumerated in paragraph 1 above would appear to be substantial;
- (iii) the alterations to Headquarters premises at present being undertaken limits considerably the facilities available in the conference area,

there would be no possibility of accommodating the Committee at Headquarters or Geneva during 1964 except for preliminary organizational meetings. However, the meeting of the Committee has been included in the Programme of Conferences for 1965 which will be reviewed by the Economic and Social Council at its thirty-seventh session.

C. STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY INCLUDING HIS OWN AND TO RETURN TO HIS COUNTRY

Resolution 4 (XX) recommends that the Economic and Social Council request the Secretary-General to make arrangements for the Special Rapporteur, Mr. José D. Ingles, to attend the meetings of the Commission on Human Rights when it undertakes the consideration of his report on the right of everyone to leave any country including his own and to return to his country. In accordance with established practice the Secretary-General's annual budget estimates will include provision for the travel and subsistence of one special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to attend the discussions of the Human Rights Commission on his report. The requirements for the travel of Mr. José D. Ingles will be covered by this provision.

D. DESIGNATION OF 1968 AS INTERNATIONAL YEAR FOR HUMAN RIGHTS

1. Resolution 6 (XX) calls for the appointment of a Committee consisting of thirty-four members appointed from Permanent Delegations to meet prior to the 1965 session of the Commission on Human Rights to prepare a programme of measures and activities to be undertaken by Member States during 1968 in celebration of the Twentieth Anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freedoms.

2. As the Committee is to consist of members appointed from the Permanent Delegations and since it is assumed that the Committee would meet at Headquarters, its creation would not give rise to any additional costs in respect of the members' attendance at the meeting.

3. In light of the considerations enumerated in Part B, paragraph 3 above, there would be no possibility of accommodating the Committee at Headquarters or Geneva during 1964 except for preliminary organizational meetings.

4. The Council when it reviews at its thirty-seventh session the question of the Calendar of Conferences for 1965 will deal with the scheduling of the Committee. Should the Committee convene in 1965, the Secretary-General would hope to be able to absorb the additional costs, if any, within the normal budgetary appropriations for that year.

5. The resolution also states that as a part of its terms of reference, the Committee should give special thought to the possibility of holding an International Conference in 1968 to:

- (i) review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights;
- (ii) evaluate the effectiveness of the methods and techniques used by the United Nations in the field of human rights;
- (iii) formulate and prepare a programme of further measures to be taken subsequent to the celebration of Human Rights Year.

6. Assuming that the General Assembly acts favourably on the proposal for an international conference, and an equally favourable attitude on the part of Member Governments to the idea, it will be the intention of the Secretary-General to submit to the twentieth session of the General Assembly a report on the administrative and financial implications of such a conference at the time the Assembly takes up consideration of this item.

7. Furthermore, the preparation of detailed cost estimates for the holding of such an international conference requires decisions on the scope, including the provisional agenda, the place and date of the conference, and its duration. The Secretary-General hopes that information on these points will become available during the discussions at the thirty-seventh session of the Economic and Social Council and the nineteenth session of the General Assembly. However, in compliance with financial regulation 13.1, the Commission is advised that the Second World Population Conference, which might be considered to be somewhat comparable, is estimated to cost on the order of \$400,000.