

E/4024
E/CN.4/891



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-FIRST SESSION

22 March – 15 April 1965

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

UNITED NATIONS



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-FIRST SESSION

22 March – 15 April 1965

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

UNITED NATIONS
New York, 1965

NOTE

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

E/4024
E/CN.4/891

CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. ORGANIZATION OF THE SESSION	1 - 34	1
A. Opening and duration of the session	1 - 2	1
B. Attendance	3 - 4	1
C. Election of officers	5	5
D. Agenda	6 - 29	5
Adoption of the agenda	6 - 25	5
Order of consideration of agenda items	26 - 29	11
E. Meetings, resolutions and documentation	30 - 34	12
II. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE	35 - 330	13
Preamble	46 - 102	16
Article I	103 - 165	26
Article II	166 - 188	40
Article III	189 - 311	45
New Article to be included after Article IV	312 - 326	72
Resolution on further consideration of the draft Convention	325	75
Resolution 1 (XXI) of 7 April 1965	326	75
Text of provisions of the draft convention adopted by the Commission	327	76
Text of draft convention and other provisions relating to it submitted by the Sub-Commission and of proposals and amendments thereto which were not considered by the Commission	328 - 330	78
III. PERIODIC REPORTS ON HUMAN RIGHTS	331 - 408	86
Resolution 2 (XXI) of 9 April 1965	407	101

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
IV. INTERNATIONAL YEAR FOR HUMAN RIGHTS	409 - 465	103
Resolutions 5 A and B (XXI) of 13 April 1965	465	118
V. STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE	466 - 468	120
VI. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	469 - 497	121
Resolution 4 (XXI) of 13 April 1965	497	127
VII. REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	498 - 511	128
Resolution 6 (XXI) of 13 April 1965	511	130
VIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS	512 - 513	131
IX. THE QUESTION OF PUNISHMENT OF WAR CRIMINALS AND OF PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY	514 - 567	132
Resolution 3 (XXI) of 9 April 1965	567	145
X. POSTPONEMENT OF AGENDA ITEMS TO NEXT SESSION	568	147
XI. ADOPTION OF THE REPORT	569	147
XII. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL		147
I. Draft international convention on the elimination of all forms of religious intolerance		147
II. Periodic reports on human rights and reports on freedom of information		147
III. The question of punishment of war criminals and of persons who have committed crimes against humanity		151
IV. International Year for Human Rights		151
V. Report of the Commission on Human Rights		158
ANNEXES		
I. List of documents before the Commission at its twenty-first session		159
II. Financial implications of decisions taken by the Commission at its twenty-first session		169

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twenty-first session at the European Office of the United Nations, Geneva, from 22 March to 15 April 1965.

2. The session was opened by Mr. Enrique Ponce y Carbo (Ecuador), Chairman of the Commission at its twentieth session (815th meeting).

B. Attendance

3. Attendance at the session was as follows:

MEMBERS

Austria: Mr. Felix Ermacora, Mr. Heinrich Gleissner,* Mr. Kurt Herndl;*

Canada: Miss Margaret Aitken, Miss Valerie Kasurak,* Mr. Charles Lussier,*
Mr. J. Alan Beesley,** Mr. Gilles Grondin;**

Chile: Mr. Ramón Huidobro, Mr. Rolando Stein;*

Costa Rica: H.E. Mr. Fernando Volio Jiménez, H.E. Mr. José L. Redondo,*
H.E. Mr. Carlo Di Mottola,* Mr. Aristide P. Donnadieu;**

Dahomey: H.E. Mr. Louis Ignacio-Pinto, Mr. Maxime-Léopold Zollner;*

Denmark: Mr. Niels Madsen,^{1/} Mr. Orla Graulund Hansen;*

Ecuador: H.E. Mr. Enrique Ponce y Carbo;

France: Mr. René Cassin, Mr. Henry Beffeyte,** Mrs. Germaine Hirlemann;**

India: Mr. Krishna C. Pant, Mr. V.C. Trivedi,* Mr. K. Poonen Lukose,*
Mr. S.V. Purushottam;**

* Alternate.

** Adviser.

1/ Did not attend the session.

Iraq: Mrs. Badia H. Afnan;

Israel: Mr. Haim H. Cohn, Mr. David I. Marmor;*

Italy: Mr. Giuseppe Sperduti, Mr. Franco Ferretti;*

Jamaica: H.E. Mr. E.R. Richardson, Miss Angela E.V. King;*

Liberia: Mr. C.W. Doe;

Netherlands: Mr. L.J.C. Beaufort, Miss A.F.W. Lunsingh Meijer,*
Mr. Th.C. van Boven;**

Philippines: H.E. Mr. Salvador P. Lopez, Mr. Hortencio J. Brillantes,*^{2/}
Mr. Pedro Bautista,** Mr. Sergio A. Barrera;**

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

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

Union of Soviet Socialist Republics: Mr. P.D. Morozov,^{3/} Mr. E.N. Nasinovsky,*
Mr. V.N. Bendryshev,** Mr. V.A. Savushkin,** Mr. I.I. Yakovlev;**

United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare,
Mr. Arthur John Coles,** Mr. Robert Browning;**

United States of America: Mr. Morris B. Abram, Mr. Warren E. Hewitt,**
Mr. Frank C. Montero,** Mrs. Rachel C. Nason;**

OBSERVERS

Argentina: Mr. Osvaldo G. García Piñeiro;

Brazil: Mr. David Silveira da Mota;

Byelorussian Soviet Socialist Republic: Mr. E.J. Borshchevsky;

China: Mr. Yuan Chang;

Czechoslovakia: Mr. Aleš Pleva.

COMMISSION ON THE STATUS OF WOMEN

H.I.H. Princess Ashraf Pahlavi (Iran); Mrs. Helvi Sipilä (Finland).

* Alternate.

** Adviser.

1/ In accordance with rule 13, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Hortencio J. Brillantes represented the Philippines in the Commission during the session.

3/ Did not attend the session.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Paul Weis

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. N. Valticos, Dr. R.A. Métall,
Mr. E.A. Landy, Mr. M. Paranhos da Silva;

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mr. H. Saba;

World Health Organization (WHO): Dr. H. Hafezi.

NON-GOVERNMENTAL ORGANIZATIONS

Category A

International Confederation of Free Trade Unions: Mr. Albert Heyer,
Mr. Heribert Maier;

International Federation of Christian Trade Unions: Mr. Georges Eggermann,
Mr. Luc Crollen;

World Federation of Trade Unions: Mr. Giuseppe Boglietti;

World Federation of United Nations Associations: Mr. Ronald Levin;

World Veterans Federation: Mr. James Knott.

Category B

Agudas Israél World Organization: Mr. Alexander Safran;

All Pakistan Women's Association (Pakistan): Mrs. Rani Mirza-Khan;

Catholic International Union for Social Service: Miss Marie-Madeleine Brazzola;

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

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz;

Co-ordinating Board of Jewish Organizations: Mr. Gustav Warburg,
Mr. Charles D. Rappaport;

Friends World Committee for Consultation: Mr. J. Duncan Wood, Mrs. Katharine Wood;

International Alliance of Women - Equal Rights, Equal Responsibilities:
Miss Marie Ginsberg, Mrs. Gertie Deneke;

International Association for Social Progress: Mr. Moïse Berenstein;

International Association of Penal Law: Mrs. Hélène Romniciano;

International Bar Association: Mr. Michael Brandon;

International Catholic Migration Commission: Mr. Tadeusz Stark,
Mr. Gonzales Cardenas;

International Catholic Press Union: André Babel;

International Commission Against Concentration Camp Practices: Mr. Théo Bernard;

International Commission of Jurists: Mr. Sean MacBride, Mr. Vladimir Kabes,
Mr. Lucian G. Weeramantry, Mr. Janos Toth, Mr. Hector Cuadra;

International Committee of the Red Cross: Mr. Claude Pilloud, Mr. Serge Nessi;

International Conference of Catholic Charities: Mr. Paul Bouvier;

International Council of Jewish Women: Mrs. Myriam Warburg;

International Council of Women: Miss Louise C.A. van Eeghen, Mrs. Marlise Muller,
Mrs. Antoinette Rochedieu;

International Council on Jewish Social and Welfare Services: Mr. Daniel Lack;

International Federation of Business and Professional Women:
Miss Andrée Travelletti;

International Federation of University Women: Mrs. Marie Fiechter,
Mrs. Constance Jones;

International Federation of Women Lawyers: Mrs. Ingeborg Rautenberg;

International League for the Rights of Man: Mr. Hans E. Riesser,
Mr. Zachariah Shuster; Mr. Abraham Karlikow, Miss Gertrud Waag;

International Union for Child Welfare: Miss Audrey E. Moser;

Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs
and International Movement of Catholic Students: Mr. Tadeusz Szmitkowski;

Women's International League for Peace and Freedom: Mrs. Gertrude Baer;

World Alliance of Young Men's Christian Associations: Mr. Maher T. Doss,
Mr. Jack Dunderdale;

World Federation of Catholic Young Women and Girls: Miss Léone Herren;

World Jewish Congress: Mr. Maurice L. Perlzweig, Mr. Gerhart M. Riegner,
Mr. André Jabes;

World Union of Catholic Women's Organizations: Mrs. Yvonne Darbre,
Mrs. Marcelle Driant, Mrs. Marie-Thérèse Graber-Duvernay;

World Young Women's Christian Association: Miss Alice Arnold, Mrs. Myako Ishibashi.

Register

Catholic International Education Office: Mr. Joseph Meynet-Cordonnier,
Reverend Philippe de la Chapelle, Mr. Braconnay;

Open Door International (for the Emancipation of the Woman Worker):
Mrs. Gertrude Baer;

St. Joan's International Alliance: Miss Marie-Isabelle Archinard;

Soroptimist International Association: Mrs. Blanche Merz;

World Association of Girl Guides and Girl Scouts: Mrs. Perle Bugnion-Secretan;

Zonta International: Mrs. Gertie Deneke.

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

C. Election of officers

5. At its 815th meeting, the Commission elected the following officers:

Chairman: Mr. Salvador P. Lopez (Philippines);

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

Second Vice-Chairman: Mr. Fernando Volio Jiménez (Costa Rica);

Rapporteur: Mr. C.W. Doe (Liberia).

D. Agenda

Adoption of the Agenda

6. The provisional agenda for the twenty-first session of the Commission (E/CN.4/879) was as follows:

1. Election of officers
2. Adoption of the agenda
3. Draft international convention on the elimination of all forms of religious intolerance
4. Periodic reports on human rights
5. Advisory services in the field of human rights
6. International Year for 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) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
 - (e) Report of the seventeenth 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, 1962-1963 and 1963-1964
11. Capital punishment
12. The question of an international code of police ethics
13. Further promotion and encouragement of respect for human rights and fundamental freedoms
14. Study of special problems relating to human rights in developing countries
15. Communications concerning human rights
16. Review of the human rights programme; control and limitation of documentation
17. Report of the twenty-first session of the Commission to the Economic and Social Council.

7. As was explained to the Commission in a note by the Secretary-General (E/CN.4/880), Item 14, entitled "Study of special problems relating to human rights in developing countries", had been proposed by the Secretary-General in accordance with a wish expressed by the United Nations Seminar on Human Rights in Developing Countries, held in Kabul, Afghanistan, from 12 to 15 May 1964 (ST/TAO/HR/21, paragraph 203).
8. The Commission was informed that an additional item on "The question of punishment of war criminals" had been proposed by Poland, on 5 March 1955 (E/CN.4/879/Add.1), for inclusion in the agenda as an urgent matter, in accordance with rule 6, paragraph 3 of the Rules of Procedure of the functional commissions of the Economic and Social Council. An explanatory memorandum and a draft resolution by Poland was circulated in document E/CN.4/885.
9. The Commission was also informed that an additional item entitled "Election of a United Nations High Commissioner for Human Rights" had been proposed by Costa Rica, on 18 March 1965, for inclusion in the agenda as an urgent matter (E/CN.4/879/Add.2). An explanatory memorandum by Costa Rica was circulated in document E/CN.4/887 and Corr.1. Some representatives stated, in connexion with this proposal, that the request for its inclusion in the agenda was unexpected because they had received the relevant documents at the time of the opening of the Commission's session.
10. The Commission considered its provisional agenda and the above-mentioned proposals for the inclusion of additional items at its 815th and 816th meetings.
11. There was no opposition to the inclusion of the item on the study of special problems relating to human rights in developing countries, proposed by the Secretary-General, and the Commission adopted without objection the seventeen items listed in its original provisional agenda (see paragraph 6 above).
12. As regards the additional item proposed by Poland (E/CN.4/879/Add.1 and E/CN.4/885), it was generally agreed that this question was important and urgent, and should be considered by the Commission at its present session. It was stressed by several representatives that under the statute of limitations, as provided for in the laws of some countries, legal proceedings against war criminals and persons guilty of the crime of genocide would terminate soon, in 1965, and that every effort should be made to ensure that this time-limit be extended and other appropriate measures taken to bring to justice the large number of persons who were accused of such crimes. Some representatives, while recognizing that consideration of this question by the Commission was called for, expressed the wish that the Commission should discuss not only the question of punishment for war crimes but also that of crimes against humanity, and that the debate be not restricted to an examination of the topical problem relating to the extension of the time-limit for prosecution of all such crimes. At the 816th meeting, the additional item proposed by Poland, as orally revised upon a suggestion by France to add the words: "and of persons who have committed crimes against humanity", at the end of its title, was adopted without objection. The item, as adopted, read therefore as follows: "Question of the punishment of war criminals and of persons who have committed crimes against humanity".
13. The additional item proposed by Costa Rica, entitled "Election of a United Nations High Commissioner for Human Rights" (E/CN.4/879/Add.2, E/CN.4/887 and Corr.1) gave rise to some discussion.

14. As regards the procedure under which he had made his proposal, the representative of Costa Rica stated that the lateness of its submission resulted from the fact that he had originally intended to propose it for discussion at the nineteenth session of the General Assembly, but that uncertainty concerning the proceedings of the Assembly had delayed consideration of the feasibility of submitting it for discussion in the Commission on Human Rights. Nevertheless, the representative of Costa Rica, supported by some representatives, stated that in view of the great interest of the international community in the question of implementing human rights on the international level, and of the growing impatience and dissatisfaction with the existing state of affairs in that respect, his proposal should be regarded as bearing upon an urgent matter.

15. Some representatives, objecting to the inclusion of such an item in the agenda, criticized the statement of urgency made by the representative of Costa Rica. They stressed that, in view of the late submission of the proposal, many representatives on the Commission had had no time to give it the careful consideration which was required. They expressed the view that such circumstances were not in accordance with rule 6 (3) of the Rules of Procedure of the functional commissions of the Economic and Social Council and that the Commission should not violate its own rules of procedure by considering this item.

16. As regards the substantive considerations which had prompted him to submit his proposal, the representative of Costa Rica recalled that the idea of establishing a United Nations High Commissioner for Human Rights had been favoured for some time by various Governments, organizations and individuals as an effective means of implementing the rights proclaimed in the Universal Declaration on Human Rights, and that such an idea had been recently restated in various parts of the world. He expressed the hope that the Commission would adopt this additional item and would consider the proposal which he intended to submit under this topic.

17. Some representatives, being strongly opposed to the discussion of proposals regarding the establishment of a United Nations High Commissioner for Human Rights, expressed the opinion that this proposal was contrary to the principles of the Charter of the United Nations and to the direction of the work of the United Nations in the field of human rights. They stressed that the Charter especially emphasized the principle of non-interference into internal affairs of States and that under no circumstances should this principle be violated. They felt that, in adopting the additional item in its present formulation, the Commission would, furthermore, prejudge consideration by the United Nations of any question regarding the implementation of human rights and any decision which might be taken by the United Nations in that matter. If the Commission decided to consider the question of implementation at its present session, it should do so under an item which would be formulated in general terms. Stressing that the issue of implementation was now before the General Assembly under the items "Draft International Covenants on Human Rights" and "Draft International Convention on the Elimination of all Forms of Racial Discrimination", such representatives expressed the view that consideration by the Commission of the proposed additional item, as formulated by Costa Rica, would duplicate and restrict the forthcoming debates in the Third Committee, and encroach upon the prerogatives of the Assembly.

18. Several representatives stated that they had no objection to a consideration of the idea proposed by Costa Rica. Some of them pointed out that the question posed was of the greatest importance as the aim was to reach a suitable form, on the

international level, of effective guarantees of human rights and fundamental freedoms. It would be useful at the current session to proceed at least to an exchange of views so as to proceed at the next session with a further study of the question.

19. One representative felt that any change in the wording of the proposed item would distort or dilute the specific idea, which he considered excellent, of appointing a United Nations High Commissioner for Human Rights. He also expressed the fear that if the Commission did not restrict itself to a consideration of this specific proposal but were to reopen the subject of implementation of human rights as a whole, this would lead to further delays in the consideration by the Third Committee of the General Assembly of the implementation of clauses of the draft international covenants on human rights.

20. Several representatives expressed the view that it should be made clear from the wording of the item that the debate would not be restricted to an examination of proposals regarding the establishment of a United Nations High Commissioner for Human Rights. In their opinion, the item could mention such a possibility, but only as one among others which might be contemplated for the implementation of human rights at the international level. Some of these representatives said that the forthcoming consideration by the Assembly of the issue of implementation should not prevent the Commission from discussing the subject as a whole or several aspects thereof. In their view, the question was not one of conflicting jurisdictions but rather one of co-operation between the Commission and the Assembly. If the Assembly decided to consider an item similar to that proposed by Costa Rica, the Commission would regard its own work on the subject as being subsidiary to that of the Assembly.

21. Some other representatives considered that the formulation proposed by Costa Rica was quite unacceptable. They proposed other formulations which would, in their view, conform with the principles and tasks laid down by the Charter of the United Nations, such as: "question of implementing international instruments in the field of human rights", "question of protecting human rights and freedoms on the international level", or "question of protecting human rights and freedoms on the international level, including the question of establishing an appropriate international body for human rights". None of these suggestions were accepted by the representative of Costa Rica, because in his view they would draw attention away from the main issue.

22. The suggestion of the representative of Chile made at the 816th meeting was to revise the title of the item so as to read: "Question of implementing human rights and freedoms on the international level, including the election of a United Nations High Commissioner for Human Rights". The representative of France suggested: "Implementation of Human Rights on the international level, including the question of establishing an Office of the United Nations High Commissioner for Human Rights". This suggestion was later withdrawn.

23. The representative of India proposed orally that the item should read: "Question concerning implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery".

24. The representative of Costa Rica stated that he had no objection to the formulations suggested by Chile and France, but that he would prefer the proposal by India. The Chairman put to the vote the text of the proposed additional item as

formulated by India. The vote took place by division as requested by the representative of the USSR. It was as follows:

- (a) the first part of the proposal reading "Question concerning implementation of human rights," was adopted unanimously;
- (b) the second part of the proposal reading: "through a United Nations High Commissioner for Human Rights or some other appropriate international machinery", was adopted by 16 votes to 3.
- (c) the proposal as a whole was adopted by 16 votes to 3.

25. The Commission agreed thereafter to place the two new items as items 17 and 18 of its agenda and to renumber item 17 of the provisional agenda as item 19. The agenda of the session was then adopted as follows (E/CN.4/888):

1. Election of officers
2. Adoption of the agenda
3. Draft international convention on the elimination of all forms of religious intolerance
4. Periodic reports on human rights
5. Advisory services in the field of human rights
6. International Year for Human Rights
7. Study of the right to 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) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

- (e) Report of the seventeenth 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, 1962-1963 and 1963-1964
- 11. Capital punishment
- 12. The question of an international code of police ethics
- 13. Further promotion and encouragement of respect for human rights and fundamental freedoms
- 14. Study of special problems relating to human rights in developing countries
- 15. Communications concerning human rights
- 16. Review of the human rights programme; control and limitation of documentation
- 17. Question of the punishment of war criminals and of persons who have committed crimes against humanity
- 18. Question concerning implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery
- 19. Report of the twenty-first session of the Commission to the Economic and Social Council.

Order of consideration of agenda items

26. At its 816th meeting, after adopting its agenda, the Commission considered the order in which the various items should be discussed.

27. It was decided without objection that item 3, entitled "Draft international convention on the elimination of all forms of religious intolerance" would be taken first. The representative of the USSR proposed that item 17, "Question of the punishment of war criminals and of persons who have committed crimes against humanity" should be considered next by the Commission. The representative of the United Kingdom then proposed that the second item for consideration should be item 4, "Periodic reports on human rights". The proposal of the USSR that item 17 be taken up as second item was adopted by 8 votes to 6 with 4 abstentions. As the third item for consideration, the representative of the USSR proposed item 6, entitled "International Year for Human Rights". This proposal was not adopted, the vote being 6 in favour, 6 against and 7 abstentions. The proposal to discuss

item 4, "Periodic reports on human rights" as the third item was adopted by 15 votes to 2 with 2 abstentions. The Commission decided without objection that item 6, entitled "International Year for Human Rights" would be taken as the fourth item. The Commission therefore decided to consider the items on its agenda in the following order: 3, 17, 4, 6.

28. It was agreed that the Commission would, at an appropriate stage, decide in what order the remaining items (5, and 7 to 19) should be considered. Many representatives, while recognizing the great importance of item 3, voiced the opinion that every effort should be made to deal with all the agenda items. However, suggestions that the Commission should, on each working day, devote one meeting to item 3 and the other meeting to the following items; or that it should devote half of the working week to the consideration of item 3 and the other half to the consideration of the following items, were not accepted.

29. After considering items 3, 17, 4 and 6, the Commission considered items 9 (d) and 9 (e) in that order. (See chaps. VI and VII below; as regards items 7 and 15, see chaps. V and VIII below.) At its 850th meeting, the Commission decided to postpone to its next session all items which it had not been able to consider at its present session as well as all items whose consideration it had not been able to complete (see chap. X below).

E. Meetings, resolutions and documentation

30. The Commission held thirty-six plenary meetings. The views expressed at those meetings are summarized in the records of the 815th to 850th meetings (E/CN.4/SR.815-850).

31. At its 822nd meeting, the Commission heard a statement by H.I.H. Princess Ashraf Pahlavi, Chairman of the Commission on the Status of Women. At the 846th meeting, a statement was made by Mrs. Sipilä, representative of the Commission on the Status of Women.

32. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings (819th, 826th and 836th meetings) to representatives of the following non-governmental organizations in Category B: Agudas Israel World Organization (Mr. Alexander Safran); Coordinating Board of Jewish Organizations (Mr. Gustav Warburg); Pax Romana (Mr. Tadeusz Szmitkowski); and World Jewish Congress (Mr. Maurice L. Perlzweig).

33. The resolutions [1 to 6 (XXI)] 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 XII of the present report.

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

II. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RELIGIOUS INTOLERANCE

35. At its nineteenth session, held in 1963, the Commission had before it General Assembly resolution 1781 (XVII) of 7 December 1962 which had been 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. By the same resolution, the General Assembly invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

36. The work on the draft declaration on the elimination of all forms of religious intolerance is described in the reports of the nineteenth and twentieth sessions of the Commission, 4/ and in the report of the Economic and Social Council to the General Assembly for the year 1963-1964. 5/

37. At its twentieth session, the Commission, by resolution 2 (XX), decided to prepare at its twenty-first session a draft convention in compliance with General Assembly resolution 1781 (XVII), and it invited the Sub-Commission to prepare a preliminary draft and submit it to the Commission at its twenty-first session.

38. The Sub-Commission submitted to the twenty-first session of the Commission a draft international convention on the elimination of all forms of religious intolerance, consisting of a preamble and thirteen articles prepared by the Sub-Commission at its seventeenth session, held in January 1965 (E/CN.4/882 and Corr.1, para. 321, resolution 1 (XVII), annex). The Sub-Commission also transmitted to the Commission 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 religious intolerance more effective" (Ibid., para. 329, resolution 2 (XVII)). At the request of the Sub-Commission, the Secretary-General transmitted to the Commission the records (E/CN.4/Sub.2/SR.454 and SR.455) containing the views expressed by the members of the Sub-Commission on these additional measures of implementation.

4/ Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3743), chapter X; Ibid, Thirty-seventh Session, Supplement No. 8 (E/3873), chapter III.

5/ Official Records of the General Assembly, Nineteenth Session, Supplement No. 3 (A/5803), paras. 435-440.

39. In accordance with General Assembly resolution 1781 (XVII), the Commission had also before it the following documents: the debates at the seventeenth session of the General Assembly, 6/ the comments and suggestions from the Governments of Chad, Finland, Ireland, Nigeria and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/Sub.2/243), as well as comments submitted by two specialized agencies: The United Nations Educational, Scientific and Cultural Organization (UNESCO) (E/CN.4/852), and the International Labour Organisation (ILO) (E/CN.4/852/Add.1).

40. The Commission heard at its 819th meeting statements by the representatives of the following non-governmental organizations: Agudas Israel World Organization, the Co-ordinating Board of Jewish Organizations and Pax Romana. At the 826th meeting it heard a statement from the representative of the World Jewish Congress.

41. The Commission devoted its 817th to 834th and 837th to 839th meetings to the preparation of a draft international convention.

42. Representatives 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 should constitute the basis of the Commission's discussion.

43. The Commission decided that there was no need for a general debate on the draft convention and that it should concentrate on drafting the text of the Convention, taking as a basis the draft submitted by the Sub-Commission. The Commission agreed also to consider later the question of the title of the Convention in the light of the comments of the Sub-Commission (E/CN.4/882, para. 318) and of the text adopted by the Commission.

44. As regards the order in which the Sub-Commission's draft was to be discussed, it was suggested that the Commission might wish to consider first articles I to XIII submitted by the Sub-Commission and then, in the light of its decisions on those provisions, to discuss the preamble. Some representatives, while not opposed to that idea, felt that the adoption of the paragraphs of the preamble should cause little difficulty as they followed paragraphs of the preamble prepared by the Commission for the draft convention on the elimination of all forms of racial discrimination at its twentieth session 7/ and for the draft principles on freedom and non-discrimination in the matter of religious rights and practices at its eighteenth session. 8/ At its 817th meeting, the Commission agreed to consider first, the preamble of the draft international convention, paragraph by paragraph, and to proceed subsequently to consider the substantive articles.

6/ Ibid, Seventeenth Session, Third Committee, 1165th to 1173rd meetings, and Ibid., Plenary Meetings, 1187th meeting.

7/ Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), chapter XI, draft resolution I, annex.

8/ Ibid., Thirty-fourth Session, Supplement No. 8 (E/3616/Rev.1), paragraph 158.

45. The following paragraphs set out the proposals and amendments, the 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; a full account of these opinions will be found in the records of the discussion (E/CN.4/SR.817 to 834 and 837 to 839).

PREAMBLE

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

"The States Parties to the present 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 an 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 the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief,

"Considering that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, has brought great suffering to mankind,

"Considering that religion or belief, for anyone who professes them, is a fundamental element in his conception of life, and that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed,

"Considering it essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to the freedom of religion and belief,

"Concerned by manifestations of intolerance in these fields still in evidence in some areas of the world,

"Resolved to adopt all necessary measures for eliminating speedily religious intolerance in all its forms and to prevent and combat discrimination on the ground of religion or belief,

"Bearing in mind the Convention Concerning Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation in 1958 and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

"Have agreed as follows:".

47. The Commission considered the preamble at its 817th and 818th meetings held on 23 March 1965.

Amendments submitted

Amendments to first paragraph

48. At the 817th meeting, the representative of Chile proposed an oral amendment reflecting the views put forward by various representatives, including in particular that of the representative of the USSR, to re-word the opening phrase of the paragraph before the words "of the dignity" to read as follows:

"Considering that one of the basic principles of the Charter of the United Nations is that".

49. An oral amendment was submitted by the representative of the USSR to delete the words "for the achievement of one of the purposes of the United Nations, which is".

Amendment to second paragraph

50. The representative of the Ukrainian SSR submitted an oral amendment to insert the words "equality and" before the word "non-discrimination".

Amendment to third paragraph

51. An oral amendment was submitted by the representative of the USSR to add the words "and infringement" after the word "disregard".

Amendment to fourth paragraph

52. The representative of the USSR submitted an oral amendment to delete the following phrase: "that religion or belief, for anyone who professes them is a fundamental element in his conception of life, and".

Amendment to fifth paragraph

53. The representative of the USSR proposed orally an amendment to replace the words "through education, as well as by other means" by the words "by all means".

Amendment to seventh paragraph

54. At the 818th meeting, the representative of the United Kingdom proposed an oral amendment, taking into account the views put forward by various representatives, particularly those of the Philippines, Ukrainian SSR and the USSR, to replace the words "religious intolerance in all its forms" after the word "speedily" by the words "such intolerance in all its forms and manifestations".

Amendments to eighth paragraph

55. The representative of Poland moved orally to delete this paragraph, as submitted by the Sub-Commission.

56. The representative of India submitted an oral amendment consisting of the substitution of the text by the following:

"Noting with satisfaction the coming into force of conventions concerning discrimination, inter alia, on the ground of religion, such as the International Labour Organisation Convention on Discrimination in Respect of Employment and Occupation adopted in 1958, and the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education adopted in 1960".

57. The representative of the USSR proposed an oral sub-amendment to the Indian amendment to add the words "and belief" after the word "religion".

58. The representative of the Ukrainian SSR also proposed a sub-amendment to add at the end of the Indian amendment the words "and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948".

59. The representative of India proposed that paragraph 8 should be included as paragraph 6. An Austrian proposal to include paragraph 8 as paragraph 3 was subsequently withdrawn.

Issues discussed

First paragraph

60. The main issues discussed in connexion with this paragraph, which was similar to the first paragraph of the draft convention on the Elimination of all forms of racial discrimination prepared by the Commission in 1964, 9/ related to the words "is based" and to the inclusion of the phrase "for the achievement of one of the purposes of the United Nations, which is".

61. It was contended by some representatives that the words "is based", in the context of the phrase "Considering that the United Nations is based on the principle of the dignity and equality inherent in all human beings", suggested that the Charter was based exclusively on those principles. It was thought more appropriate to use the word "confirms" or "embodies" instead of the words "is based". This view was shared by a number of representatives who also felt that the terminology used should be legally exact and not give rise to doubts about the provisions of the Charter. The representative of Chile submitted an amendment reflecting these views (see para. 48 above). Some representatives noted, on the other hand, that the text submitted by the Sub-Commission was the same as paragraph 1 of the draft convention on the elimination of all forms of racial discrimination and the phrase objected to did not imply the exclusion of other principles on which the Charter was based.

62. The representative of the USSR, in proposing to delete the words "for the achievement of one of the purposes of the United Nations, which is" from the paragraph (see paragraph 49 above), stated that the phrase was superfluous and its

9/ Ibid., Thirty-seventh Session, Supplement No. 8 (E/3873), chapter XI, draft resolution I, annex.

deletion would simplify the text and avoid repetition of references to the United Nations, particularly in the Russian text. Although this view was supported by most representatives, some felt that the Commission should keep the paragraph as submitted by the Sub-Commission, since it was similar to the first paragraph of the preamble of the draft convention on the elimination of all forms of racial discrimination which had been drafted by the Commission after prolonged and careful consideration at its twentieth session.

63. The representative of the Ukrainian SSR suggested an addition to the text of the first paragraph based upon article 2 of the Universal Declaration of Human Rights which he considered would be an appropriate supplement to the paragraph, but agreed to submit the addition to the second paragraph of the preamble instead since the latter concerned the Universal Declaration of Human Rights, whereas the first paragraph was concerned with Charter provisions.

Second paragraph

64. The representative of the Ukrainian SSR mentioned that he would prefer to see the idea expressed in the paragraph strengthened by the insertion of the principle of "equality and" before "non-discrimination" in the enumeration of principles proclaimed by the Universal Declaration of Human Rights, as quoted in the text (see para. 50 above). He also felt that the paragraph would be made more comprehensive by adding an illustrative list of the possible grounds for discrimination, using as a basis the text of article 2 of the Universal Declaration of Human Rights, and he suggested the addition of the words: "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", at the end of the paragraph.

65. Some representatives stated that the principle of non-discrimination in the Sub-Commission's text covered all forms of discrimination set out in the Declaration and that, while the concept of freedom of thought, conscience, religion and belief were interrelated, the same was not true of other grounds for discrimination enumerated in article 2 of the Declaration.

66. Certain other representatives thought it might be better to consider a text suggested by the representative of Denmark, which was drafted in the light of the second paragraph of the preamble of the draft convention on the elimination of all forms of racial discrimination and articles 2 and 18 of the Universal Declaration of Human Rights, which they felt was more appropriate to a convention relating to the elimination of religious intolerance.

67. Since there was agreement on the need to expedite the adoption of the preamble in order to proceed immediately to discuss the substantive articles of the draft convention, the second suggestion of the representative of the Ukrainian SSR and the suggestion of Denmark were not moved as formal amendments.

Third paragraph

68. The representative of the USSR stated that his amendment to this paragraph (see para. 51 above) was intended to strengthen the text, as the word "disregard" was too vague and did not have a specific legal meaning. By adding the words

"and infringement" he felt that the meaning of the paragraph would become clearer. This view was shared by several representatives, although some others thought that the word "violation" was preferable to "infringement" and more appropriate than the latter within the context of the paragraph.

Fourth paragraph

69. Many representatives expressed agreement with the text submitted by the Sub-Commission (see para. 46 above) and were in accord with the drafting change suggested by the United Kingdom representative to replace the word "them" by the word "either" at the beginning of the paragraph. In supporting this change, it was pointed out that, although it might be true that religion was a fundamental element in the life of anyone professing it, as stated in the fourth paragraph, the same was not true of all beliefs, and that by using the word "either" that idea would be more clearly expressed.

70. Some representatives thought that the paragraph should be deleted as it referred to ideas that were out of place in a preamble, which should proclaim the freedom of religion or belief without expressing a value judgement on the deeper meaning of those terms and since, in any case, the basic idea contained in the paragraph, that of freedom of religion or belief was already referred to in paragraph 7 of the preamble submitted by the Sub-Commission.

71. Certain representatives stated that, if the paragraph were to be retained, it would be best to adopt the amendment of the USSR to delete the phrase "that religion or belief for anyone who professes them is a fundamental element in his concept of life, and" (see para. 52 above), so that the paragraph would read:

"Considering that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed,".

In supporting this amendment, it was contended that only a belief could constitute a fundamental element in the conception of life of anyone professing it.

72. A number of representatives opposed the deletion of the paragraph and the amendment of the USSR. They stated that all beliefs, whether religious or philosophical, should be respected and that the Sub-Commission's text seemed most appropriate in a preamble to an international convention dealing with the elimination of all forms of religious intolerance.

Fifth paragraph

73. The amendment of the representative of the USSR to substitute for "through education as well as by other means", the words "by all means" (see para. 53 above) was supported by certain representatives on the ground that it enlarged the scope of the paragraph. The means at the disposal of Governments, it was said, were essentially administrative or legislative, whereas undue emphasis was placed on education in the Sub-Commission's text. Governments ought to be left with a choice of what methods they thought to be most appropriate to meet particular circumstances in their own countries. The preamble should be worded in general terms, leaving details to be specified in the articles of the Convention. It was noted in this connexion that article V of the Sub-Commission's text dealt adequately with the question of education.

74. Some representatives thought that education was the most important means of influencing attitudes of mind, and religious intolerance was caused by attitudes of mind. In their view, it would be dangerous to delete this reference to education. Moreover, the words "as well as other means" in the Sub-Commission's text should meet the views of those who felt that legal and other measures could also play a role. Another view was that the reference to education should be maintained, since the paragraph was addressed not only to Governments but also to organizations and private persons, and education was probably the only means that could be used by all three.

75. One representative objected to a reference to organizations and private persons in an instrument under which the obligations to be assumed would devolve on Governments.

Seventh paragraph

76. Certain representatives pointed out that, while the second part of the paragraph mentioned "religion or belief", the first spoke only of "religious intolerance". It was felt that the same balance between religion and belief should be observed in this paragraph as was observed elsewhere in the draft and that a few words should be added to the first part of the paragraph so that it would refer to intolerance towards both religion and belief. It was said that perhaps the term "in these fields", which was used in the sixth preambular paragraph of the Sub-Commission's text (see para. 46 above) to cover matters relating to freedom of religion and belief, could also be employed in paragraph 7.

77. Some representatives pointed out that the term "religious intolerance", in the first part of the paragraph, was used in the same way as in the title and article VII of the draft Convention, and that it covered intolerance of religion as such, intolerance by religious people, of people who had no religion, and intolerance between different religions. Both "religion" and "belief" were covered by the term "religious intolerance", a term which, although not very legal in character, was sufficiently comprehensive in meaning. Moreover, the terms contained in the preamble could be interpreted in the light of the definitions given in articles I and II of the draft Convention.

78. It was also pointed out that the sixth paragraph of the preamble dealt with manifestation of intolerance, while the seventh paragraph referred to intolerance in all its forms, and that it might be better to refer to "religious intolerance in all its forms and manifestations"; the latter phraseology would also conform to that of the eighth paragraph of the preamble of the draft convention on the elimination of all forms of racial discrimination.

79. While the United Kingdom's text (see para. 54 above) did not meet every point of view, most representatives supported this text which proposed to replace the words "religious intolerance in all its forms" by "such intolerance in all its forms and manifestations".

Eighth paragraph

80. Several representatives questioned the advisability of retaining the paragraph in its present form and in its present position. In their view, the paragraph was

incomplete and did not provide a forceful conclusion to the preamble. One representative objected to the wording of the paragraph and deplored the frequently increasing practice of introducing into the preamble of United Nations conventions references to earlier instruments, without regard to whether they were in force or not, and whether they were relevant or not to the subject matter of the convention under consideration. Such references, in his view, did not make the documents quoted any more binding. Moreover, by the time this convention could be completed and opened for ratification, the present list of instruments would most likely no longer be up to date. In order to meet these views, the representative of Poland formally proposed the deletion of the paragraph (see para. 55 above).

81. A number of representatives opposed the deletion of the paragraph. They contended that the reference to the ILO and the UNESCO Conventions should be retained, since both instruments were in force and represented important measures already taken in the struggle against religious discrimination. It was noted that the two Conventions, by referring to discrimination on grounds of religion, had been previously quoted in an identical paragraph of the preamble to the draft convention on the elimination of all forms of racial discrimination.

82. The amendment of the representative of India (see para. 56 above) was supported by a number of representatives who thought that the substitute text, by stating "Noting with satisfaction the coming into force of conventions concerning discrimination, inter alia, on the ground of religion, such as", would explain the reason for the references to conventions which were already in force.

83. Several representatives felt that the paragraph, by referring exclusively to two international conventions, was unduly restrictive. Other equally important United Nations instruments, such as the Convention relating to the Status of Refugees and the draft convention on the elimination of all forms of racial discrimination, could also be mentioned in the paragraph. Other representatives opposed this view by stating that while the conventions quoted in the text of the Sub-Commission referred to discrimination on a number of grounds, including discrimination on the ground of religion, the other conventions were not specifically intended to combat discrimination on that ground.

84. The representative of the Ukrainian SSR, in proposing an oral sub-amendment to the Indian amendment (see para. 58) pointed out that article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide contained references to the entire or partial annihilation of religious groups. Several representatives, in supporting the sub-amendment, noted that the genocide Convention related not only to discrimination on grounds of religion, but also to religious intolerance, of which genocide was the most loathsome manifestation. This view was shared by other representatives who felt that the paragraph would be strengthened by a reference to a convention on the prevention and punishment of the worst possible manifestation of religious intolerance. Certain representatives, on the other hand, stated that although the genocide Convention was one of the most important instruments adopted by the United Nations and had been ratified by many countries, it was inappropriate to refer to it since it did not deal specifically with discrimination on the ground of religion.

85. The USSR amendment (see para. 57 above) to the Indian text to insert "and belief" after "religion" was supported on the ground that it would make the text conform with the other paragraphs of the preamble and many articles of the draft convention which referred to both religion and belief. However, certain representatives pointed out that the conventions which would be mentioned in the text dealt with discrimination on grounds of religion and did not refer to belief.

86. In relation to the order of the paragraph, several representatives felt that paragraph 8 should be moved up because paragraph 7 would provide a more forceful conclusion to the preamble. Some representatives suggested that it should become the third paragraph, thus preserving the chronology of events since the ILO and UNESCO Conventions had been concluded after the Charter of the United Nations and the Universal Declaration of Human Rights cited in the first and second paragraphs of the preamble. Certain representatives thought, on the contrary, that since the paragraph referred to measures already taken, it was appropriate to place it after the seventh paragraph, which called for the adoption of all necessary measures to prevent and combat discrimination. However, there was general agreement on the Indian proposal (see paragraph 59 above) to change the order of the paragraphs so that paragraph 8 would be included as paragraph 6.

Adoption of the preamble

87. At the 817th meeting, the Commission voted on the text of the first four paragraphs of the preamble submitted by the Sub-Commission and the amendments thereto. At the 818th 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.

First paragraph

88. The amendment of Chile (see para. 48 above) was adopted by 10 votes to none, with 8 abstentions. The amendment of the USSR (see para. 49 above) was adopted by 16 votes to none, with 3 abstentions. The first paragraph, as amended, was adopted unanimously.

Second paragraph

89. The amendment of the Ukrainian SSR (see para. 50 above) was rejected by 7 votes to 3, with 7 abstentions. The second paragraph of the preamble, as submitted by the Sub-Commission (see para. 46 above) was adopted by 18 votes to none, with 1 abstention.

Third paragraph

90. The amendment of the USSR (see para. 51 above) was adopted by 13 votes to none, with 4 abstentions. The third paragraph, as amended, was adopted by 18 votes to none, with 1 abstention.

Fourth paragraph

91. The amendment of the representative of the USSR (see para. 52 above) was rejected by 12 votes to 3, with 4 abstentions. The Commission agreed to a drafting amendment proposed by the representative of the United Kingdom consisting of the replacement of the word "them" by the word "either". The fourth paragraph, as submitted by the Sub-Commission (see para. 46 above) with the United Kingdom redraft, was adopted by 17 votes to none, with 2 abstentions.

Fifth paragraph

92. The amendment of the representative of the USSR (see para. 53 above) was rejected by 14 votes to 3, with 1 abstention. The Commission agreed to a drafting amendment proposed by the representative of India to delete the word "the" before the word "freedom" at the end of the paragraph. The fifth paragraph, as submitted by the Sub-Commission (see para. 46 above) with the Indian redraft, was adopted by 17 votes to none, with 1 abstention.

Sixth paragraph (new seventh paragraph)

93. The sixth paragraph (new seventh paragraph), as submitted by the Sub-Commission (see para. 46 above), was adopted unanimously.

Seventh paragraph (new eighth paragraph)

94. The Commission agreed on a substitute text proposed by the representative of the United Kingdom (see para. 54 above). The seventh paragraph (new eighth paragraph), as submitted by the Sub-Commission (see para. 46 above), with the United Kingdom redraft, was adopted by 15 votes to 1, with 1 abstention.

Eighth paragraph (new sixth paragraph)

95. The amendment of the representative of Poland to delete the paragraph (see para. 55 above) was rejected by 9 votes to 3, with 7 abstentions.

96. At the request of the representative of Israel, a separate vote was taken on the first three words of the Indian amendment "Noting with satisfaction," (see para. 56 above). These words were adopted by 9 votes to none, with 10 abstentions.

97. The sub-amendment of the representative of the USSR (see para. 57 above) was rejected by 8 votes to 5, with 5 abstentions.

98. At the request of the representative of the USSR, a vote was taken by roll-call on the Ukrainian SSR sub-amendment (see paragraph 58 above), which was adopted by 7 votes to 3, with 9 abstentions. The voting was as follows:

In favour: Ecuador, France, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Chile, Costa Rica.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America, Canada.

Abstaining: Denmark, India, Iraq, Israel, Italy, Jamaica, Netherlands, Philippines, Austria.

99. The part of the amendment of the representative of India, following the words "Noting with satisfaction", as amended (see paras. 56 and 58 above), was adopted by 13 votes to none, with 6 abstentions.

100. The eighth paragraph as a whole (new sixth paragraph), as amended, was adopted by 12 votes to none, with 7 abstentions.

101. The Indian proposal to change the order of the paragraphs (see para. 59 above) was adopted by 6 votes to 2, with 10 abstentions. The original order of the sixth and seventh paragraphs of the Sub-Commission's text was altered accordingly.

Preamble as a whole

102. The preamble, as a whole, as amended, was adopted by 17 votes to none, with 1 abstention.

/For the text of the preamble, see paragraph 327 below/

ARTICLE I

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

"For the purpose of this Convention:

"(a) The expression 'religion or belief' shall include theistic, non-theistic and atheistic beliefs;

"(b) The expression 'discrimination on the ground of religion or belief' shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of the rights proclaimed in the Universal Declaration of Human Rights;

"(c) Neither the establishment of a religion nor the recognition of a religion or belief by a State nor the separation of Church from State shall by itself be considered discriminatory."

104. The Commission considered this article at its 819th to 825th meetings, held from 24 to 29 March 1965.

Amendments submitted

Amendments to paragraph (a)

105. The representative of the United States proposed to replace the text of paragraph (a) by the following:

"The expression 'religion or belief' shall embrace theistic and non-theistic religion, or belief concerning religion, including rejection of any or all such religion or belief" (E/CN.4/L.722).

At the 820th meeting, this amendment was orally revised to replace the word "religion" immediately after the word "non-theistic", by the word "belief". At the 821st meeting, the representative of the United States withdrew his amendment upon a specific understanding concerning the meaning of paragraph (a) submitted by the Sub-Commission (see para. 120 below).

106. An amendment by France (E/CN.4/L.727) called for the substitution of the words "atheistic and agnostic beliefs" for the words "and atheistic beliefs". This proposal was withdrawn at the 821st meeting, upon a specific understanding concerning the meaning of paragraph (a) submitted by the Sub-Commission (see para. 121 below).

107. The representative of Israel submitted an amendment (E/CN.4/L.728) to replace the text of paragraph (a) by the words: "The expression 'belief' shall include atheistic philosophies or convictions". After undergoing a first oral revision, at the 820th meeting, the amendment read: "The expression 'belief' shall include atheistic or agnostic philosophies or convictions". At the 821st meeting, this amendment was again orally revised, upon the proposal of the representative of Jamaica, to substitute the words "theistic, non-theistic or atheistic beliefs" for

the words "atheistic or agnostic philosophies and convictions". Later at the same meeting, this amendment, as orally revised, was withdrawn.

108. The Chilean amendment (E/CN.4/L.732), as orally corrected and revised, read:

"The expression 'religion or belief' shall include the religions and convictions which accept or are indifferent to or do not accept any forms or manifestations of theism, non-theism or atheism".

This proposal was later withdrawn.

Amendments to paragraph (b)

109. The United Kingdom proposed to add at the end of paragraph (b) the following: "in the political, economic, social, cultural or any other field of public life" (E/CN.4/L.723, para. 1). This proposal was taken over in an oral amendment by the Ukrainian SSR to replace the words "of the rights proclaimed in the Universal Declaration of Human Rights" in the text of paragraph (b) submitted by the Sub-Commission, by the words "on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life", which was taken from the end of the text of article I of the draft convention on the elimination of all forms of racial discrimination prepared by the Commission at its twentieth session.

Proposals to add a new paragraph (c)

110. A proposal by the representative of Poland (E/CN.4/L.731) was to insert a new paragraph (c), following paragraph (b) as follows:

"The expression 'intolerance on ground of religion or belief' shall mean the denial of the rights of others to freedom of thought, conscience, religion or belief, and their persecution on these grounds. This definition shall apply not only to relations between States and individuals or groups of individuals, but also to the relations between individuals or groups of individuals having different religions or beliefs".

At the 823rd meeting, this proposal was orally revised to replace the words "and their persecution" by the words "including persecution".

111. At the same meeting, after having heard various suggestions including those made by the representatives of France and the Philippines, the representative of Poland withdrew his revised proposal in favour of a joint oral amendment by France, the Philippines and Poland to insert a new paragraph (c) reading:

"The expression 'religious intolerance' shall mean intolerance in matters of religion or belief" (see paras. 143 and 144, below).

Amendments to paragraph (c) (new paragraph (d))

112. The representative of Canada submitted an amendment (E/CN.4/L.730) to replace the word "discriminatory" by the words "a manifestation of religious intolerance". It was later withdrawn.

113. The United Kingdom submitted an amendment (E/CN.4/L.723, paragraph 2) to replace the words "shall by itself be considered discriminatory" by the words "shall constitute discrimination on the ground of religion or belief". This amendment was revised to add after the word "considered" in the text submitted by the Sub-Commission the words "religious intolerance or discrimination on the ground of religion or belief" (E/CN.4/L.723/Rev.1, para. 2).

114. The representative of the United States submitted, as an oral sub-amendment to the United Kingdom amendment, the following formula after the words "of Church from State" in the Sub-Commission's text: "shall by itself be considered a violation of this Convention; but it shall not in any event be construed as permitting violation of the specific provisions of this Convention". At the 824th meeting, the representative of the United States withdrew the first part of his proposal, but maintained the second part thereof, as revised, to add the words "provided that this paragraph shall not be construed as permitting violation of specific provisions of this Convention" (E/CN.4/L.737) after the words "or belief" at the end of the United Kingdom amendment.

115. An oral amendment was proposed by the representative of the USSR to insert the words "nor the separation of school from Church" between the words "of Church from State" and the word "shall" in the text submitted by the Sub-Commission. The representative of the USSR withdrew this amendment, on the understanding that his views and those of some other representatives concerning the meaning of this proposal would be duly recorded.

Issued discussed

116. Throughout the discussion, many representatives stated that the definitions to be included in article I should not contain descriptions or evaluations of any particular religion or belief, or of any institution in religious matters. In their view, article I should restrict itself to stressing that, within various social or political structures, all individuals and groups had equal rights to express their thoughts, beliefs or convictions in matters of religion.

Paragraph (a)

117. One representative, pointing out that atheism was only one belief or set of beliefs among many others concerning religion, held the view that the specific mention of "atheistic beliefs" in the Sub-Commission's text, was unwarranted. He expressed the fear that such an emphasis being placed on "atheistic beliefs" might easily be misinterpreted as condoning attacks and persecution conducted against religious groups by States where atheism had become an official dogma. In order to guard against this danger, which might become acute nowadays in some countries, the United States amendment (see para. 105 above) avoided mentioning "atheistic beliefs" explicitly. At the same time, this proposal was comprehensive, including atheistic beliefs under the general terms: "belief concerning religion" and "rejection of ... religion"; and it placed all religious beliefs on an absolutely equal footing.

118. Some representatives criticized this view, pointing out that since religion was mentioned in the United States proposal, there was no justification for not mentioning in that proposal with equal clarity the very opposite of religion, i.e. atheism. They rejected the view that discrimination against atheists might be permitted, and they recalled the Middle Ages when atheists had been burnt alive by some religious groups. Such practice could never be repeated in modern times. In the United States amendment, the expression "rejection of ... religion" perhaps covered the passive aspect of atheism, but not its active manifestations which should be given a protection equal to that granted to militant religious groups. By not mentioning "atheistic beliefs" explicitly, the United States amendment was discriminating against large groups of persons who held such convictions, and might well be construed as encouraging persecution against atheists. They pointed out that the United States amendment violated the main idea of the convention which was to liquidate discrimination directed against religion or atheism. It was stressed that the future convention should be universally acceptable, whereas the effect of the United States amendment, if adopted, would be to prevent several countries from ratifying the convention or acceding thereto.

119. Some other representatives shared the view expressed by the author of the amendment that atheistic groups might well be as intolerant as were members of religious denominations, and that both religion and irreligion needed to be protected from each other's encroachments, but they did not think that omitting a specific mention of atheism would better ensure equal protection for both groups. On the contrary, a formula such as that proposed by the United States might indeed cast doubts as to whether atheism was covered by the convention. Such doubts were not entertained by certain other representatives who thought that the terms "belief concerning religion" and "non-theistic beliefs" implicitly referred to atheism; but several representatives still felt that the formula proposed was rather vague and equivocal.

120. It appeared from the debate that in the view of most representatives, atheistic beliefs should be expressly mentioned in article I (a) without being given any prominence over religion and other beliefs; and that, whatever be the scope of the United States amendment, the formula proposed by the Sub-Commission expressed that desired meaning in a clearer, more concise and altogether preferable manner. The representative of the United States withdrew his proposal on the understanding that article I (a) submitted by the Sub-Commission would guarantee an absolutely equal treatment in law of all religions and beliefs without preference for any. The representative of the United States stressed, in particular, that the withdrawal of his amendment was conditional upon the sharing of this understanding by representatives of States where atheistic beliefs were professed by public authorities.

121. In the view of some representatives it was necessary to mention expressly in article I (a) those who had not yet taken a definite stand in matters of religion, i.e. the agnostics. This was the purpose of the amendment submitted by the representative of France (see para. 106 above). One representative wondered whether it was necessary or desirable to mention agnosticism in the draft convention, because the scope of such a philosophy extended far beyond the field of religion, and because agnostic views tended to become obsolete as the progress of science showed to man that it was indeed possible to know and understand the world. This interpretation of agnosticism was questioned by another representative who

shared with several representatives the view that agnosticism should be given a protection equal to that granted in the draft convention to various religions and to other beliefs. However, while certain representatives inclined to support the amendment by France, pointing out that the word "belief" was not appropriate to apply to agnostic views and philosophies, most representatives thought that agnosticism was already implicitly covered in the text proposed by the Sub-Commission. Having noted that the latter understanding was shared by a large majority of speakers, the representative of France withdrew his amendment.

122. Some representatives were of the view that the text proposed by the Sub-Commission for article I (a) was improperly formulated, giving the impression that religion and all other beliefs were to be put on exactly the same footing. While these representatives recognized that the freedom of the individual to choose and profess any belief, or to reject any belief, must be fully protected, they did not think that the draft convention should place religion and the various beliefs, including atheism, on the same level. The Sub-Commission's text had the further disadvantage of leaving somewhat uncertain to which word, "religion" or "belief", the adjectives "theistic", non-theistic" and "atheistic" referred. Regrettable confusions and diverging interpretations might ensue. The amendment by Israel, in its successive forms (see para. 107 above) proposed to remedy these defects by restricting article I (a) to an indication of what the word "belief" was intended to include. Israel justified the wording of this amendment by stating that it was not necessary to define "religion", the meaning of this word being generally well understood by all.

123. Some representatives declared themselves in general agreement with this formulation, which, they thought, brought greater clarity to the text. It was also noted that the word "philosophies" contained in the amendment by Israel, was probably the most appropriate one to refer to various views such as agnosticism.

124. Several representatives, however, considered it essential that the expression "religion or belief", which was used so often throughout the draft convention, should be mentioned in article I. They felt that a reference to the word "belief" alone would give rise to difficulties of interpretation. Many persons or groups held views on religious matters which could not perhaps be regarded as "religious" in the commonly accepted sense of the word, but which were of a very different nature from that of "beliefs" such as atheism or agnosticism. It was also pointed out that the term "theistic, non-theistic, or atheistic beliefs" as proposed in the revised amendment by Israel, tended indirectly to cast doubts on the meaning of "religion", a word which, according to the proposal, would not be mentioned at all in article I (a).

125. According to the representative of Chile, his comprehensive proposal (see para. 108 above) stressed more clearly than the Sub-Commission's text the rights of the individual to accept or reject any theistic, non-theistic or atheistic convictions, or to remain indifferent to any of them. This proposal was presented, near the end of the debate, as an attempt to accommodate the different views which had been expressed. Most representatives, while being fully appreciative of such an attempt, thought that the proposal did not improve the Sub-Commission's text. Certain representatives felt that the expression "forms or manifestations" was not appropriate, since the need was rather for a reference to the various stands which might be taken towards the substance of religions and beliefs. More generally, some representatives objected to the amendment on the ground that it contained a

description or an evaluation of various beliefs. Such an approach should be carefully avoided in the draft convention, more especially in article I, since it could give rise to great difficulties of interpretation: for instance, such a descriptive formula might seriously, though unwittingly, undermine the convention, and even nullify it, by agreeing to, and indirectly encouraging, the attitude of fanatics who did "not accept" one or several "forms or manifestations of theism, non-theism or atheism".

126. One representative, commenting on the nature of the convention, stressed the point that the convention was not concerned with the objective truth but only with subjective rights of individuals, groups of individuals or communities. The convention imposed the obligation to respect the conviction of all people in the field of religion or belief without any distinction. This was acceptable because if anyone claimed respect for his personal feelings, for his conscience, then he had to accept and to recognize the same freedom for others. For this fundamental reason, the representative said, he was prepared to accept paragraph 1 (a) of article I, although its wording was unsatisfactory as the term "belief" was used in one sentence in two different meanings. Other representatives declared that they shared these views.

127. One representative pointed out that while the discussion on theism, non-theism and atheism had taken place within the framework of Western thought and philosophies, it was interesting to note that at least one Eastern religion accepted atheists within its fold.

128. At the close of the debate, the consensus of opinion in the Commission was that article I (a) submitted by the Sub-Commission (see para. 103 above) was altogether satisfactory, having been formulated with great care by that body of experts, and that none of the amendments presented substantially improved the text. It was agreed that the delicate balance of terms achieved by the Sub-Commission should not be upset.

Paragraph (b)

129. The object of the United Kingdom amendment (see para. 109 above), as stated by its author, was to clarify the definition of "discrimination on the ground of religion or belief" by adding at the end of paragraph (b) the words "in the political, economic, social, cultural or any other field of public life", which were taken verbatim from the corresponding article I, paragraph 1, of the draft convention on the elimination of all forms of racial discrimination. ^{10/} These terms had not given rise to any objection at the twentieth session of the Commission. It was important that the two draft conventions, which had similar aims, should also, as far as possible, be similar in form and should impose upon States parties similar basic obligations.

130. Certain representatives were opposed to the amendment as limiting unduly the scope of article I (b) to the field of public life. They expressed the fear that

^{10/} See Official Records of the Economic and Social Council, Thirty-Seventh Session, Supplement No. 8 (E/3873), chapter XI, draft resolution I.

if the United Kingdom amendment were adopted some important forms of discrimination on grounds of religion or belief might not be covered by the convention, as they would be deemed to relate exclusively to the field of private life. The examples mentioned in that respect included refusal by a house owner to serve or to employ persons of certain beliefs in restaurants or shops located on his private premises; and refusal by private clubs to admit persons of a given faith for membership. It was stressed in this connexion that article 18 of the Universal Declaration of Human Rights proclaimed everyone's freedom to manifest his religion or belief "in public or in private". Reference was also made to certain passages of the Sub-Commission's report, and, in particular, to the view expressed in that body that the law "could provide a climate in which private action against freedom of thought, conscience and religion could be minimized, and it could set community standards and provide a moral force capable of changing past attitudes and creating new ones" (E/CN.4/882 and Corr.1, para. 32). The argument based on the inclusion of a clause similar to the United Kingdom amendment in the draft convention on the elimination of all forms of racial discrimination had little validity, since that draft convention had yet to be adopted by the General Assembly, and some Member States were not satisfied with the formulation of its article I (1). One of those representatives stated that the United Kingdom amendment would be acceptable to him only if the words "in particular" were included at the beginning, before the words "in the political, economic".

131. Some other representatives stated, in support of the United Kingdom amendment, that its adoption would in no way constitute disregard of article 18 of the Universal Declaration of Human Rights. Indeed, article III (1)(b) of the draft convention imposed upon the States parties the obligation to ensure the rights and freedoms proclaimed in article 18 of the Declaration, and nothing which would be provided for in article 1 (b) could affect these rights and freedoms. The amendment aimed at defining what should be considered for the purposes of the convention as discrimination on the ground of religion or belief with regard to any of the rights proclaimed in the Declaration, or with regard to all human rights and fundamental freedoms. In the opinion of those representatives, it was essential, in such a definition, to introduce the qualifying term "of public life". While admitting that certain practices in the field of private relationships were not in accordance with the standards set forth in the Declaration, they held the view that such matters were not appropriate for legislation. Care must be taken, in their opinion, to shield the sphere of private life from undue interference by the State. If "discrimination on the ground of religion or belief" were to include objectionable practices in the field of private relationships, some provisions of the draft convention, in particular article VI, paragraph 1, would in effect give the State unlimited power to control private life.

132. Certain representatives, who agreed that it might not be desirable to refer to private relationships per se in article I of the draft convention, expressed the fear that the amendment might have the effect of excluding from the scope of the convention legislation aimed at regulating some of those relationships, i.e. legislation in the sphere of private law, or "civil legislation" as it was called in many countries. If, for example, a State enacted a law providing that, upon the death of a person of a given faith, only those among his children who were of the same faith could inherit his estate, this would be a situation with which the convention should be concerned. Yet, under the United Kingdom amendment, only questions of "public" law would seem to be covered. Such misgivings would disappear, according to those representatives, if the word "civil" were inserted

in the amendment between the words "in the" and the word "political". A suggestion to that effect was made by the representative of France.

133. In reply to the latter argument, it was said by some representatives that it would be superfluous to refer to civil law since all legislative activity of the State, including civil legislation, was by its very nature part of the public field and would be covered as such by the United Kingdom amendment. It would also be undesirable to introduce the word "civil" since such a change might give the impression that discrimination in civil legislation had not been covered in the draft convention on the elimination of all forms of racial discrimination. Furthermore, the word "civil" in itself had different meanings in the various legal systems, and its inclusion might give rise to difficulties of interpretation.

134. Near the end of the debate, several representatives agreed that, provided certain changes were made in the United Kingdom amendment, the qualifying words "of public life" would be acceptable to them. They admitted that it was not always easy to draw a clear distinction between the spheres of private and public life; but some of them viewed optimistically the current legal evolution in various countries as bringing an ever-growing number of questions into the field of "public life", not with a view to interfering unduly with private life, but in order to strengthen legislative and judicial protection against discrimination. It was considered satisfactory by those representatives to leave the evolving jurisprudence of each State to settle the details of the definition as between the spheres of public and private life.

135. Some representatives stated that they would be prepared to agree with the substance of the United Kingdom amendment only if the proposal were modified so as to become identical with the last phrase of article I, paragraph 1, of the draft convention on the elimination of all forms of racial discrimination. The formula which was accordingly proposed by the representative of the Ukrainian SSR was to replace, in article I (b) of the Sub-Commission's text, all the words after the word "exercise" by the phrase "on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" (see para. 109 above). Several representatives, including the author of this proposal, stressed the great importance they attached to the inclusion of the words "on an equal footing" and "fundamental freedoms" in an instrument whose object was to protect freedom of thought, conscience and religion against intolerance and discrimination.

136. The representative of the United Kingdom accepted the incorporation of the text of his amendment in the formulation proposed by the Ukrainian SSR, which met with the agreement of most representatives. One representative, however, insisted that the limitation of the scope of article I (b) to the field of public life was not acceptable to him.

Inclusion of a new paragraph (c)

137. Some representatives considered it essential that article I should contain a definition of the concept of intolerance in matters of religion or belief, since it was used in the title of the draft convention and in many articles thereof. Clarity and precision were indispensable in a legal instrument, especially with regard to the concept of "intolerance" which was not as widely known and understood as that of "discrimination".

138. The proposal by Poland (see para. 110 above) contained a definition of the term "intolerance on the ground of religion or belief" to be included as a new paragraph (c) before the text of paragraph (c) submitted by the Sub-Commission. The author of the amendment, supported by some representatives, stated that he had used this term rather than the words "religious intolerance" because he believed it important that the balance between the two concepts of "religion" and "belief", which was well established in other parts of the draft convention, should be preserved in the definition of "intolerance". In reply to one representative, who pointed out that the expression "intolerance on the ground of religion or belief" was nowhere used in the draft convention, the opinion was expressed that consistency should be achieved, not by modifying the Polish proposal, but by making the necessary changes in the title of the draft convention and in all the subsequent articles which referred to "intolerance". In support of the amendment by Poland, certain representatives also expressed the view that it was comprehensive, as it covered both passive attitudes of intolerance and the active persecution of others on the ground of religion or belief. It was pointed out that the second sentence of the Polish proposal contained an important precision, reflecting the consensus reached at the Sub-Commission that the concept of intolerance in the matter of religion or belief should apply to relations between States and individuals or groups as well as to relations between individuals or groups having different religions or beliefs (E/CN.4/882 and Corr.1, para. 111). No objection was raised against the latter view concerning the scope of the proposed definition.

139. Some other representatives expressed doubts as to whether a definition of intolerance in matters of religion or belief was necessary for the purposes of the draft convention. In their view, the meaning of the word "intolerance" in the context of all or most of the articles where it appeared was clear enough. It was also feared that any attempt at defining so wide a concept in its various aspects would take too much of the limited time available to the Commission.

140. Several objections were made as regards the substance and wording of the Polish proposal. In the view of some representatives, the proposal did not make it clear that intolerance was primarily an attitude of mind which might or might not manifest itself in various overt acts. In that connexion, the representative of Jamaica suggested that the words "include attitudes of mind which deny..." should replace the words "mean the denial of" in the Polish amendment. Certain representatives, also stressing that intolerance was primarily an attitude of mind, felt that it was not, as such, a matter appropriate for legislation; and that the definition of "discrimination on the ground of religion or belief" contained in paragraph (b) covered manifestations of religious intolerance.

141. Another opinion, expressed by several representatives, was that the definition of manifestations of intolerance proposed by Poland was too narrow. Some formula, such as the replacement of the word "mean" by the word "include", was needed to make clear that the proposed definition was not exhaustive. Indeed, there were numerous forms of intolerant behaviour which were not covered by the expressions "denials of the right of others... and their persecution". The representative of France suggested the formula: "which may go as far as their persecution on these grounds". Moreover, the use of the word "and" to link the two elements of the proposed definition might be construed as excluding from the scope of the draft convention all manifestations of intolerance which fell short of persecution. The representative of Poland conceded that the latter observation was well-founded and accordingly revised his proposal to replace the words "and their persecution" by the words "including persecution".

142. It appeared from the discussion that, while it would be extremely difficult to draw up a definition of intolerance satisfactory to all or most members of the Commission, general agreement might be reached on certain points regarding the scope of the term "religious intolerance".

143. To that end, the representative of the Philippines suggested two alternative formulae. One of them read as follows: "the term 'religious intolerance' shall include intolerance between religions, between beliefs, or between religions and beliefs, as well as between the State and religions and beliefs and between individuals or groups of individuals having different religions and beliefs". This suggestion amplified the formula which had been agreed upon by the Sub-Commission (E/CN.4/882 and Corr.1, para. 111) and retained in the second sentence of the Polish proposal (see para. 110 above). While no objection was made against the substance of that suggestion, several representatives thought that its language was too involved. The second alternative suggestion by the representative of the Philippines, based upon a proposal submitted to the Sub-Commission by Mr. Ingles, at the 454th meeting of the Sub-Commission, was: "the term 'religious intolerance' shall include all forms of intolerance in matters of religion or belief".

144. The second formula was later modified by the representatives of France, the Philippines and Poland, who submitted orally a joint proposal as follows: see para. 111 above): "the expression 'religious intolerance' shall include intolerance in matters of religion or belief". It was observed that the formula was in fact all-inclusive, and, upon the suggestion of the representative of India, the word "include" was replaced by the word "mean".

145. The joint proposal by France, the Philippines and Poland, in favour of which the Polish amendment was withdrawn, met with general approval. It was commended as being comprehensive and as maintaining the desired balance between the two terms "religion" and "belief".

Paragraph (d) (formerly paragraph (c))

146. It was agreed that article I should contain a proviso specifying that certain institutions in matters of religion or belief and certain aspects of the relationship between the State and religions or beliefs would not be considered "discrimination" or "intolerance" as defined in paragraphs (b) and (c) of the Sub-Commission's text. In the absence of such a clause, it would be difficult for a number of States to become parties to the Convention. The expressions "neither the establishment of a religion nor the recognition of a religion or belief by a State nor the separation of Church from State" did not in general give rise to objection. One representative, however, felt that the words "establishment of a religion... by a State" were not appropriate to describe the special relationship which existed in some countries between the State and a particular religion.

147. In the view of certain representatives, it was necessary to add that the "separation of Church from school" should not be considered discrimination or intolerance for the purposes of the draft convention. This was the object of an oral amendment by the representative of the USSR (see para. 115 above). The author of the proposal stated that it was designed essentially to take into account the existence of certain systems under which all ordinary schools, which were public establishments, were separated from the Church. The separation of Church from school was, under that system, the corollary of the separation of Church from State.

It was stressed, however, that, in those countries, religious teaching could be imparted freely outside the State school system. The proposal did not impair in any way the freedom of other States to adopt or maintain different systems.

148. Some representatives declared themselves in agreement with the principle of separation of Church from State schools, and would have favoured a formula referring to "the existence of a system of public education independent of any religion or belief".

149. The formulation of the USSR amendment, however, was objected to by several representatives, on the ground that it implied that all schools, even private establishments, should be separated from religious organization and activity, or that such a system would not necessarily constitute discrimination. In the view of those representatives, the USSR amendment, if adopted, would violate article III (2) (b) and (c) of the draft convention submitted by the Sub-Commission concerning freedom to teach and to learn one's religion or belief and freedom to establish and maintain religious educational institutions. It would also amount to a denial of the prior right of parents to choose the religion or belief of their children, as set forth in article IV (1) of the Sub-Commission's text. An international instrument containing such a clause, they contended, could not therefore be accepted by many countries.

150. Another objection, voiced by one representative, was that, while the original paragraph (c) in the Sub-Commission's text referred exclusively to different aspects of the relationship between the State and religions or beliefs, the USSR amendment introduced an entirely new element concerning the relationship between school and Church. This was an extremely complex question in itself. Furthermore, its consideration would lead logically to that of problems concerning the relationship between Church and hospitals, welfare establishments or many other institutions. Rather than embarking on a consideration of such problems, which would be time-consuming, the Commission should keep the first part of the original paragraph (c) as prepared by the Sub-Commission.

151. Having drawn attention to his own explanations and to the statements of certain other representatives in support of his proposal (see para. 115 above), and having noted that no representative had considered that the separation of Church from State and the separation of Church from State schools were, per se, discriminatory, the representative of the USSR withdrew his amendment.

152. The view was expressed by the representative of the United Kingdom, in introducing his amendment (see para. 113 above), that the last part of original paragraph (c) should refer to the concept of "discrimination on the ground of religion or belief" already defined in the preceding paragraph of article I, instead of using the general and undefined term "discriminatory". No objection was raised against this part of the proposal.

153. An oral sub-amendment by the representative of the Ukrainian SSR to insert in the United Kingdom amendment the words "religious intolerance or" between the words "constitute" and "discrimination" met with general approval and was accepted by the representative of the United Kingdom. The representative of Canada, who had submitted an amendment to replace the word "discriminatory" at the end of the Sub-Commission's text by the words "a manifestation of religious intolerance" (see para. 112 above), withdrew that amendment, stating her agreement with the

United Kingdom text as revised upon the proposal of the representative of the Ukrainian SSR.

154. The United Kingdom amendment further aimed at replacing the words "shall by itself be considered" by the words "shall constitute". The author said that, in his opinion, the word "considered" was not appropriate and that a more definite and clearer statement was called for. He also felt that the words "by itself" were superfluous. The representative of Costa Rica, however, suggested that the words "by itself" be retained, and several representatives declared themselves in favour of that suggestion as well as for the retention of the word "considered". In their view, the word "considered" was necessary, since practices such as the establishment of a religion by the State in fact amounted to certain preferences and privileges being given to the followers of that religion. It was by virtue of an agreement between the States parties to the Convention that the situations referred to in the new paragraph (d) would not be "considered" objectionable. The words "by itself" were indispensable to make it clear that, while such circumstances, per se, did not constitute discrimination, they might lead certain authorities, groups or organizations to claim rights or take other action which would indeed discriminate against certain religions or beliefs. Taking these views into account the representative of the United Kingdom agreed to retain the words "shall by itself be considered".

155. The oral proposal made by the representative of the United States (see para. 114 above) was to ensure that the existence of the institutions mentioned in the first part of the original paragraph (c), while not regarded, per se, as "a violation of this Convention", should in no event lead to "violation of the specific provisions" thereof. Later in the debate, the representative of the United States withdrew the first part of his amendment in favour of the United Kingdom proposal as revised, but maintained the second part, with changes of wording, as a sub-amendment to be added to the end of the text submitted by the United Kingdom.

156. Certain representatives objected to the United States proposal on the ground that it introduced an extraneous element in article I and thereby completely disturbed the structure of that article; while article I was to contain only definitions for the purposes of the draft convention, the United States proposal was prohibitive in character. Its purpose should rather be met through the adoption of a general clause to be included in a separate article elsewhere in the draft convention. These representatives also noted that the text submitted by the United States representative, in its first version, avoided stating that the practices referred to in the original paragraph (c) should not by themselves be considered religious intolerance or discrimination on the ground of religion or belief. The fear was expressed that the proposal might implicitly mean that these practices, per se, could be so considered and condemned. The word "specific", qualifying the word "provisions", was regarded by those representatives as likely to give rise to uncertainty and confusion.

157. Certain other representatives thought that the United States proposal, without adding anything essential to the United Kingdom amendment, was couched in somewhat aggressive language, which was not called for. When a State became party to an international convention, it was to be presumed that it intended to apply its provisions in good faith. Furthermore, the United States proposal, if adopted, might be exploited in some countries by certain militant religious groups to launch

abusive attacks upon the established religion, in spite of the fact that such a system was perfectly compatible with respect for freedom of religion and belief.

158. Several representatives, however, considered the United States proposal as a very useful complement to the Sub-Commission's text amended by the United Kingdom. It was not enough to recognize implicitly that the institutions mentioned in original paragraph (c) might lead to discrimination and to manifestations of intolerance, and that such developments, if they occurred, were not admissible. There was a need for stating unequivocally that the new paragraph (d) should in no event be construed as permitting violation of the Convention. In such matters it was very worth while being more explicit even at the cost of being more wordy. One of those representatives thought that the formula proposed by the representative of the United States might even be expanded to provide that paragraph (d) should never be construed as permitting disregard of any right or freedom proclaimed in the Universal Declaration of Human Rights. He reserved his right to submit a proposal along these lines at some appropriate stage of the forthcoming debates.

Adoption of article I

159. At its 821st meeting, the Commission voted on paragraph (a) of the text submitted by the Sub-Commission. The vote on paragraph (b) and the amendment thereto took place at the 822nd meeting. At its 823rd meeting, the Commission voted on the proposal to include a new paragraph (c) in article I. Paragraph (d) and the amendments thereto, as well as article I as a whole as amended, were voted upon at the 825th meeting.

Paragraph (a)

160. Paragraph (a) as submitted by the Sub-Commission (see para. 103 above) was adopted unanimously.

Paragraph (b)

161. Paragraph (b), as submitted by the Sub-Commission, was put to the vote as modified by the United Kingdom amendment, which had been incorporated in an oral amendment by the Ukrainian SSR (see para. 109 above). This text was adopted by 18 votes to none, with 1 abstention.

New paragraph (c)

162. The joint proposal orally submitted by France, the Philippines and Poland (see para. 111 above) was adopted by 18 votes to none, with 1 abstention.

Paragraph (d), former paragraph (c)

163. The Commission agreed to vote, first, on the United Kingdom amendment as revised (see para. 113 above) and, second, on the United States amendment as revised (see para. 114 above).

164. The United Kingdom amendment, as revised, was adopted unanimously. The United States amendment, as revised, was adopted by 14 votes to none, with 6 abstentions. Paragraph (d) as a whole, as amended, was adopted unanimously.

Article I, as a whole

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

For the text of article I, see paragraph 327 below.

ARTICLE II

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

"States Parties shall condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies designed to secure religious tolerance, to protect freedom of conscience and to eliminate all discrimination on ground of religion or belief."

167. The Commission considered this article at its 825th and 826th meetings held on 29 March 1965.

Amendments submitted

168. The amendment of the Ukrainian SSR (E/CN.4/L.725) proposed as a new article II the following:

"1. Religion and belief are a matter for the conscience of each individual.

2. Everyone has the right to freedom of thought, conscience and religion. This right includes:

(a) Freedom to adhere or not to adhere to any religion or 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;

(b) Freedom to manifest his religion and belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the grounds of religion or belief."

The representative of the Ukrainian SSR stated that if his amendment was accepted article II submitted by the Sub-Commission might become article III. At the 826th meeting he withdrew the second paragraph of his amendment and stated that he would withdraw the first paragraph in the light of the first sentence of the amendment proposed by the Philippines (see paragraph 171 below).

169. The Netherlands proposed an amendment (E/CN.4/L.735) to substitute for the words "to secure religious tolerance, to protect freedom of conscience and to eliminate all discrimination on ground of religion or belief", the following: "to protect freedom of thought, conscience and religion, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief".

170. At the 825th meeting, the representative of the United Kingdom orally proposed replacing the words "shall condemn" in the first sentence of the article by the word "condemn" as well as the insertion of the words "which are" between the word "policies" and the word "designed".

171. All the above amendments were subsequently withdrawn in favour of a substitute text for article II of the draft convention, which was orally proposed by the representative of the Philippines at the 826th meeting as follows:

"States Parties recognize that religion or belief is a matter for the conscience of each individual. They condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies which are designed to protect freedom of conscience and religion, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief."

Subsequently the representative of the Philippines added the word "thought" before the words "conscience and religion" in the second sentence. He later accepted an oral amendment by the United Kingdom.

172. At the same meeting the representative of the USSR orally proposed an amendment to the substitute text put forward by the Philippines replacing the words "freedom of conscience and religion" by "freedom of conscience, religion or belief".

173. The representative of Italy orally proposed to substitute the first sentence of the Philippines proposal by "States Parties to this Convention recognize that freedom to choose a religion or belief is a matter for the conscience of each individual". He subsequently withdrew his amendment in favour of the United Kingdom amendment.

174. The representative of the United Kingdom orally proposed that the first sentence of the Philippines text be replaced by the following: "States Parties recognize that the religion or belief of an individual is a matter for his own conscience and must be respected accordingly". This amendment was subsequently accepted by the representative of the Philippines.

Issues discussed

175. The Ukrainian representative, in introducing his amendment (see paragraph 168 above), said that it was not intended to replace the existing article II of the draft convention submitted by the Sub-Commission and that if his amendment was accepted the existing article II might become article III. He thought that as the purpose of the Convention was to eliminate all forms of religious intolerance it should at the outset set forth the right of everyone to respect for his religion or belief. Hence that principle, which was the cornerstone of the Convention, should be stated expressly as had been done in article IV of the draft declaration on the elimination of all forms of religious intolerance drawn up by the Working Group of the Commission at its twentieth session. ^{11/} Paragraph 2 of the proposal, it was said, was based on article III of the Sub-Commission's text for the draft convention. The two paragraphs of the proposal contained ideas of such importance that it was thought they should form the subject of a separate article, although in substance they appeared in different positions in the draft convention submitted by the Sub-Commission.

176. Several representatives stated that they were not convinced of the necessity to change the order of the articles in the draft convention, that as the purpose of the Convention was to eliminate all forms of religious intolerance, the general obligations of States in that respect should be set out immediately after article I.

^{11/} Ibid., para. 294.

Moreover, it was thought essential to state clearly, in the form of a legal obligation, that the States Parties undertook to ensure to everyone the right to freedom of thought, conscience or religion rather than to formulate the principle in the general form in which it appeared in article 18 of the Universal Declaration of Human Rights.

177. On the other hand it was observed in support of the Ukrainian proposal that it was desirable in the interests of the general structure of the Convention to state at the outset the basic right which was to be elaborated in the subsequent articles of the Convention. It was noted that provisions similar to those of paragraph 2 of the Ukrainian proposal appeared in the Universal Declaration of Human Rights, which was a document of great moral value and authority and hence it was imperative for the Convention, which was a binding instrument, to contain the same provisions. Furthermore, paragraph 1 of the Ukrainian proposal introduced a new concept which would be of great value in safeguarding freedom of conscience, religion and belief.

178. In introducing his amendment (see paragraph 169 above), the representative of the Netherlands stated that article II had been intended by the Sub-Commission as an introductory clause to the obligations laid down in articles III, V and VI. It was therefore desirable that the last part of article II should be re-arranged so as to bring the enumeration of undertakings expressed therein in harmony with the order followed by the said articles. Moreover he wished this article to refer to the protection of freedom of thought, conscience and religion instead of merely to freedom of conscience, the former formula being in harmony with the wording of article 18 of the Universal Declaration of Human Rights. That, he said, was the purpose of his amendment. A number of representatives were of the opinion that the Netherlands amendment would improve the text of article II of the draft convention. One representative thought, however, that the Netherlands amendment might lead to unnecessary repetition if article III was maintained and therefore he held that article II should not be amended on those lines. It was observed by another representative that since the Convention dealt with freedom of conscience and religion and not with freedom of thought, it would be best not to make any reference to the latter concept which had been included in the Netherlands amendment. On the other hand a number of representatives, while agreeing that the concept of thought was much wider than that of conscience or religion, doubted the wisdom of changing the wording of article 18 of the Universal Declaration of Human Rights, from which that phrase had been borrowed.

179. The representative of the United Kingdom, in presenting his amendments (see paragraph 170 above), said that his first amendment was intended to make clear that as far as condemnation of all forms of religious intolerance and all discrimination on the ground of religion or belief were concerned, it was not a question of specific future action but of a continuing attitude of mind; the second amendment was to avoid any ambiguity, particularly as regards the English text. One representative, however, while agreeing to the insertion of the words "which are" after the word "policies", considered that the word "shall" before the word "condemn" should stand, for the intention was that States should pledge themselves to fight at all times all forms of religious intolerance and all discrimination on ground of religion or belief. Indeed, he thought the obligation should be expressed in even stronger language by replacing the words "shall condemn" by the expression "undertake to condemn". On the other hand many representatives held that the deletion of the word "shall" before the word "condemn" was an improvement and that unless otherwise provided any legal obligation once assumed was of a continuing nature and hence could not be presumed to have been weakened by the removal of the word "shall".

180. The representative of the United States thought that perhaps articles II, V and VI of the Sub-Commission's draft might all be consolidated in article II, especially as the first part of article II was declaratory and did not embody a legal commitment. In opposition to this view it was observed that following the logic of that proposal it might also be argued that since articles VII, VIII and IX likewise imposed obligations upon States, they too should be included in article II, which would then become very complicated and consist of a large number of sub-paragraphs. It was felt that the Convention was not intended to be understood by specialists only but rather to be read and understood by the general public, and the terms and articles of it must therefore be drafted in a simple and clear manner. It was also noted that article II imposed a series of obligations on the States Parties to the Convention whereas article V imposed only one obligation.

181. In the view of many representatives, article II was intended to be a statement of principle covering all the subsequent articles. It prescribed general obligations arising from the Convention, while the succeeding articles were intended to elaborate those obligations in detail.

182. The representative of the USSR stated, in support of his amendment (see paragraph 172 above) to the Philippines proposal (see paragraph 171 above), that article I, as adopted by the Commission, had treated religion or belief on an equal footing, which was also the case with article 18 of the Universal Declaration of Human Rights, and the purpose of his amendment was to maintain that balance and equilibrium between religion and belief throughout the Convention.

183. A number of representatives observed that they had difficulty in understanding how religion or belief per se could be only "a matter for the conscience of each individual" as had been stated in the Philippines proposal (see paragraph 171 above). Adherence to or choice of a religion or belief, they thought, might be regarded in that way, but the statement as it appeared in the Philippines text was open to interpretation restricting the scope of the subsequent articles of the Convention, to which article II served as an introduction. It was not true to say that religion and belief were a matter for the conscience of the individual only since there was the community aspect of religion or belief as well. For this reason, it was thought that perhaps the phrase "choice of religion or belief" would be more appropriate than that of "religion or belief". This was said to be the purpose of the Italian amendment to the first sentence of the Philippines proposal. On the other hand it was observed that the word "choice" was not satisfactory and that some other term should be used to make it clear that it was religious feeling that was "a matter for the conscience of each individual". One representative thought that all that was needed to be stated in article II was that religion and belief were matters for the individual conscience and that the use of expressions like "choice of" or "adherence to" would limit the whole concept.

184. It was pointed out that the purpose of article II was to condemn all forms of religious intolerance and all discrimination on the ground of religion or belief. Therefore the statement that freedom to choose a religion or belief was a matter for the conscience of each individual was totally inadequate as a preface for a provision of such far-reaching importance. The impression might be given that the second part of the article was dominated by the freedom of the individual to choose a religion or belief. Moreover it was said that the principle of freedom to adhere to any religion or belief was stated much more fully in article III and the use of a simplified version of that principle in article II might result in limiting the

effect of this article which was generally agreed to be the key article of the draft convention. In order to meet these objections to the first sentence of the Philippines text, the representative of the United Kingdom proposed an alternative wording (see paragraph 174 above) which was accepted by the representative of the Philippines.

Adoption of Article II

185. At its 826th meeting the Commission voted on the text of article II and the amendments thereto.

186. At the request of the representative of France a separate vote was taken on the first part of the Philippines-United Kingdom amendment (see paragraphs 171 and 174 above) up to the words "... his own conscience". This amendment was adopted unanimously. The second part, reading: "and must be respected accordingly" was adopted by 11 votes to 4, with 4 abstentions.

187. The amendment by the USSR (see paragraph 172 above), proposing to replace the words "freedom of conscience and religion" in the second sentence of the Philippines substitute text by "freedom of conscience, religion or belief", was adopted by 9 votes to 1, with 10 abstentions. The second sentence of the Philippines substitute text, as amended, was adopted by 19 votes to none with 1 abstention.

188. Article II as a whole, as amended, was adopted by 19 votes to none, with 1 abstention.

/For text of article II see paragraph 327 below./

ARTICLE III

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

"1. States Parties undertake to ensure to everyone the right to freedom of thought, conscience or religion. This right shall include:

"(a) Freedom to adhere or not to adhere to any religion or 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; and

"(b) Freedom to manifest his religion or belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the grounds of religion or belief.

"2. Subject to the limitations contained in articles IX, XI and XII, States Parties shall, in particular, ensure to everyone:

"(a) Freedom to worship, to assemble and to establish and maintain places of worship or assembly;

"(b) Freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, and to train personnel intending to devote themselves to the performance of its practices or observances;

"(c) Freedom to practise his 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 rituals, dietary and other practices of his religion or belief and to produce or if necessary import the objects, foods and other articles and facilities customarily used in its observances and practices;

"(e) Freedom to make pilgrimages and other journeys in connexion with his religion or belief whether inside or outside his country;

"(f) Equal legal protection for his places of worship, for his rites, ceremonies, and activities, and for the burial places associated with his religion or belief;

"(g) Freedom to organize and maintain local, regional and national associations, and to participate in international associations in connexion with his activities and to communicate with his co-religionists and believers;

"(h) Freedom from compulsion to take an oath of a religious nature;

"(i) Freedom from compulsion to undergo a religious marriage ceremony not in conformity with his religion or belief."

190. The Commission considered article III at its 826th to 834th and 837th to 839th meetings, held from 29 March to 2 April and on 6 and 7 April 1965.

Amendments submitted

191. The Polish amendment (E/CN.4/L.738) proposed to replace article III of the text submitted by the Sub-Commission by the following:

"States Parties undertake to ensure to everyone the right to freedom of thought, conscience, religion or belief.

"Subject to the limitations contained in articles IX, XI and XII, States Parties shall in particular ensure to everyone:

"(a) Freedom to adhere or not to adhere to any religion or 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; and

"(b) Freedom to manifest his religion or belief either alone or in community with others and in public or private, by teaching, practice, worship and the observance of religious rituals and rules."

The introductory paragraph of this proposal was subsequently revised by the Polish representative to read: "Everyone has the right to freedom of thought, conscience, religion or belief." At the 831st meeting the Polish representative stated that in the light of the oral amendment of the representative of India to paragraph 1 (a) (see para. 199 below), he would not insist on his proposal.

192. The United Kingdom amendment (E/CN.4/L.740) proposed to replace paragraph 1 and the introductory phrase of paragraph 2 by the following:

"1. States Parties undertake to ensure to everyone the right to freedom of thought, conscience or religion. This right shall include freedom to adhere or not to adhere to any religion or 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.

"2. Subject to the limitations contained in articles IX, XI and XII, States Parties shall ensure to everyone freedom to manifest his religion or belief either alone or in community with others and in public or in private, without being subjected to any discrimination on the ground of religion or belief, and in particular".

193. This amendment was subsequently revised by the United Kingdom (E/CN.4/L.740/Rev.1), to replace the introductory phrase of paragraph 2 by "In pursuance of the provisions of the preceding paragraph, States Parties shall, in particular, ensure to everyone the following freedoms:", and to add a new paragraph 3 reading as follows:

"3. The provisions of article XII shall have no application to the freedom set out in paragraph 1 (a) above."

At the 830th meeting, the representative of the United Kingdom accepted a sub-amendment to his revised amendment, proposed orally by the representative of India, which would add a new sentence at the end of paragraph 3 of the United Kingdom's proposal, reading:

"The present paragraph shall not be interpreted as including manifestations of religion or belief."

This amendment as modified by the Indian sub-amendment was subsequently withdrawn in favour of the oral amendment of India to paragraph 1 (a).

194. The amendment of Israel (E/CN.4/L.734) proposed that article III be confined to paragraph 1 of the Sub-Commission's text and paragraph 2 be made a separate article. This amendment was later withdrawn.

Amendments to the introductory phrase of paragraph 1

195. A Jamaican amendment (E/CN.4/L.736) which proposed to replace the word "everyone" by "all persons within the State", was subsequently modified to insert after "everyone" the words "within their jurisdiction".

196. At the 831st meeting, the representative of the USSR orally proposed the replacement of the word "or" in the second line of the introductory paragraph by a comma, and insertion after the word "religion" in the same line of the words "or belief".

Amendments to paragraph 1 (a)

197. An amendment of Jamaica proposed to replace the semicolon at the end of the sub-paragraph by a comma and to insert before the word "and" the following words "and freedom from any penalties imposed as a consequence of such choice or decision". This amendment was subsequently withdrawn in favour of the oral amendment submitted by the representative of India to paragraph 1 (a).

198. The representative of Denmark orally proposed at the 829th meeting the replacement of the words "to adhere or not to adhere to" at the beginning of paragraph 1 (a) by the words "to have or to adopt", but subsequently he withdrew his amendment.

199. The representative of India orally proposed at the 831st meeting the insertion after the word "subjected" in paragraph 1 (a) of the words "either to any of the limitations referred to in article XII or", the replacement of the semi-colon after the word "matter" by a comma, and the addition of the words "provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief".

Proposal for a new paragraph 1 (c)

200. An amendment by Costa Rica (E/CN.4/L.729) to add a new sub-paragraph (c) to paragraph 1, reading:

"Freedom to express opinions on religious matters or in matters relating to religion without being subject to any discrimination or coercion."

This amendment was later revised by the representative of Costa Rica (E/CN.4/L.729/Rev.1) to read:

"Freedom to express opinions on questions concerning a religion or belief, without being subject to any discrimination or coercion by the public authority."

Subsequently the representative of Costa Rica revised his amendment omitting therefrom the words "without being subject to any discrimination or coercion by the public authority."

Amendments to paragraph 2

201. An amendment of Israel (E/CN.4/L.734) proposed that the whole of paragraph 2 should be converted into a separate article of the draft convention. This amendment was subsequently withdrawn by the representative of Israel.

Proposal for an additional sub-paragraph to paragraph 2

202. An amendment of the Ukrainian SSR (E/CN.4/L.742) proposed the insertion of a new sub-paragraph in paragraph 2 reading:

"Freedom to enjoy and to exercise political, civic, economic, social and cultural rights, whatever his religion or belief".

The Commission considered this amendment to be more appropriate for insertion as a separate article of the Convention (see paragraphs 312-324 below).

Amendments to paragraph 2 (a)

203. The representative of the USSR orally proposed at the 832nd meeting a substitute text for the sub-paragraph to read: "freedom to worship, freedom to express opinion, freedom to assemble and to establish and maintain places of worship or assembly". This amendment was subsequently withdrawn in favour of the amendment of Chile, France and India.

204. The representative of Poland orally proposed the insertion of the words "if so necessary" between the words "assemble and" and "to establish". This amendment was subsequently changed to insert the word "necessary" between the words "maintain" and "places", but it was later withdrawn.

205. At the 833rd meeting the representative of India orally proposed that the words "to assemble" should be replaced by the words "to practise a belief" and that the words "for these purposes" should be added at the end of the sub-paragraph. This amendment was subsequently withdrawn and replaced by a joint amendment by France and India (E/CN.4/L.745), which Chile subsequently joined as a co-sponsor. The amendment proposed the replacement of the word "assembly" by the words "to hold assemblies related to religion or belief" and the insertion at the end of the sub-paragraph, before the semi-colon, of the words "for these purposes".

Amendments to paragraph 2 (b)

206. The representative of India orally proposed at the 834th meeting to delete the phrase "the performance of" from this paragraph.

207. The representative of Israel orally proposed the insertion of the words "to write, print and publish religious books and texts" after the word "traditions". In so doing he said he was thereby withdrawing the second part of his amendment (E/CN.4/L.734; see also para. 211 below) by which an addition of a new sub-paragraph after paragraph 2 (d) had been proposed.

208. The representative of the Ukrainian SSR proposed to delete the last part of paragraph 2 (b), beginning with the words "and to train personnel...".

Amendments to paragraph 2 (c)

209. The representative of the USSR orally proposed the insertion of the words "where necessary" between the words "maintaining" and "charitable".

Amendments to paragraph 2 (d)

210. The amendment of Iraq (E/CN.4/L.746) proposed the replacement of the text submitted by the Sub-Commission by the following:

"Freedom to observe the rites or customs of their religion or belief".

A drafting amendment to this text, proposed by the Chairman at the 837th meeting, and involving the replacement of the word "their" by the word "his" in order to conform to the terminology of the paragraph, was accepted by the representative of Iraq.

211. Israel proposed the following amendments (E/CN.4/L.734):

At the end of paragraph 2 (d) of the present text, add the following:

"and - where media of production and distribution are controlled by the State - the right to obtain, at reasonable expense, such objects, foods and other articles or facilities."

Add after paragraph 2 (d) of present text, the following sub-paragraphs:

"(dd) the right to write, print and publish religious books and texts, and - where media of production and distribution are controlled by the State - to obtain facilities necessary therefor;

"(ddd) the right to observe holy days in accordance with his religious precepts and traditions."

At the 834th meeting the representative of Israel introduced his amendment for a new sub-paragraph (dd) in a revised form as an amendment to sub-paragraph (b) (see paragraph 207 above). As regards the other two amendments, he stated at the 839th meeting that he reserved his right to submit them as separate articles of the draft convention during its future consideration.

Amendments to paragraph 2 (e)

212. The representative of the USSR orally proposed, at the 837th meeting, the deletion of this paragraph.

Amendments to paragraph 2 (f)

213. Drafting amendments were proposed orally by the representative of the United Kingdom as follows: (a) the replacement of the word "his" by the word "the" before "places of worship"; (b) the replacement of the words "for his" by the word "the" before "rites" and (c) the deletion of the word "for" before the words "the burial places".

214. A proposal was moved orally by the representative of the Ukrainian SSR to insert the words "and assembly" after the words "places of worship".

215. The representative of India submitted an oral amendment, to replace the words "the burial places" by "the places of burial, cremation or other methods of disposal of the dead". The representative of India accepted some drafting changes proposed by the representative of Jamaica in order to shorten the sentence to read: "the places of disposal of the dead". The Commission agreed that the words "funéraire" and "funeraria" would be used in the French and Spanish translations of the Indian amendment.

Amendments to paragraph 2 (g)

216. The representative of the Ukrainian SSR proposed a substitute text for the paragraph to read as follows:

"Freedom of association for the purpose of religious worship, of the manifestation of belief, and of the participation of national associations in the work of international organizations whose aims and purposes conform to the aims and purposes of the United Nations".

This amendment was subsequently withdrawn.

217. The representative of the United Kingdom moved orally to replace the Sub-Commission's text by the following:

"Freedom, in connexion with his religion or belief, to organize and maintain local, regional and national associations, to participate in international associations and to communicate with his co-religionists and believers".

The representative of the Netherlands proposed an oral sub-amendment to the United Kingdom's text to insert the word "international" after the word "national", and to replace the word "international" after "to participate in" by the word "such". The representative of the United Kingdom later withdrew his amendment in favour of a text proposed by the representative of Israel.

218. Israel proposed an amendment (E/CN.4/L.755) which would replace the Sub-Commission's text by the following:

"Freedom to organize, maintain and participate in local, regional, national and international associations in connexion with his religion or belief, and to communicate with his co-religionists and believers".

At the 838th meeting, the representative of Israel revised his amendment to read:

"Freedom to organize and maintain local, regional, national and international associations in connexion with his religion or belief, to participate in their activities, and to communicate with his co-religionists and believers".

219. The representative of Jamaica proposed orally to divide the sub-paragraph into two sub-paragraphs. The first sub-paragraph would read:

"Freedom to organize, maintain and participate in local, regional, national and international associations for the practise of his religion or belief".

The second sub-paragraph would read:

"Freedom to communicate with his co-religionists and co-believers in his country or abroad on matters of religion or belief".

This amendment was later withdrawn.

220. The representative of Costa Rica orally proposed a substitute text to read:

"Freedom to organize and maintain local, regional and national associations in connexion with his religion or belief; freedom to participate in international activities of this nature and freedom to communicate with those who share his beliefs".

This amendment was subsequently withdrawn.

Amendments to paragraph 2 (h)

221. The representative of Israel orally proposed a substitute text to read as follows:

"Freedom from compulsion to take an oath contrary to his religion or belief".

This amendment was subsequently withdrawn.

Amendments to paragraph 2 (i)

222. The representative of Jamaica proposed a drafting amendment (E/CN.4/L.736) to replace the words "undergo a religious marriage ceremony" by the words "be married in a religious ceremony".

223. The representative of the Ukrainian SSR orally proposed to insert at the end of the paragraph the words "and freedom to enter into marriage irrespective of the religion or belief of the marriage partners".

224. The representative of the USSR submitted an oral amendment by which the words "or other rites" would be inserted after the word "ceremony".

225. The representative of Austria proposed orally the insertion of the words "independent of the civil marriage" after the word "ceremony". Subsequently, at the 839th meeting, he proposed the deletion of paragraph 2 (i).

226. The representative of the United States then proposed a substitute text to read:

"Freedom to contract marriage without being subjected to coercion or discrimination by the State on the ground of religion or belief".

227. An amendment (E/CN.4/L.757) submitted by the representative of France, as orally revised at the 838th meeting, was to replace paragraph 2 (i) by the following:

"The possibility in law to contract marriage with a person of the same or of a different religion or belief, and freedom from compulsion to be married according to the forms or rites not in conformity with his religion or belief".

ISSUES DISCUSSED

228. Many representatives expressed the wish to retain as far as possible the substance of the text submitted by the Sub-Commission. They held the view that article III was of vital importance and that it would be unwise to attempt to depart too far from the Sub-Commission's text. The main issues discussed in connexion with article III concerned the application of limitations contained in article XII to the whole or parts of article III and the question of whether it was necessary to retain the enumeration found in the text of article III as proposed by the Sub-Commission.

229. The representative of Poland, in introducing his delegation's amendment (see paragraph 191 above), said that article III as proposed by the Sub-Commission suffered from a number of defects. First, paragraph 2 contained an excessively detailed enumeration which could not fail to create difficulties for individual States. An international convention should indicate the general lines which national legislation should follow. It should not attempt to serve as a substitute for national legislation. On the other hand, the Sub-Commission's text subjected to the limitations contained in articles IX, XI and XII only the specific rights enumerated in paragraph 2, but in fact the rights set out in paragraphs 1 (a) and (b) were those elaborated in paragraph 2 and therefore these also should have been made subject to such limitations. Moreover, the enumeration included in paragraph 2 merely repeated in detail what was stated in general terms in paragraph 1 (b), and was therefore redundant.

230. On the other hand, it was argued that article III would be the heart of the draft convention, for its object was to ensure the concrete legal protection of specific rights. It laid down the standards by which respect for principles contained in the Convention would be judged in practice. It conferred on the individual clearly identifiable rights and imposed corresponding duties on States. A number of representatives observed that in their view the individual had an inherent right to freedom of thought, conscience and religion and the duty to practise tolerance and non-discrimination towards others in exchange for a similar treatment which they accorded him. Therefore the source of the rights under consideration was neither the State nor the convention under consideration. Those rights were inherent in individuals by virtue of their humanity. The purpose of the Convention was said to be to translate those inherent rights of the individual into positive international law and in turn into positive national laws prescribing the necessary safeguards for their guarantee and implementation. The function of the Convention and of the laws to be enacted in pursuance thereof were said to be to protect the individual from any encroachments by society, that is to say by the State, groups or individuals, upon his fundamental freedoms. For these reasons it was held that article III should be drafted in terms clearly specifying maximum protection of these inherent rights of the individual.

231. The right of everyone to adhere or not to adhere to a religion or belief and his right to change his belief in accordance with the dictates of his conscience should not be restricted in any way.

232. It was observed that the limitations which were recognized in article III would have to be prescribed by law solely for the purpose of securing recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Any limitation imposed by the State on religious freedom was regrettable and could be justified only in so far as it was intended to protect the freedom and rights of others. The State's task was thought to be that of protecting the rights of all to religious freedom. As the State was not the source of those rights, it had no right to restrict them. It was argued that such recognition of fundamental freedoms and rights might weaken the State; but the truth was that such freedoms strengthened the State and its social order. Throughout history the most stable States were said to have been those which had fostered and protected freedom of opinion and the diversity of beliefs.

233. For these reasons it was felt that article III should contain specifications of rights in the greatest possible detail. The greater the precision the greater would be the effectiveness of the Convention. It was recognized that for practical reasons the rights specified in paragraph 1 (a) and (b) could not all be defined and enumerated in article III. It was thought, however, that an attempt should be made to enumerate every important right to religious freedom and practice which needed protection.

234. It was said that the enumeration of the rights in article III was consistent with the development of international legislation in the field of human rights, which had evolved from the proclamation of the general principles in the Charter of the United Nations and the Universal Declaration of Human Rights to the precise formulation of those principles in international conventions dealing with particular rights. Recording of simple general principles did not suffice.

Article 18 of the Universal Declaration of Human Rights had already proclaimed that everyone had the right to manifest his religion in teaching, practice, worship and observance. The next step was to elaborate in the Convention what each of those manifestations comprised, the specific rights which the individual and the community could claim and those which the State was under an obligation to respect and to protect. Hence, the enumeration of the rights was necessary because it constituted the essence of the Convention and without it the Convention would merely be repeating vague general principles short of legal meaning.

235. The diversity of manifestations in the field of religion and belief were considered as requiring special protection and therefore it was thought necessary to mention them explicitly in the Convention. In particular, one representative thought that the contents of paragraphs 2 (a), 2 (b), 2 (c), 2 (d) and 2 (g) were absolutely necessary and should in no circumstances be omitted.

236. On the other hand, it was held that in view of the diversity of religions and beliefs, article III, paragraph 2, should be as general and concise as possible so that the Convention could be ratified by a large number of States and not lead to difficulties which were bound to arise in the midst of the diversity of thought and practice in matters of religion and belief in various countries. It was observed that that was also the conclusion which had been reached by the working group set up by the Commission at its last session to consider the rights and freedoms to be proclaimed in article III of the draft declaration on the elimination of all forms of religious intolerance. As an example of the difficulties which an extensive enumeration might create, it was pointed out that in the socialist States with social welfare legislation, the charitable institutions referred to in paragraph 2 (c) had no raison d'être. An excessively detailed enumeration of rights would inevitably impair the Convention's chances of being adopted and ratified. For these reasons a few representatives thought that article VI of the draft declaration on the elimination of all forms of religious intolerance which had been prepared by the working group of the Commission at its twentieth session should be taken as a basis for the enumeration of freedoms in article III of the draft convention. It was pointed out that the four paragraphs which had been prepared by the working group corresponded more or less to the first four sub-paragraphs of the Sub-Commission's text of paragraph 2.

237. Some representatives said that some parts of the Polish amendment had very serious consequences particularly since they qualified the entire article by the limitations contained in articles IX, XI and XII. Many delegations could not agree to the proposal, particularly if it was intended that paragraph 1 (a) should be so qualified. It was observed that declaration of a religious faith was an internal spiritual matter and therefore that the rights mentioned in paragraph 1 (a) were matters for the individual conscience which was inviolable and hence should be free from any kind of limitations.

238. In favour of the Polish amendment, it was observed that a religious sect could not be allowed unlimited freedom, for example, to spread dangerous or immoral ideas. It was said that by putting paragraph 1 outside the scope of the application of articles IX, XI and XII, the Sub-Commission had departed from the principles contained in the Universal Declaration of Human Rights, in which all the individual freedoms listed in Article 18 were subject to the limitations determined by law "for the purpose of ... meeting the just requirements of morality, public order and the general welfare" as specified in Article 29 of

the Declaration. The Polish amendment, under which the rights and freedoms proclaimed in article III, paragraph 1, would also be subject to the limitations contained in articles IX, XI and XII, was therefore considered to be consistent with the general principles recognized by the United Nations in the matter of human rights. On the other hand it was pointed out that although it was true that the Universal Declaration of Human Rights made no distinction in respect of limitations between the rights laid down in paragraph 1 (a) and (b), the provisions of Article 18 of the draft covenant on civil and political rights as approved by the Third Committee of the General Assembly did not place any limitations on the freedom referred to in paragraph 1 (a), since the limitation clause contained therein applied only to freedom to manifest one's religion or belief. Reference was made in that connexion to Mr. Krishnaswami's report (E/CN.4/Sub.2/200/Rev.1), 12/ and especially to pages 16 and 17 of that report.

239. The purpose of the United Kingdom amendment (see para. 192 above) was to secure that the rights in paragraph 1 (a) of the draft article should be subject to no limitations, while those in paragraphs 1 (b) and 2 should be subject to the limitations in articles IX, XI and XII of the Sub-Commission's text. In connexion with this United Kingdom amendment it was observed that the freedoms listed in paragraphs 2 (a) to 2 (i) were not all examples of manifestations of religion or belief as they were assumed to be under paragraph 2 of that amendment. It was further noted that since articles IX, XI and XII applied in any case to all the provisions of the Convention unless the contrary was expressly stated there was no need to refer to them as was done in paragraph 2 of the United Kingdom proposal. Many representatives wanted to exempt the provisions of paragraph 1 (a) of the Sub-Commission's text from the application of limitations contained in article XII and noted that the United Kingdom proposal for paragraph 1 did not do so. The purpose of the revised United Kingdom amendment (see paragraph 193 above) was to meet these objections. The revised United Kingdom amendment was thought to have supplemented the Polish amendment by proposing that the provisions of article III be made subject to the limitations of article XII, that is including paragraph 1 (b), and it was said to comply with the view of the majority of the representatives by providing that those limitations should not apply to the provisions of paragraph 1 (a). Thus the purpose of the United Kingdom amendment was considered to be not to curtail the limitations, but rather to mark the boundary of their application.

Paragraph 1 (a)

240. A few representatives thought that all the freedoms referred to in article III related not to thought alone but also to action. Therefore they said that if they could be convinced that the freedom mentioned in paragraph 1 (a) was a purely internal matter and entailed no manifestation whatsoever they could agree to its not being restricted. In their opinion, however, adherence to any religion or belief meant adherence to certain rituals and rules which in themselves led to some form of manifestation. Since all freedoms were wholly dependent on the individual's relation with society, the provisions of article XII should be made applicable to paragraph 1 (a) as well. Many representatives on the other hand thought that the operative phrase "in accordance with the dictates of his conscience" made it clear that adherence to a religion or belief fell within the realm of thought and conscience and was in no way connected with manifestations. It was also observed that while paragraph 1 (a) undoubtedly included an element of decision, that decision was a matter of conscience and mind. Accordingly they

considered that adherence to a religion or belief should not be governed by the formidable array of limitations contained in article XII. The idea that freedom to adhere or not adhere to a religion or belief should be exempt from the limitations provided for in article XII, which was contained in the revised amendment submitted by the United Kingdom (see paragraph 193 above) was, however, unacceptable to a few representatives. They observed that to make such an exemption was tantamount to interfering with the sovereignty of the State. Certain religious sects practised mutilation, and should be prohibited by law. If article III were worded as suggested by the United Kingdom representative, States would be unable to take any action to stop such practices and would be failing in their duty to protect their citizens. States must be in a position to take action in such situations. No Government would accept a provision that interfered in that way with its sovereign rights.

241. On the other hand, it was said that the expression "adhere to" implied entering into or joining an existing sect or organization. If the sect or the organization in question was legally recognized, there could be no objection to an individual adhering to it. If the activities of the sect or the organization were harmful to the security of the State, the State could interfere because of the illegal character of those activities. In that case, the State would not be interfering on the ground of the choice of the individual, but on the ground of the nature of the activities concerned.

242. These representatives observed that they agreed that religion or belief was a matter for the conscience of each individual. However, the term "priderzhivatsya" (Russian translation for the word "adhere") used in the draft of the Sub-Commission meant to observe rites or to practise religions, which were external manifestations and as such subject to State supervision. If those manifestations violated public health or morality, the State could and should restrict them. Consequently, paragraph 1 (a) referred not only to conscience but also to the manifestations resulting from beliefs. If the intention was to refer only to the inner conscience of each individual, it would hardly be necessary to mention it in the draft convention, for it was not within the scope of the Convention. On the other hand, it was generally agreed that in so far as adherence might be associated with external manifestations it would come within the terms of paragraph 1 (b).

243. The essence of the United Kingdom's amendment was said to be that the State should not be allowed to inquire into the thought or conscience of human beings.

244. A few representatives stated that in their view freedom to adhere to a religion implied the right to become a member of a religious community. As a way out of the difficulty, the representative of Denmark suggested the replacement of the words "adhere or not to adhere to" by the word "have", which was taken from Article 18 of the draft Covenant on Civil and Political Rights adopted by the Third Committee of the General Assembly. Many members of the Commission, however, thought that the essence of the Freedom in question was the ability to make the actual choice. Thus the only difference of opinion appeared to be over the meaning of the word "adhere".

245. On the use of that word in paragraph 1 (a) it was recalled that after long discussion the Sub-Commission had decided to use that word, and the Commission would be wise not to change it unless it had very good reasons for so doing.

"Adhere" had a more precise meaning than "have" or "adopt", and the latter in particular, which implied an individual act, was less satisfactory in the context. It was, however, generally agreed that once a person had exercised his choice, all the consequences of that act were covered by the existing paragraph 1 (b).

246. The representative of Jamaica thought that a possible way out of the difficulty which had arisen as to the meaning of the word "adhere" might be to add some such words as "on the freedom to manifest religion or belief" after the word "limitations" in the second line of article XII. Thus there would be no need for the retention of part 2 of the United Kingdom's revised amendment (see para. 193 above).

247. While a few representatives could accept the Jamaican proposal others remarked that in view of the lengthy discussion which had taken place they could not agree to the suggestion that the whole matter be postponed to be dealt with when the Commission came to consider article XII. That would mean only reopening later an already unduly prolonged discussion. Besides, it was observed that it would be most unwise to amend hastily the limitations article to meet one particular case, for States would then be prevented from taking action in cases which could not be properly recorded as manifestations of religion or belief. For example, it was observed that legal protection for burial places associated with religions or beliefs, referred to in paragraph 2 (f) of the Sub-Commission's text, was in no way related to manifestations; if the Jamaican suggestion were followed a State would be precluded from intervening in matters concerned with public health.

248. The representative of France thought that the difficulty might be solved by an amendment to article XII of the Sub-Commission's text referring to the special case at issue without, however, interfering with the scope of the existing text of that article. That might be done by inserting after the words "prescribing by law" the phrase "without prejudice to the freedom recognized in article III, paragraph 1 (a)".

249. To dispel the misgivings raised as to the meaning of paragraph 1 (a), the representative of India orally suggested the addition of the words "provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief" at the end of paragraph 3 of the United Kingdom proposal (see paragraph 199 above). This sub-amendment was generally acceptable to the members of the Commission including the representative of the United Kingdom. A number of representatives, while favouring the Indian sub-amendment, wished that there could be some further definition of the term "manifestation" such as Mr. Krishnaswami had given in his study. It was thought that addition of the words "such as enumerated in subsequent articles" after the phrase "manifestations of religion or belief" might help in that respect. While not introducing a formal amendment to insert that phrase those representatives indicated that this was their understanding of the term "manifestation". On the other hand, it was thought that this would confuse matters because no convention could possibly cover all forms of manifestations of various religions and beliefs. One representative made the remark, however, that the freedom to adhere to a religion implied, by itself, at least one freedom of manifestation: the freedom to declare such an adherence.

250. The representatives who had expressed misgivings as regards the revised United Kingdom proposal for an additional paragraph 3 said that they would be in a position to support the addition of the Indian representative's suggestion at the

end of paragraph 1 (a) provided that the United Kingdom proposal for paragraph 3 was withdrawn. In order to achieve unanimity the representative of India orally proposed the insertion after the word "subjected" in paragraph 1 (a) of the words "either to any of the limitations referred to in article XII or", the replacement of the semi-colon after the word "matter" by a comma, and the addition of the words "provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief, and". This proposal was acceptable to nearly all members of the Commission.

251. There was general agreement as regards the amendment of Jamaica to the introductory phrase of paragraph 1 (see paragraph 195 above), proposing to include after the word "everyone" the words "within their jurisdiction," but the addition of a further qualification making the amendment read: "within their territory and subject to their jurisdiction," was considered as too restrictive.

252. Many members of the Commission were of the opinion that the addition proposed by Jamaica to paragraph 1 (a) (see paragraph 197 above) was unnecessary because that provision already contained the words "without being subject to any coercion". In view of this, the representative of Jamaica withdrew his amendment to paragraph 1 (a).

253. The representative of the United States thought that the Sub-Commission had omitted an essential element of clarification needed in paragraph 1 (a). He observed that the word "coercion" used therein could mean only coercion by the public authority, since it was very difficult to protect an individual from being subject to coercion by groups or other individuals. In view of this he suggested that the words "by public authorities" be inserted after the word "coercion" in paragraph 1 (a) and in any other place in the article where the word "coercion" appeared. On the other hand, some representatives expressed the opinion that the addition of the words "by public authorities" was not necessary because the introductory phrase of paragraph 1 made it clear that it was the State's obligation to ensure to everyone the rights in question from which it followed that it was also the State's obligation not to subject anyone to coercion. On the basis of this view the United States representative did not press his suggestion any further.

Paragraph 1 (b)

254. It was generally agreed that the limitations contained in article XII of the draft convention should be made applicable to the provisions of this paragraph, as it was thought that such outward manifestations might lend themselves to expressions and practices which would justify certain limitations of the kind envisaged in article XII to be applied to them.

New paragraph 1 (c)

255. The representative of Costa Rica, in introducing his amendment to add a new paragraph 1 (c) (see paragraph 200 above), stated that the draft convention was especially concerned with the protection of the freedom of religion and worship. It sought to protect the observation of religious exercises and manifestations and to guarantee the right of individuals to practise their religion or belief in all its manifestations. He felt, however, that the draft convention was not

sufficiently explicit regarding the right of individuals to express their ideas on religious matters or on matters relating to religion independently of religious manifestations in the sense of worship. Article III, he thought, should ensure freedom of any expression of opinion, whether on philosophical, political, social or other subjects which had a bearing on religion or belief. Thus, if a public school teacher claiming freedom of thought expressed in speech or in writing an opinion on a religious question which conflicted with that of his or any other Church, he should not be subject to discrimination or coercion merely for having expressed an opinion regarded as unorthodox. Many representatives thought that the substance of the Costa Rican amendment was an improvement of the Sub-Commission's text.

256. The representative of the Philippines suggested the inclusion in the Costa Rican amendment of a reference to belief as well as to religion, which was subsequently accepted by the representative of Costa Rica and included in the revised text of his amendment (see paragraph 200 above). Some representatives felt that the words "by the public authority" at the end of the revised Costa Rican proposal were unnecessary since the introductory sentence of paragraph 1 provided that "States parties undertake to ensure to everyone ...", and that undertaking applied to all the provisions of paragraph 1. One representative thought that the words "by the public authority" should be deleted because he felt that the members of the Commission generally agreed that the State had an obligation to protect freedom of thought against all discrimination not only by public authorities but also by any individual or group of individuals using coercion. On the other hand, it was said that, while under the Convention the State would have an obligation to protect its citizens against discrimination on the ground of religion or belief, it could be argued that coercion was more often exerted by individuals. For instance, it was asked what action could the State take if, for example, a journalist who did not conform to his employer's way of thinking suffered coercion. Accordingly, it was thought essential to retain the words "by the public authority".

257. Some representatives considered that the phrase "without being subjected to any discrimination on the ground of religion or belief" used in paragraph 1 (b) should also be repeated in paragraph 1 (c). On the other hand, it was considered hardly appropriate to add the second phrase of paragraph 1 (b) to the end of paragraph 1 (c), since the issue in the latter paragraph was not discrimination on the ground of religion or belief but discrimination on the ground of opinions expressed on religion or belief. The basic purpose of paragraph 1 (c) was thought to be that of eliminating restrictions on freedom to express opinions. Even if such restrictions were not discriminatory because they applied to all persons in the country, the fact that restrictions were common to all did not make them any more desirable. It was on the basis of these views that the representative of Costa Rica orally modified his proposal (paragraph 200 above) to read: "freedom to express opinions on questions concerning religion or belief", which was acceptable to all representatives.

Introductory part of paragraph 2

258. Many representatives agreed that reference to articles IX, XI and XII was no longer required in the introductory part of paragraph 2, since those articles applied to all the provisions of the draft convention unless otherwise expressly exempted. It was also agreed that in view of the Commission's decision on the

opening phrase of paragraph 1 after the word "everyone" at the end of the introductory phrase of paragraph 2 should be added the words "within their jurisdiction".

Paragraph 2 (a)

259. Many representatives thought that paragraph 2 (a) should be adopted in the terms proposed by the Sub-Commission. The representative of Poland said that, in dealing with the enumerations in paragraph 2, it should be remembered that the paragraph dealt with obligations of States and that States Parties to the Convention would be compelled to enforce the rights and freedoms enumerated. That being the case, sub-paragraph (a), he thought, should be amended. If it were left as it stood, States would be compelled to establish and maintain places of worship for any small group which decided to establish a religious organization and that, he thought, was unreasonable. To avoid any possibility of misunderstanding, he proposed that the words "if so necessary" be added at the end of the sub-paragraph. Other representatives observed that paragraph 2 (a) dealt with a freedom and there was therefore no question of obliging a State to establish a place of worship. Places of worship, it was said, would be provided by the members of the faith concerned. The addition suggested by the representative of Poland was considered to be more dangerous than useful. It was further said that a reference to necessity might be understandable if the provision imposed on the States an obligation to provide places of worship. However, it was the general view of the members of the Commission that the text as it stood merely required States to ensure to all persons the right to establish places of worship by their own means. The addition of the words "if so necessary" in this paragraph was considered to make even freedom of worship subject to the judgement of some State authority.

260. On the other hand, it was observed by the representative of Poland that under its economic plans, the Polish State defrayed a share of the expenses of building places of worship. It could not however enter into commitments exceeding its capacity, and had to take into account the number of adherents of any particular religion or belief and make its decision in relation to the real needs. The representative of Poland thought that perhaps the addition of the word "necessary" between the word "maintain" and "places" in preference to the form which his delegation had previously proposed might be more acceptable. However, in view of the general understanding in the Commission that the sub-paragraph did not impose any obligation of financial assistance by the State to the adherents of any religion or belief for the establishment of such places of worship or assembly, and that the cost of such establishment was to be defrayed by the adherents themselves, the Polish representative withdrew his amendment.

261. It was observed that sub-paragraph (a) dealt only with religion whereas the draft convention was intended to deal with religion and belief as had been acknowledged in the earlier decisions taken by the Commission. To obtain the necessary balance between the two concepts, the representative of the USSR proposed that sub-paragraph (a) be re-worded to read: "freedom to worship, freedom to express opinion, freedom to assemble and to establish and maintain places of worship or assembly". Other representatives said that the Sub-Commission's text was already well-balanced. It covered freedom to worship in respect of religion and freedom to assemble in respect of belief. It also covered freedom to establish and maintain both places of worship and places of assembly. Religion and belief were therefore thought to have been treated on an equal footing.

262. One representative said that he deplored the general acceptance of the need to maintain equality between religion and belief. An act of worship, he said, was an expression of man's feelings towards his **Creator** and therefore could not be placed on the same level as an expression of opinion between individuals. In fact, persons who held non-religious beliefs had never claimed that the act of worship had any place in their systems of observances. There could, therefore, be no equality or balance as between the act of worship and the expression of non-religious belief. He accordingly suggested that the provisions on freedom of worship and freedom to establish places of worship be separated from those on freedom to assemble for non-religious purposes. Other representatives expressed the view that freedom to worship was a freedom relating exclusively to religion, so that a problem of balance between religion and belief did not arise in this field. **They** considered that the words "freedom to worship" in sub-paragraph (a) of paragraph 2 of the text of the Sub-Commission should consequently be maintained without any addition. On the other hand, it was recalled, in opposition to that view, that the Commission had already agreed that a balance must be maintained between religion and belief. That balance, it was considered, should run like a golden thread throughout the whole text of the Convention. It was said that it would not be correct to state that rites and ceremonies were exclusively associated with religion as implied in the sub-paragraph as it stood. An example to the contrary was said to be that of civil marriage, which took place with the appropriate pomp and ceremony to express the affection of the spouses for each other, their faith in the future and the promise of a stable and loving family life. It was also observed that to celebrate the birth of a child, religions had certain practices, and that atheists also had their own ceremonies. There could be no conceivable reason for granting a privileged position to religious marriage as opposed to a civil marriage. Man's spiritual feelings were not necessarily to be considered religious, since non-religious persons also had such feelings as respect for life and concern for human welfare, and were entitled to express them. For these reasons, it was repeated that in relation to any particular provision of the draft convention full equality between religion and belief should be maintained. It was generally agreed that the object of the Convention was not to compare some particular religion with another belief or religion but to secure respect for the rights and freedom of thought of everyone.

263. The representative of France observed that the words "religion or belief" had appeared in all the sub-paragraphs of paragraph 2 except sub-paragraph (a). For the sake of uniformity, he thought perhaps an expression such as "for the observance of his religion or belief" might be inserted after the words "to assemble". The representative of Chile suggested that the shortcoming of the paragraph might be overcome and the balance maintained by the addition of the words "as manifestation of religion or belief" at the end of paragraph 2 (a). The representative of Costa Rica thought that the balance might be reached by the addition of a new sub-paragraph after sub-paragraph (a) in the following terms: "Freedom to establish and maintain places for the practise of beliefs and the freedom to engage in other activities necessary for that purpose". However, a number of representatives thought that the Costa Rican suggestions would have the effect of dissociating the two terms in the expression "religion or belief". The Indian representative, having the same purpose in mind, proposed that the words "to assemble" should be replaced by the words "to practise a belief" and that the words "for these purposes" be added at the end of the sub-paragraph.

264. The amendment by France and India (see paragraph 205 above), of which Chile subsequently became a co-sponsor and which received the general support of the members of the Commission, proposed the replacement of the word "assembly" by the

words "to hold assemblies related to religion or belief" and the insertion at the end of the sub-paragraph, before the semi-colon, of the words "for these purposes". The representative of the USSR subsequently withdrew his oral amendment in favour of the amendment which had been presented by Chile, France and India.

Paragraph 2 (b)

265. It was said that the right provided for in sub-paragraph (b) was an extremely important right and was linked with that provided for in sub-paragraph (d). Freedom to teach was said to be absolutely essential particularly to maintain any religion or belief. Persons adhering to a religion or belief must have full freedom to teach and to disseminate their beliefs both orally and in writing, in public and in private. The representative of France thought that a clause might be added to sub-paragraph (b) concerning the possible publication of religious books as well as books of civic education. The representative of Israel orally proposed the addition of the words "to write, print and publish religious books and texts" to be inserted after the word "traditions".

266. A few other representatives thought, however, that the last part of paragraph 2 (b) and the addition proposed by the representative of Israel were both unnecessary since the freedom to teach, disseminate and learn a religion or belief and its sacred languages or traditions covered all eventualities including the publication of religious books and training of personnel. For this reason, the representative of the Ukrainian SSR proposed to delete the last part of paragraph 2 (b) beginning with the words "and to train personnel". He also pointed out that the text of this sub-paragraph with the proposed amendment did not mention freedom to publish books on atheistic beliefs also. But other representatives thought that the right to write, print and publish religious books and texts was not adequately covered by the right to teach. If that right was denied anywhere in the world this was all the more reason for mentioning it specifically in the draft convention. The expression "freedom to teach" need not always be interpreted as including the right to train personnel. It could be interpreted as the right to teach in the home only. Even if it were interpreted to mean freedom to teach in schools it would still not be clear that the right to set up training establishments was included. It was further said that a religion could not be taught, disseminated and learned if there was no possibility of training the necessary personnel. Complaints were constantly heard that such training was not permitted in certain parts of the world. The same was true of the right to print and publish religious books and texts. For these reasons, many representatives said that they could not support the Ukrainian amendment, but that they favoured the Israel amendment.

Paragraph 2 (c)

267. The representative of the USSR proposed that the words "where necessary" be inserted before the words "charitable and educational institutions". He said that in some countries the State was caring for citizens, including their education and social security, from birth to death; in such States, institutions of this kind were not necessary. He considered that States should not be expected to modify their social systems for the purpose of establishing such institutions when there was no need for them. Many representatives considered, however, that the sub-paragraph as it stood did not place any obligations on the part of the State to establish or maintain charitable institutions, but rather provided freedom of action for adherents of a religion or belief to do so if they deemed it necessary in the proper exercise of the freedom provided for in the draft convention.

268. Doubts were raised as to the meaning of the latter part of the sub-paragraph reading: "by expressing the implications of religion or belief in public life". It was remarked that the wording of the French text was quite clear. It covered, for instance, the case of members of parliament who held strong religious views or beliefs being guaranteed the right to explain their activities or votes on certain issues on grounds of religion or belief. That was considered a fundamental aspect of freedom of opinion. To make the phrase clearer, the Commission decided to place the words "in public life" after the word "expressing" instead of at the end of the sub-paragraph.

Paragraph 2 (d)

269. The debate centred on whether the draft convention should be limited to provisions of a general character, aimed at imposing on States the obligation to ensure that the right to freedom of religion or belief was protected, or whether it should contain a description of the facilities to be provided by the States in order to ensure the observance of the ritual and practices of a religion or belief.

270. Some representatives felt that the Convention should simply prescribe that every State must ensure certain freedoms which it then would guarantee in accordance with its own laws, while others noted that the Convention would be almost valueless unless the State were obliged to provide facilities to enable people to observe the rituals and practices of their belief, particularly in those instances where the State controlled the means of production and distribution of such facilities.

271. The amendment submitted by the representative of Iraq (see para. 210 above), which would introduce as a substitute text the wording adopted as article VI (d) by the working group appointed by the Commission at its previous session for the draft declaration on the elimination of all forms of religious intolerance, aimed at providing a brief text with a precise definition of the freedom in question. In introducing her amendment, the representative of Iraq noted that the enumeration contained in the Sub-Commission's text was incomplete, since it did not cover all the observances and practices of religions or beliefs. In her opinion, which was shared by some representatives, if States were obliged to ensure to all persons freedom to observe rites or customs of their religion or belief, it was obvious that the use of any foods or objects required to observe those rites would also be ensured. She felt that, without underestimating the importance of rituals in the practice of religion, the absence of certain articles customarily used in the practice of the faith would not prevent the communication of the individual with God, and should not be used for political or propaganda purposes. Other representatives emphasized that the Iraqi amendment had many advantages over the text of the Sub-Commission, being more precise and expressing better the substance of the question. The freedom to import objects, foods and other articles for use in the observance or practice of a religion or belief conflicted, in the view of some representatives, with the policy of State monopoly of foreign trade, a policy which was followed by many Governments. The financial implications for a State, involved in the text submitted by the Sub-Commission, would make the Convention unacceptable to those many countries whose currencies were not freely convertible and who have to find hard currency with which to pay for imports. The representatives who shared these views concluded that it was not for the State to provide the objects needed for the practice of a religion or belief, but that they should be acquired rather by the members of the religious group concerned.

272. Several participants argued against the amendment submitted by the representative of Iraq, stating that it was inadequate to oblige the State merely to ensure to everyone freedom to observe the rights and customs of his religion or belief, particularly in those countries where the production of foods and articles was in the hands of the State. The loyal co-operation of the State with religious bodies to ensure that they were able to obtain articles required for the observance of their faith was considered essential. Representatives in favour of the Sub-Commission's text noted that the financial implications for States Parties, if any, of importing the necessary objects and foodstuffs would never be very serious or burdensome. In the opinion of most representatives who spoke on the subject, the Iraqi amendment was too vague and did not make clear the purpose of the paragraph in the same manner as the text of the Sub-Commission, the purpose of the paragraph being to ensure to everyone adhering to a religion or belief the right to obtain what he required for the proper observance of his religion or belief.

273. The right to observe holy days was mentioned by one representative as one of the most difficult rights to enjoy, particularly in those States where official holidays were established according to one particular religion. The right to observe holy days by members of other religions, even if they were not official holidays, was considered indispensable by some representatives. Some, however, spoke of the practical difficulties involved in the general acceptance and implementation of this right, especially in countries where there were many religions; they said that it would be possible to recommend that States endeavour to respect this freedom while taking account of the difficulties involved. Others believed it redundant to mention this in a convention which was of a general nature.

Paragraph 2 (e)

274. The debate centred around the expression "and other journeys in connexion with his religion or belief". In the view of some representatives, this expression, by being qualified by the word "belief" allowed a too wide interpretation and was too vague for the purposes of the Convention. Consequently it was suggested that it should be either more precisely drafted or deleted.

275. In introducing his proposal for the deletion of the sub-paragraph (see para. 212 above), the representative of the USSR stated that, although he was in agreement with the principle included in it, he considered the text redundant, since the idea was already covered in previous provisions. He stated that paragraph 2 of article III should be limited to the first four sub-paragraphs already adopted by the Commission.

276. Several representatives wished to retain the sub-paragraph as submitted by the Sub-Commission. It was noted that, since the Sub-Commission was already studying the question of the right of everyone to leave any country, including his own, and to return to his own country, and that the right of freedom of movement in general was stated in the Universal Declaration of Human Rights, the sub-paragraph provided a further means of assuring that no obstacle on the ground of religion or belief was put in the way of persons wishing to go abroad. One representative also mentioned that, according to his religion, he was compelled to go to foreign cities to attend conferences, and that such journeys could not be considered as pilgrimages. The need to ensure the right of people to make such journeys was, in his view, of utmost importance. It was also noted that the sub-paragraph by being subject to the limitations contained in article XII of the draft convention could perhaps be acceptable to those who had reservations as to its scope.

Paragraph 2 (f)

277. In introducing his amendment (see para. 215 above), the representative of India noted that the Sub-Commission's text did not cover, with the expression "burial places", other methods of disposal of the dead, such as cremation which is the practice followed by some religions. He therefore suggested that the more comprehensive text used in the Study of Discrimination in the Matter of Religious Rights and Practices be used. ^{13/} This view was shared by several representatives who considered that the provision should be re-drafted to cover places other than burial grounds and in more general terms as in the study.

278. The representative of Israel noted that this sub-paragraph, unlike the rest, merely provided for "equal legal protection" rather than for granting certain rights. He pointed out, in this respect, that since there was no provision for the establishment of burial places, the obligation to be undertaken by a State could not go beyond that of equal protection of existing places of disposal of the dead. In his view, it would be necessary to have a provision in the draft convention in which the right to establish burial places would be recognized, particularly since some religions insisted on separate burial grounds for their dead. He reserved his right to propose, as a separate article, a provision specifying that States Parties must ensure to everyone the right to establish burial and other places for the disposal of the dead.

279. The amendment of the Ukrainian SSR (see para. 214 above), aimed at bringing sub-paragraph 2 (f) in line with the language and substance of sub-paragraph 2 (a) already adopted by the Commission (see para. 311 below). It was stated that the amendment dealt with association for worship and manifestation of belief which was in the spirit of the Convention. The text of the Sub-Commission, however, went beyond the framework of the Convention.

280. A further question was raised in relation to the interpretation of the word "activities", as distinguished from "worship", "rites" and "ceremonies". In the view of some representatives, the word "activities" was not clearly defined as associated with religion or belief, and it could be interpreted as referring to "activities" outside the scope of the draft convention. The drafting amendment proposed by the representative of the United Kingdom (see para. 213 above), by having the concluding words "associated with his religion or belief" apply to places of worship, rites, ceremonies and activities, was, therefore, felt to be more appropriate.

Paragraph 2 (g)

281. The debate centred on the delimitation of the meaning of associations. In the opinion of many representatives, the text submitted by the Sub-Commission was unacceptable because it exceeded the scope of the draft convention by referring to a wide variety of associations and not only to those connected with religion or belief. Most of the amendments submitted sought to provide that the associations dealt with in the paragraph related only to religion or belief.

^{13/} United Nations publication, Sales No.: 60.XIV.2, annex I, part II, para. 6 (a).

282. Some representatives stated that the phrase "in connexion with his religion or belief" should qualify the organization and maintenance of, and participation in, associations; this view was reflected in both the United Kingdom (see para. 217 above) and the Israel (see para. 218 above) amendments. While some representatives felt that the expression "in connexion" was too broad and could perhaps be interpreted as including other than religious associations, other representatives stated that they did not see any difficulties in broadening somewhat the scope of the paragraph to include associations involved in activities necessary for the performance of religious duties.

283. The discussion then turned to the different kinds of associations to be covered by the paragraph. In relation to this point varied opinions were expressed. While several representatives felt that freedom to participate in international associations could not be ensured without ensuring at the same time the right to organize and maintain them, some representatives noted that a provision recognizing the right to organize religious associations outside the country would be unacceptable. In the view of the latter, it was inappropriate to guarantee individuals the right to form international associations, since this would go beyond the terms of the Convention, and the States Parties would not be able to ensure to anyone a right falling outside their jurisdiction. The amendment of Costa Rica (see para. 220 above) reverted to the idea contained in the Sub-Commission's text to exclude international associations from the list of those which anyone was free to organize and maintain. Several representatives, however, insisted on the importance of including international associations and argued that all international associations were founded by individuals within the limits of a particular State who consequently had jurisdiction over them; individuals of a particular country should therefore be entitled to obtain guarantees from the State in order to be free to organize and to maintain such associations. Moreover, these representatives noted that the limitations established in articles XI and XII of the draft convention could be invoked to safeguard the rights of the States in the granting of this particular freedom. Other representatives thought that participation in, and support of, international associations could not find a place in the Convention because this would violate the sovereign power of States and could be a hindrance to the implementation of economic policies, especially in developing countries.

284. Part of the debate was also devoted to the freedom to communicate with co-religionists and believers. The representative of Jamaica, in submitting his amendment (see para. 219 above), by which the sub-paragraph would be divided into two parts, the second of which would include only the right to that kind of freedom, noted that the two ideas contained in the Sub-Commission's text were not connected with one another and should therefore be considered separately. Some representatives shared this view and felt also that it would be necessary, if the freedom to communicate was to be retained at all among the provisions of the draft convention, to define the implications involved therein for the States Parties. Several representatives opposed this view and noted that there was no need to mention specifically the freedom to communicate with co-religionists and believers, because recognizing the right to adhere to a religion and to join in a religious association essentially implied such communication.

Paragraph 2 (h)

285. The main question raised was in relation to the meaning of the word "oath" as described in the text of the Sub-Commission. In the view of some representatives, the use of the expression "oath of a religious nature" could be interpreted, in the

light of the definitions given in article I of the draft convention, to include an oath of an atheistic character. The Israel amendment (see para. 221 above), by including the expression "oath contrary to his religion or belief", aimed at giving a more precise meaning to the paragraph and bringing it into line with article I of the draft convention.

286. Several representatives, on the other hand, said that the text submitted by the Sub-Commission did not include an oath of an atheistic nature. They maintained that the term "oath" always had a religious connotation. In some countries the choice between taking an oath and giving a solemn affirmation was permitted. The text submitted by the Sub-Commission was, in the opinion of many representatives, the best formulation, since it provided States parties with the possibility of giving a wide interpretation to the term "an oath of religious character". One representative, also arguing against the amendment submitted by Israel, noted that, if adopted, it would compel people to declare what their religious affiliations were, which in his country would be against the principles set out in the constitution.

287. The representative of France, although in agreement with the text submitted by the Sub-Commission, noted that his Government would interpret the text of the paragraph as implying, first, the freedom of everyone from compulsion to take an oath contrary to his religion or belief and, also the freedom not to be compelled to take a religious oath which would be discriminatory.

Paragraph 2 (i)

288. The question of whether the draft convention should be limited to the ceremonial aspects of marriage as in the Sub-Commission's text or whether it should go beyond and cover the right to enter into marriage, was one of the main issues discussed. Several representatives, who were in favour of the Ukrainian SSR amendment (see para. 223 above) to ensure the freedom of everyone to marry a person of a different religion or belief, held that an international instrument designed to eliminate all forms of religious intolerance could not avoid including a provision which would foster tolerance in the family, which was the basic unit of society established by marriage. In their view, the Convention would be of little value if it did not include a provision to guarantee every individual the right to enter into marriage without discrimination on the ground of religion or belief. The freedom stated in the Ukrainian SSR amendment was considered by several representatives to be of great importance, since it affected relations between adherents of different religions and beliefs and was aimed at creating an atmosphere of tolerance between persons holding different religions or beliefs. In their opinion, a provision of such a nature would comply with the very purpose of the Convention which was to establish liberal standards to help eliminate the difficulties and differences of opinion still prevalent on the subject of mixed marriages and to assist in the trend towards the evolution of an integrated world society.

289. Representatives who disagreed with the Ukrainian SSR amendment noted that a provision establishing the right to marry a person of a different religion fell outside the scope of the Convention. They argued that since many religions specifically prohibited mixed marriages, the Ukrainian text would be unacceptable to them. Several representatives mentioned, moreover, that since the Convention was addressed to States it would be difficult for them to enforce a provision which

was almost exclusively within the competence of the religious groups concerned. Others felt, on the contrary, that although traditions, national feelings and usage might still militate against mixed marriages, States should take no initiative in placing obstacles in the way of tolerant relations between marriage partners of different religions or beliefs.

290. The representative of France, in an effort to meet the different points raised during the discussion, submitted an amendment (see para. 227 above) by which he proposed that States parties should legally allow persons of different religions or beliefs to marry. In his opinion, which was shared by many, States could not be asked to prevent the injunctions imposed by a religion to marry in accordance with the rites of that religion. To do differently, it was felt, would result in a form of State interference with religion which would be, in effect, another form of intolerance. But States should be allowed to declare legal those marriages performed without a specific religious ceremony, assuring thereby the legal possibility of contracting a marriage with a person of a different religion which might require a religious ceremony. One representative remarked that the interpretation of the French amendment might imply for a State the obligation to recognize the validity of religious marriages without any civil ceremony. However, it did not seem that, in the case of many States, they would be prepared to assume such an obligation. Another representative noted that the amendment was not sufficiently comprehensive to cover the right of persons of the same religion or belief to contract a legal marriage.

291. The United States amendment (see para. 226 above), which was supported by several representatives, aimed at ensuring the right of everyone to be married whether or not he had any particular religion or belief or had a negative attitude to religion or belief, and further at ensuring that he was not forced to marry in accordance with any particular rites or ceremonies. The United States representative was of the view that such objectives, as expressed in his text, would avoid the interpretation which the Sub-Commission's text might be open to: that is, to require that a person undergo a religious marriage ceremony. He also noted that his text would eliminate any interference in the private affairs of the Church which had the right to lay down any rules it wished for its adherents. The application of the limitations set out in article XII would, on the other hand, guarantee the State protection against the dangers of having to recognize certain kinds of religious marriages. Some representatives felt that the United States text was equally objectionable since it was confined to coercion or discrimination by the State only. In their opinion, States should be required to ensure freedom from coercion by all the groups exercising it.

292. In order to guarantee the right to be married in a religious ceremony, particularly in those countries which gave legal recognition only to civil marriages, the representative of Austria proposed an amendment (see para. 225 above) which was intended to safeguard the freedom of the partners from undergoing such ceremonies. Some representatives felt that the amendment, by suggesting that the State need not oblige an individual to undergo a civil marriage ceremony, would give rise to difficulties in the case of marriages abroad if the parties were citizens of a country in which civil ceremonies were compulsory. One representative explained that under the constitution of her country solemnization of marriage, civil or religious, did not come under the jurisdiction of the Federal Government.

293. The representative of the USSR noted that the paragraph should be broadened to include other religious ceremonies besides marriage. His amendment (see para. 224 above) to this effect was aimed at ensuring that the individual would be free from compulsion to carry out rites not corresponding to his religion or belief.

294. There was no final agreement as to the content of the paragraph. While some representatives felt that it should be limited to the ceremonial aspect of the marriage, certain representatives insisted on including a provision which would guarantee the right of an individual to enter into marriage without discrimination on ground of religion or belief. Some others felt that the matters discussed were of extreme importance and they suggested their inclusion in a separate article of the draft convention. Several representatives were of the opinion that it would be preferable to adjourn consideration of the matter to enable a thorough study of all that was involved rather than to adopt a provision that might not cover all points. The representative of Austria moved to delete the paragraph (see para. 225 above) on the understanding that the Commission would consider, at its next session, the question of including in the draft convention a separate article to deal with the religious implications of the right of marriage. This view was shared by many representatives. Others noted, however, that the paragraph should be retained as a part of article III of the draft convention, as it logically followed upon the contents of the previous paragraph dealing with freedom from compulsion to take an oath of a religious nature.

Adoption of article III

295. The Commission voted on the article and amendments thereto at its 831st, 832nd, 834th, 837th, 838th and 839th meetings. At its 831st meeting, the Commission voted on paragraph 1 (a) of the text submitted by the Sub-Commission and the amendments thereto. The vote on paragraph 1 (b) and the proposal for inclusion of a new paragraph 1 (c), as well as on paragraph 1 as amended took place at the 832nd meeting. Paragraphs 2 (a), (b) and (c) of the text submitted by the Sub-Commission and the amendments thereto were voted upon at the 834th meeting. Paragraphs 2 (d), (e) and (f) and amendments thereto were voted on at the 837th meeting. Paragraphs 2 (g) and (h) and amendments thereto were voted on at the 838th meeting. At the 839th meeting the Commission voted on paragraph 2 (i) and article III as a whole.

Introductory sentence of paragraph 1

296. The Jamaican amendment (see para. 195 above) was accepted without objection, as was the amendment of the representative of the USSR (see para. 196 above). The introductory sentence of paragraph 1, as amended, was adopted unanimously.

Paragraph 1 (a)

297. At the request of Iraq, a separate vote was taken on the first part of the Indian amendment (see paragraph 199 above) proposing the insertion of the words "either to any of the limitations referred to in article XII or" between the words "subjected" and "to any," and the amendment was adopted by 20 votes to none, with 1 abstention. The second part of the Indian amendment was adopted by 19 votes to none, with 2 abstentions. Paragraph 1 (a), as a whole, as amended, was adopted unanimously.

Paragraph 1 (b)

298. At the request of Austria, a separate vote was taken on the first part of paragraph 1 (b) up to the words "or in private", and it was adopted unanimously. The remainder of paragraph 1 (b) was adopted by 17 votes to 4. Paragraph 1 (b), as a whole, as submitted by the Sub-Commission, was adopted unanimously.

New paragraph 1 (c)

299. New paragraph 1 (c) proposed by Costa Rica as modified (see paragraph 200 above) was adopted unanimously.

Paragraph 1 as a whole

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

Introductory sentence of paragraph 2

301. The introductory phrase of paragraph 2 reading "States Parties shall, in particular, ensure to everyone within their jurisdiction," was adopted unanimously.

Paragraph 2 (a)

302. The first part of the joint amendment of Chile, France and India (see paragraph 205 above), was adopted by 13 votes to none, with 8 abstentions. The second part of the joint amendment was adopted by 11 votes to none, with 10 abstentions. Paragraph 2 (a), as amended, was adopted by 20 votes to none, with one abstention.

Paragraph 2 (b)

303. The Ukrainian amendment (see paragraph 208 above) to delete the last part of paragraph 2 (b) beginning with the words "and to train personnel ..." was rejected by 16 votes to 4, with one abstention. The amendment of Israel (see para. 207 above) was adopted by 17 votes to 2, with 2 abstentions. The proposal of India (see para. 206 above) was adopted without objection. Paragraph 2 (b), as a whole, as amended, was adopted by 20 votes to none, with one abstention.

Paragraph 2 (c)

304. The USSR amendment (see para. 209 above) was rejected by 11 votes to 7, with 3 abstentions. At the request of Jamaica, a separate vote was taken on the two parts of the sub-paragraph. The first part ending with the word "institutions" was adopted unanimously. The second part of paragraph 2 (c), with the drafting change in the English text moving "in public life" from the end of the text to follow the word "expressing", was adopted by 16 votes to none, with 5 abstentions. Paragraph 2 (c), as a whole, with the drafting change in the English text, was adopted by 19 votes to none, with 2 abstentions.

Paragraph 2 (d)

305. The amendment of Iraq (see para. 210 above) was rejected by 13 votes to 4, with 4 abstentions. Paragraph 2 (d) as submitted by the Sub-Commission (see para. 189 above) was adopted by 17 votes to 3, with one abstention.

Paragraph 2 (e)

306. The proposal of the USSR to delete the paragraph (see para. 212 above) was rejected by 16 votes to 3, with 2 abstentions. At the request of the representative of Austria a separate vote was taken on the words: "and other journeys", and these words were retained by 16 votes to one, with 4 abstentions. Paragraph 2 (e), as submitted by the Sub-Commission (see para. 189 above), was adopted by 16 votes to 2, with 3 abstentions.

Paragraph 2 (f)

307. Paragraph 2 (f) submitted by the Sub-Commission was put to the vote as modified by the relevant drafting amendments of the United Kingdom (see para. 213 above) and by the amendments of the Ukrainian SSR (see para. 214 above) and India (see para. 215 above) which were accepted without objection. This text was adopted by 20 votes to none, with one abstention.

Paragraph 2 (g)

308. The substitute text for paragraph 2 (g), proposed by the representative of Israel, as modified (see para. 218 above), was adopted by 14 votes to 7.

Paragraph 2 (h)

309. Paragraph 2 (h), as submitted by the Sub-Commission (see para. 189 above), was adopted by 19 votes to none, with one abstention.

Paragraph 2 (i)

310. The Austrian proposal to delete sub-paragraph 2 (i) (see para. 225 above) was adopted by 9 votes to 5, with 6 abstentions, on the understanding that the subject-matter of the sub-paragraph might be considered at the next session of the Commission for inclusion in a new article of the draft convention.

Article III, as a whole

311. Article III, as a whole, as amended, was adopted by 19 votes to none, with one abstention.

For the text of article III see paragraph 327 below.

NEW ARTICLE TO BE INCLUDED AFTER ARTICLE IV

312. At its 834th meeting the Commission decided to consider an amendment submitted by the representative of the Ukrainian SSR originally as a new sub-paragraph to paragraph 2 of article III of the draft convention (see para. 202 above) and now submitted for insertion as a separate article after the Sub-Commission's text of article IV.

313. The original amendment of the Ukrainian SSR to include a new sub-paragraph in paragraph 2 of Article III read:

"Freedom to enjoy and to exercise political, civic, economic, social and cultural rights whatever his religion or belief."

314. Subsequently the representative of the Ukrainian SSR accepted an oral amendment by the representative of the Philippines to replace the words "whatever his religion or belief" by "without discrimination on the ground of religion or belief", and to add at the beginning of the text the words "States Parties shall ensure to everyone".

315. This proposal was considered during the 832nd to 834th meetings held on 1 and 2 April 1965.

Issues discussed

316. In introducing its proposal the representative of the Ukrainian SSR said that, having regard to the provisions of article V of the draft convention on the elimination of all forms of racial discrimination adopted by the Commission at its twentieth session, it seemed necessary to include a similar provision in the draft convention on the elimination of all forms of religious intolerance. He said that in studying the history of religious intolerance and discrimination he had found that the form that it had most often taken had been to prevent persons belonging to a particular religion from taking part in productive or intellectual work or political and social activities. It was therefore appropriate in a convention dealing with discrimination on grounds of religion or belief to include a provision which would preclude such practices. It was observed that the Ukrainian proposal had the merit of taking into account certain fears regarding the coercion to which a person might be subjected in the exercise of the rights and freedoms guaranteed by the Convention.

317. Some representatives observed that the object of the Ukrainian proposal was covered in article V of the draft convention. On the other hand it was observed that the draft convention dealt with measures to promote understanding and tolerance and to combat prejudices which led to discrimination and that it therefore dealt with a completely different subject. Nowhere in the draft was there any reference to the freedom to enjoy and to exercise the various types of rights mentioned in the amendment regardless of one's religion or belief, because that was outside its scope.

318. It was observed that the definition of "discrimination on the ground of religion or belief" as adopted in paragraph (b) of article I was "any distinction, exclusion, restriction or preference based on religion or belief 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 life". That provision, it was said, clearly covered the various rights specified in the Ukrainian proposal. Moreover, there were other provisions in the draft convention which made the Ukrainian amendment unnecessary. For instance, article II would require States Parties to condemn all discrimination based on grounds of religion or belief, article V would require them to combat all such discrimination, article VI would provide that they should take effective measures to prevent and eliminate such discrimination and article VII would require them to ensure to everyone equality before the law without any such discrimination. Since all those provisions were governed by the definition of "discrimination on the ground of religion or belief" they fully met the purpose of the Ukrainian proposal. Hence it was thought that if the Ukrainian proposal were adopted the draft convention would contain two different sets of obligations having the same purpose. However, it was observed that the definitions included in article I did not impose any obligation on States to ensure the enjoyment of the various rights mentioned in the Ukrainian proposal. Therefore it was thought necessary to include a provision in the Convention guaranteeing the freedom to enjoy and to exercise political, civic, economic, social and cultural rights regardless of one's religion or belief. That obligation, it was said, was not included explicitly in any of the articles of the draft.

319. Certain representatives considered that the freedom to exercise political, civic, cultural and other rights, while very important, was not relevant to this Convention, which was designed to eliminate all forms of intolerance in respect of religion or belief rather than to safeguard the enjoyment of all rights. A more suitable instrument for the inclusion of that proposal would be the draft covenants on human rights. Some representatives, however, hoped that the draft convention, which dealt specifically with the elimination of religious intolerance and discrimination on the ground of religion or belief, would contain a provision such as that contained in the Ukrainian proposal. That provision, it was thought, would serve to call attention to the need to ensure enjoyment of all rights regardless of religion or belief.

320. It was observed that the argument that the Commission should not include a repetitive provision in the draft would be valid only if there were no other instances of repetition in the Sub-Commission's text, but that articles II, V, VI and VII were all repetitive and such repetition did no harm.

321. The representative of the Philippines suggested the replacement of the words "whatever his religion or belief" by the words "without discrimination on the ground of religion or belief" because he thought that such a wording would correspond better to the language used in the preamble, and articles I and II of the draft convention.

322. Some representatives, while not favouring the Ukrainian proposal for inclusion under Article III, were willing to consider it for inclusion as an additional article.

Adoption of a new article

323. At its 834th meeting the Commission voted on the adoption of a new article to be inserted after Article IV as submitted by the representative of the Ukrainian SSR.

324. The Ukrainian proposal as revised (see paras. 312-314 above) was adopted by 15 votes to 3, with 3 abstentions.

/For text of the new article see para. 327 below/

RESOLUTION ON FURTHER CONSIDERATION OF THE DRAFT CONVENTION

325. At its 839th meeting, the Commission considered a draft resolution submitted by the Netherlands (E/CN.4/L.756) relating to further consideration of the draft convention. One representative expressed the view that the Commission should not decide at its twenty-first session what priority it should give at its twenty-second session to the consideration of the draft convention as proposed in the operative paragraph 1 of the Netherlands draft resolution. In his view it should be left to the Commission to follow its usual practice of establishing priority of consideration among the items of its agenda at the beginning of each session. The Netherlands draft resolution was adopted by 17 votes to 2, with 2 abstentions.

326. The text of the resolution as adopted on 7 April 1965 read as follows:

1 (XXI) Draft International Convention on the Elimination
of All Forms of Religious Intolerance

The Commission on Human Rights,

Noting General Assembly resolution 1781 (XVII) requesting, inter alia, the preparation of a draft convention on the elimination of all forms of religious intolerance,

Noting with satisfaction the preliminary draft for such a convention prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having adopted at its twenty-first session a preamble and four Articles, but having been unable, due to lack of time, to complete its work on the draft convention,

1. Decides to give absolute priority at its twenty-second session to completing the preparation of a draft convention on the elimination of all forms of religious intolerance;

2. Recommends to the Economic and Social Council that it adopt the following draft resolution:

For the text of the draft resolution, see below, Chapter XII, draft resolution I/

TEXT OF PROVISIONS OF THE DRAFT CONVENTION
ADOPTED BY THE COMMISSION

327. At its twenty-first session, the Commission adopted (see paras. 102, 165, 188, 311 and 324 above) the following provisions of the draft convention.

Preamble

The States Parties to the present Convention,

Considering that one of the basic principles of the Charter of the United Nations is that 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 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 the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, have brought great suffering to mankind,

Considering that religion or belief, for anyone who professes either is a fundamental element in his conception of life, and that freedom to practice religion as well as to manifest a belief should be fully respected and guaranteed,

Considering it is essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion and belief,

Noting with satisfaction the coming into force of conventions concerning discrimination, inter alia, on the ground of religion, such as the ILO Convention on Discrimination in Respect of Employment and Occupation, adopted in 1958, the UNESCO Convention against Discrimination in Education, adopted in 1960, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948,

Concerned by manifestations of intolerance in such matters still in evidence in some areas of the world,

Resolved to adopt all necessary measures for eliminating speedily such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Have agreed as follows:

Article I

For the purpose of this Convention:

(a) the expression "religion or belief" shall include theistic, non-theistic and atheistic beliefs;

(b) the expression "discrimination on the ground of religion or belief" shall mean any distinction, exclusion, restriction or preference based on religion or belief 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 life;

(c) the expression "religious intolerance" shall mean intolerance in matters of religion or belief;

(d) neither the establishment of a religion nor the recognition of a religion or belief by a State nor the separation of Church from State shall by itself be considered religious intolerance or discrimination on the ground of religion or belief; provided that this paragraph shall not be construed as permitting violation of specific provisions of this Convention.

Article II

States Parties recognize that the religion or belief of an individual is a matter for his own conscience and must be respected accordingly. They condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies which are designed to protect freedom of thought, conscience, religion or belief, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief.

Article III

1. States Parties undertake to ensure to everyone within their jurisdiction the right to freedom of thought, conscience, religion or belief. This right shall include:

(a) freedom to adhere or not to adhere to any religion or belief and to change his religion or belief in accordance with the dictates of his conscience without being subjected either to any of the limitations referred to in Article XII or to any coercion likely to impair his freedom of choice or decision in the matter, provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief; and

(b) freedom to manifest his religion or belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the ground of religion or belief;

(c) freedom to express opinions on questions concerning a religion or belief;

2. States Parties shall in particular ensure to everyone within their jurisdiction:

(a) freedom to worship, to hold assemblies related to religion or belief and to establish and maintain places of worship or assembly for these purposes;

(b) freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, to write, print and publish religious books and texts, and to train personnel intending to devote themselves to its practices or observances;

(c) freedom to practice his religion or belief by establishing and maintaining charitable and educational institutions and by expressing in public life the implications of religion or belief;

(d) freedom to observe the rituals, dietary and other practices of his religion or belief and to produce or if necessary import the objects, foods and other articles and facilities customarily used in its observances and practices;

(e) freedom to make pilgrimages and other journeys in connexion with his religion or belief whether inside or outside his country;

(f) equal legal protection for the places of worship or assembly, the rites, ceremonies and activities, and the places of disposal of the dead associated with his religion or belief;

(g) freedom to organize and maintain local, regional, national and international associations in connexion with his religion or belief, to participate in their activities, and to communicate with his co-religionists and believers;

(h) freedom from compulsion to take an oath of a religious nature.

ARTICLE ... (to be inserted after Article IV)

States Parties shall ensure to everyone freedom to enjoy and to exercise political, civic, economic, social and cultural rights without discrimination on the ground of religion or belief.

TEXT OF DRAFT CONVENTION AND OTHER PROVISIONS RELATING TO IT
SUBMITTED BY THE SUB-COMMISSION AND OF PROPOSALS AND AMENDMENTS
THERE TO WHICH WERE NOT CONSIDERED BY THE COMMISSION

328. The Commission was unable at its twenty-first session to consider the following articles of the draft convention submitted by the Sub-Commission.

Article IV

1. The States Parties undertake to respect the prior right of parents and, when applicable, legal guardians, to choose the religion or belief of their children.

2. In the case of a child who has been deprived of its parents, their expressed or presumed wishes shall be duly taken into account.

3. In the case of a child who has reached a sufficient degree of understanding, his wishes shall be taken into account.

4. In both these cases the best interests of the child, as determined by the competent authorities, shall be the guiding principles.

Article V

States Parties undertake to adopt immediate and effective measures by methods appropriate to national conditions and practice, particularly in the fields of teaching, education and information, with a view to promoting understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and to combat prejudices which lead to religious intolerance between persons, groups and institutions and to discrimination on the ground of religion or belief.

Article VI

1. States Parties shall take effective measures to prevent and eliminate discrimination based on religion or belief, including the enactment or abrogation of legislation where necessary to prohibit such discrimination by any person, group or organization.

2. States Parties undertake in particular that they shall not pursue any policy or enact or retain rules and regulations restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief.

Article VII

States Parties undertake to ensure to everyone equality before the law without any discrimination in the exercise of the right to freedom of thought, conscience and religion, and to equal protection of the law against any discrimination on the ground of religion or belief.

Article VIII

States Parties shall ensure equal protection of the law against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief. Any incitement to hatred or acts of violence against any religion or belief or its adherents shall be considered an offence punishable by law, and all propaganda designed to foster it shall be condemned.

Article IX

1. States Parties undertake to make no distinction between, and to give no preference to any religion or belief or its followers or institutions in the event of granting of subsidies, exemption from taxation, or assisting

towards the preservation of religious structures recognized as monuments of historic or artistic value.

2. Any distinction or preference provided for by law for reasons of public interest in this regard, shall not be considered discriminatory within the meaning of this Convention.

Article X

States Parties undertake to make available appropriate remedial relief by their competent judicial or administrative authorities for any violation of the rights protected by this Convention.

Article XI

Nothing in this Convention shall be interpreted as giving to any person, group or institution the right to engage in activities aimed at prejudicing national security, national sovereignty or friendly relations between nations.

Article XII

Nothing in this Convention shall be construed to preclude a State Party from prescribing by law such limitations as are necessary to protect public safety, order, health or morals, or the individual rights and freedoms of others, or the general welfare in a democratic society.

Article XIII

1. States Parties 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 to a 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.

329. The following proposals and amendments relating to the draft convention submitted by the Sub-Commission were proposed at the twenty-first session but not considered at that session:

(a) Amendments to article IV

(i) Poland proposed (E/CN.4/L.739) the following amendment:

In paragraph 4, insert the following after the words "In both these cases": ", and also in the case of absence of agreement between the parents,".

(ii) Israel submitted (E/CN.4/L.749) the following amendment:

Replace article IV by the following:

"1. The States Parties undertake to respect the prior right of parents and, where applicable, legal guardians, to determine the religion or belief in which their children shall be brought up.

"2. Nothing in this article shall derogate from the guiding principle that in all cases relating to children, the best interests of the children, as determined by a competent judicial authority, shall always be the paramount consideration.

"3. Where a child has been deprived of both his parents, it shall be presumed to be in his best interests to grow up in the religion or belief practised by his parents.

"4. In determining the best interests of a child who has reached a sufficient degree of understanding, his wishes shall always be taken into account."

(b) Amendment to insert a new article between articles IV and V

The USSR proposed (E/CN.4/L.744 and Corr.1 and 2) the following amendment:

Insert between articles IV and V a new article reading as follows:

"States Parties shall do everything within their power to encourage all persons and organizations holding religious or other convictions to unite their efforts and activities for the strengthening of universal peace, friendship and co-operation among peoples and States."

(c) Amendment to article VIII

The United States submitted (E/CN.4/L.743) the following amendment:

Substitute the following for the present text of article VIII:

"States Parties shall provide protection of the law against promotion or incitement of intolerance or discrimination on the ground of religion or belief by any public authority; and against violence or incitement to violence on the ground of religion or belief."

330. The text of the "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 religious intolerance more effective" (E/CN.4/882 and Corr.1, para. 329, res. 2 (XVII) annex), against which, however, some experts on the Sub-Commission had raised objections, is as follows:

Article XIV

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 XV

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 Economic and Social Council on the recommendation of the Secretary-General of the United Nations, due 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 XVI

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if nominated. 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 Economic and Social Council.

Article XVII

When electing members of the Committee, the Economic and Social Council shall also designate, on the recommendation of the Secretary-General of the United Nations, 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 XVIII

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 XIX

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 XX

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 XXI

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 XXII

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 XXIII

The Committee shall deal with a matter referred to it under article XXII 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 XXIV

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

Article XXV

1. Subject to the provisions of article XXIII, 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 XXII, 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 XXVII, 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 XXVI

1. The Committee may receive petitions addressed to the Secretary-General from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council, alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions.

2. The declaration of a State Party mentioned in the preceding paragraph may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General who shall transmit copies thereof to the other States Parties.

3. In considering petitions submitted under this article, the Committee shall be guided as far as possible by the principles and procedures outlined in articles XVII, XVIII and XIX of this Convention.

Article XXVII

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion of any legal question connected with a matter of which the Committee is seized.

Article XXVIII

The Committee shall submit to the Economic and Social Council, through the Secretary-General of the United Nations, an annual report on its activities.

Article XXIX

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 XXV, paragraph 1, bring the case before the International Court of Justice after the report provided for in article XXV, paragraph 3, has been drawn up.

Article XXX

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.

III. PERIODIC REPORTS ON HUMAN RIGHTS

331. In initiating the system of periodic reports on human rights, by its resolution 1 (XII) of 1956, the Commission had decided to consider general developments and progress achieved in the field of human rights 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. The system of triennial reports was established by resolution 624 B (XXII) of the Economic and Social Council. The Secretary-General was asked to prepare a brief summary, on a topical basis, of the reports received from Governments. The Council also invited the specialized agencies, in respect of rights coming within their purview, to transmit to the Secretary-General reports summarizing the information received from their member States.

332. By its resolution 728 B (XXVIII), the Economic and Social Council made certain recommendations, based on suggestions by the Secretary-General which had been approved by the Commission, to serve as a guide for Governments in preparing their reports.

333. When the Commission examined the second series of annual reports, covering the years 1957-1959, it decided to establish a Committee on Periodic Reports on Human Rights ^{14/} to examine the summaries of reports, to prepare 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.

334. On the basis of the Committee's recommendations as approved by the Commission, the Economic and Social Council, by resolution 888 B (XXXIV), urged all States Members of the United Nations and of the specialized agencies, *inter alia*, 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 of self-determination, and it 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 to assist the Commission in its consideration of the summaries of periodic reports.

335. At its twentieth session, by its resolution 3 (XX), the Commission appointed a Committee composed of the representatives of Costa Rica, Dahomey, France, the Philippines, Poland, the USSR, the United Kingdom and the United States, to examine the summaries of periodic reports for the years 1960-1962, to prepare conclusions and recommendations of an objective and general character based on those summaries, and to recommend to the Commission the procedure to be followed with respect to

^{14/} See Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 8 (E/3456), paras. 51-73, and Ibid., Thirty-fourth Session, Supplement No. 8 (E/3616/Rev.1), paras. 55-58.

future periodic reports as well as on a procedure to be followed by the Secretary-General in relation to the comments received from non-governmental organizations. The Committee was also requested to examine the reports on freedom of information which were before the Commission and to make recommendations concerning the 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.

336. At its twenty-first session, the Commission had before it the report of that Committee (E/CN.4/876 and Corr.1), as well as the summaries of reports covering the years 1960-62 prepared by the Secretary-General on the basis of information received from sixty-seven Governments (E/CN.4/860 and Add.1-10) and by the ILO, ITU, UNESCO AND WHO (E/CN.4/861 and Add.1-3), and a note by the Secretary-General on the comments and observations received from non-governmental organizations in consultative status in accordance with Council resolution 888 B (XXXIV) (E/CN.4/872 and Add.1 and 2).

337. The Commission considered this item at its 839th to 843rd meetings, from 7 to 9 April 1965.

338. At the 840th meeting, speaking to a point of order, the representative of the United States moved that the observations of the non-governmental organizations, received under paragraph 10 of Council resolution 888 B (XXXIV), and Governments' comments thereon be distributed as conference room papers in the form in which they had been received by the Secretary-General. Some representatives considered that this should not be done and that established procedure and practice should be strictly adhered to. The Commission agreed to the proposal of the Chairman that those members who wished to have copies of the above-mentioned observations and comments should submit a request to him.

Draft resolution submitted by the Committee on Periodic Reports

339. The draft resolution submitted by the Committee on Periodic Reports (E/CN.4/876 and Corr.1, para. 257) read as follows:

The Commission on Human Rights,

Recalling its resolution 3 (XX) establishing a Committee on Periodic Reports on Human Rights,

Noting the report of that body,

Believing that better use can be made of information on human rights

Recommends to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council,

Recalling its resolution 888 B (XXXIV) regarding periodic reports on human rights,

Considering that in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples, human rights and fundamental freedoms for all without distinction as to race, nationality, sex, language or religion should be strictly observed throughout the world,

Recognizing that a comprehensive system of periodic reporting on human rights is important as a source of information for the General Assembly and other United Nations bodies as well as for the Commission on Human Rights, and that it should accordingly be as inclusive and up-to-date as possible,

Noting that in addition to the periodic reports now requested from Member States on a triennial basis, annual reports are also requested on freedom of information,

1. Expresses its appreciation to all States Members of the United Nations and of the specialized agencies that have submitted reports;

2. Notes that while the situation throughout the world with regard to human rights and fundamental freedoms continues to be unsatisfactory in the fields of civil and political rights as well as social, economic and cultural rights, and particularly in connexion with the policy of apartheid and the widespread racial, ethnic and religious discrimination throughout the world, which prompted the General Assembly to adopt the Declaration on the Elimination of All Forms of Racial Discrimination, the reports contain useful information indicating that some progress was achieved in the protection of human rights during 1960-1962, including rights enumerated in the Universal Declaration of Human Rights;

3. Notes further that measures were taken by various countries, including the conclusion of multilateral and regional agreements among Member countries, to eliminate or prohibit discrimination, particularly - but not only - discrimination based on race, or sex; to protect the rights of suspects and defendants in criminal procedures, in particular by such steps as restricting detention in custody and strengthening the right to counsel by broadening counsel's rights and by providing free legal aid; to repeal provisions concerning various kinds of compulsory labour; to extend, increasingly, social insurance coverage to the agricultural population; to apply social insurance protection to workers and employees who are citizens of a foreign State; to improve the conditions of work by widening the scope of minimum wage laws, shortening working hours and lengthening statutory vacations at full pay; to make education more widely available by the extension of tuition-free instruction or by assistance to cover students' expenses by grants or loans repayable after graduation;

4. Reiterates its belief that the reporting system is not only a source of information, but also a valuable incentive to Governments' efforts to protect human rights and fundamental freedoms;

5. Invites States Members of the United Nations and of the specialized agencies to supply information regularly on human rights and fundamental freedoms in the territories subject to their jurisdiction, within a continuing three-year cycle schedule, without prejudice to the adoption and

ratification of the Covenants on Human Rights, including the measures of implementation provided therein, as follows:

In the first year, on civil and political rights, the first such reports to cover the period ending 30 June 1965;

In the second year, on economic, social and cultural rights, the first such report to cover the period ending 30 June 1966;

In the third year, on freedom of information, the first such reports to cover the period ending 30 June 1967;

Each year Governments may submit an annex to their reports containing information of particular significance which does not pertain to the subject for the year;

It is understood that for the rights falling in the field of competence of specialized agencies Governments may, if they so elect, confine themselves to reference to the reports they send to the specialized agencies concerned, which will continue to submit periodic reports on these rights to the United Nations;

6. Urges all Member States to submit reports on developments in human rights concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence;

7. Suggests that Governments include more information on court and other decisions affecting human rights and on the ratification and accession to international agreements in the field of human rights;

8. Requests the Secretary-General to submit to the Commission on Human Rights a document indicating the status of multilateral international agreements in the field of human rights concluded under the auspices of the United Nations;

9. Invites the specialized agencies to continue their contributions to the periodic reports on human rights in accordance with this schedule and with the provisions of Council resolution 624 B (XXII) by submitting reports as they deem appropriate and by assisting the bodies **examining the reports**;

10. Invites the non-governmental organizations in consultative status to continue to submit information in accordance with the provisions of Council resolution 888 B (XXXIV) and in accordance with the subject and time schedule for submission of reports by Governments established by this resolution;

11. Requests the Secretary-General, in accordance with the usual practice in regard to human rights communications, to forward any material received from non-governmental organizations in accordance with paragraph 10 and mentioning any particular States Members of the United Nations or of the specialized agencies to those Member States for any comments they may wish to make;

12. Requests the Secretary-General to forward the information received from Member States and specialized agencies under the terms of this resolution in full, together with a subject and country index, to the Commission on Human Rights, the Commission on the Status of Women and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities; the comments received from non-governmental organizations in consultative status, as well as any comments which might be made on them by the Member State concerned, are also to be made available by the Secretary-General to the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities;

13. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake the initial study of the materials received under the terms of this resolution, to report thereon to the Commission on Human Rights, and to submit comments and recommendations for consideration by the Commission;

14. Invites the Commission on the Status of Women to inform the Commission on Human Rights of its comments on the materials it received under the terms of this resolution, and of any recommendations it may wish to make;

15. Requests the Commission on Human Rights to plan for prompt and effective consideration of the periodic reports in the light of the comments and recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women;

16. Requests the Commission on Human Rights to establish a special ad hoc committee composed of persons chosen from its members, having as its mandate the study and evaluation of the periodic reports and other information received under the terms of this resolution, and, in the light of the comments, observations and recommendations of the Commission on the Status of Women and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to submit to the Commission observations and recommendations of an objective character. The ad hoc committee will meet during the sessions of the Commission and must report its findings to the Commission no later than one week prior to the end of the Commission's sessions.

Amendments submitted to the draft resolution of the Committee

340. Amendments were submitted to the part of the Committee's draft resolution for action by the Economic and Social Council as follows.

Amendments to the preamble

341. The representative of the USSR submitted an amendment (E/CN.4/L.764, para. 1) consisting of the addition at the end of the first preambular paragraph of the following: "and also its resolutions 454 (XIV), 624 B (XXII), and 728 B and F (XXVIII)".

342. The representative of the USSR proposed an amendment (E/CN.4/L.764, para. 2) to the second paragraph of the preamble consisting in the insertion of the words "the Declaration on the Elimination of All Forms of Racial Discrimination", after the words "colonial countries and peoples".

343. At the 843rd meeting, the representatives of Costa Rica, France and the Philippines submitted a joint amendment (E/CN.4/L.763, para. 1) to insert a new paragraph at the end of the preamble to read:

"Noting the importance for the implementation of human rights of the constitutional provisions and practical procedures which, in certain specialized agencies, govern the consideration by their competent bodies of the reports of Member States on the application of conventions and recommendations adopted by those agencies,".

Amendments to operative paragraph 4

344. The representative of the Ukrainian SSR proposed an amendment (E/CN.4/L.758, para. 1) consisting of the addition of the following clause to operative paragraph 4:

"and to the implementation of the Universal Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and the Declaration on the Elimination of All Forms of Racial Discrimination".

Proposal to add a new operative paragraph before operative paragraph 5

345. The representative of Poland submitted an amendment (E/CN.4/L.759) to add a new operative paragraph reading as follows:

"Expresses concern that, despite the terms of Economic and Social Council resolution 888 B (XXXIV), which calls upon the States Members of the Organization to submit reports on developments in the field of human rights relating, inter alia, to the right to self-determination and independence, no information regarding implementation of this right has yet been received from States administering dependent territories".

Amendments to operative paragraph 5

346. The representative of the Ukrainian SSR proposed an amendment (E/CN.4/L.758, para. 2 (a)) to insert the words "in accordance with a previously established procedure" after the word "regularly".

347. The representative of the Ukrainian SSR submitted a second amendment to this paragraph (E/CN.4/L.758, para. 2 (b)) to delete the rest of the paragraph after the words "the measures of implementation provided therein".

348. At the 843rd meeting, the representative of Jamaica orally moved to delete from this paragraph the sub-paragraph reading: "Each year Governments may submit an annex to their reports containing information of particular significance which does not pertain to the subject for the year". The representative of Italy

proposed an amendment (E/CN.4/L.765) to replace this sub-paragraph by the following:

"The report for each year should, however, include an annex containing information of particular significance which does not pertain to the subject for that year".

Amendments to operative paragraph 6

349. At the 841st meeting the representative of the Netherlands submitted an oral amendment (E/CN.4/SR.841) consisting of the addition, at the end of the paragraph, of the following: "taking fully into account the suggestions referred to in Council resolution 728 B (XXVIII)". At the following meeting, the representative of India proposed orally to insert at the end of the Netherlands amendment the words "and 888 B (XXXIV)". This sub-amendment was accepted by the representative of the Netherlands.

Proposal to add a new operative paragraph before operative paragraph 7

350. At the 843rd meeting the representative of Chile orally proposed to insert a new paragraph to read as follows:

"Invites Governments and non-governmental organizations to append to their reports a brief summary thereof;"

Amendments to operative paragraph 7

351. Austria submitted an amendment (E/CN.4/L.760, para. 1) to add after the words "other decisions" the words "and administrative practices".

Amendments to operative paragraph 8

352. Austria proposed an amendment (E/CN.4/L.760, para. 2) to add after the words "field of human rights" the words "as mentioned in paragraph 6".

Amendments to operative paragraph 10

353. The USSR submitted an amendment (E/CN.4/L.764, para. 3) to insert the word "objective" before the word "information".

354. The representative of the Ukrainian SSR proposed an amendment (E/CN.4/L.758, para. 3) consisting of the deletion of the last part of the text beginning with the words "and in accordance with the subject".

Amendments to operative paragraph 11

355. The representative of the USSR submitted an amendment (E/CN.4/L.764, para. 4) to delete this paragraph.

356. At the 842nd meeting the representative of India moved orally to replace the paragraph by the following:

"Requests the Secretary-General to summarize, if necessary in consultation with non-governmental organizations and others concerned, reports of an objective character received from the non-governmental organizations in accordance with paragraph 10 (new paragraph 12) above and to include such summary in his report". This amendment was subsequently withdrawn.

Amendments to operative paragraph 12

357. The representative of the USSR submitted an amendment (E/CN.4/L.764, para. 5) to replace the words "in full" by the words "in the established form".

358. The representative of the USSR also proposed an amendment (E/CN.4/L.764, para. 6) to this paragraph which would delete the sentence beginning with the words "the comments received from non-governmental organizations".

Amendments to operative paragraph 16

359. The USSR submitted an amendment (E/CN.4/L.764, para. 7) to delete this paragraph.

360. Austria proposed two amendments (E/CN.4/L.760, paras. 3 and 4) as follows: (1) to replace the word "observations" after the words "to the Commission" by the words "comments, conclusions"; (2) to replace the words "will meet during the sessions of the Commission" by "will meet before the session of the Commission".

361. Costa Rica, France and the Philippines submitted a joint amendment (E/CN.4/L.762, para. 2), as reworded at the 843rd meeting to add at the end of the paragraph:

"It shall ensure all necessary co-ordination with any specialized agency in considering any question or matter dealt **with in that agency's** report."

Issues discussed

362. Several representatives agreed that the reporting system was of great value, as it was a means of developing human rights and fundamental freedoms and of promoting the observance of those rights and freedoms in all countries of the world. Governments, it was noted, often found through the periodic reports inspiration as to how to protect human rights. Some representatives expressed the view that, until the draft international covenants came into force, the system of periodic reports was the only method of reviewing the implementation of human rights by States Members. One representative, however, considered that the system of periodic reports had its limitations. In his view, it was only a first step towards the full international implementation of human rights and if no further action were taken, international implementation of human rights would remain

largely in the theoretical sphere. Some representatives underlined that the main direction of the work of the United Nations on human rights was to prepare covenants and international conventions which would impose upon States specific obligations and which in practice would lead to the implementation of human rights.

363. Some representatives were of the opinion that, although some progress had been achieved in the protection of human rights during the period 1960-1962, the situation was still unsatisfactory. They regretted the fact that only sixty-five Governments had submitted reports covering that period.

364. A number of representatives noted that the present system was still in its infancy and that it could be improved. They were therefore satisfied with the efforts made by the Committee on Periodic Reports to work out new procedures to deal with such reports. Some others, on the contrary, felt that the Committee had spent too much time in procedural matters and by so doing, had gone beyond and even against the mandate given to it by the Commission by resolution 3 (XX). In their view, the Committee should have made objective and positive recommendations for the purpose of contributing to solve the unsatisfactory situation with regard to human rights still existing in many areas of the world, rather than upset a well-established procedure which, in their view, had proved successful. Some representatives expressed the view that the situation in the field of human rights remained unsatisfactory and that gross violations of human rights were taking place, such as policies of apartheid; and in some countries political reprisals were resorted to and racial discrimination was widely practised.

365. A great part of the debate centred around the following points: the question of who should have the right to submit reports or comments; the scope and contents of the reports; the form in which they should be submitted to the Commission; and the procedure to be followed in the examination of the reports.

366. As regards the first question, some representatives expressed the view that non-governmental organizations could make a useful contribution to the reporting system. Their comments could fill the lacunae sometimes observed in the reports from Governments and could provide the kind of stimulus required to induce Governments to submit full reports. On the national level, private organizations played an essential part within the framework of democratic societies in explaining to the peoples the Governments' policies as well as in giving expression to public opinion in order to bring about the necessary changes in such policies and in legislation. A similar role could be played by non-governmental organizations in consultative status on the international plane. While it might be true that some non-governmental organizations' comments did not always display the desired objectivity, the Commission would remain quite free to take into account only those contributions which reached the required standard. Their comments might not be, on balance, less objective than reports by Governments. Besides, the short-comings of some of the information supplied by non-governmental organizations could often be explained, not by lack of efforts on their part, but by the fact that some organizations were not allowed to operate in certain countries. Non-governmental organizations should therefore be encouraged to submit objective information regarding developments in the field of human rights, the Governments mentioned in their comments being, of course, fully entitled to reply thereto.

367. Some other representatives felt that comments by non-governmental organizations were often limited in scope and sometimes superficial or tendentious. One of those

representatives subjected to sharp criticism the whole institution of non-governmental organizations which did not represent the public opinion of the countries of Latin America, Africa, Asia, the Arab and socialist countries. It was stressed that some non-governmental organizations were being used for the purpose of the cold war and that they were addressing slanderous remarks against other countries and nations. Those representatives were therefore of the view that the participation of non-governmental organizations in the reporting system should, under no circumstances, be placed on the same footing as reports received from Governments or reports received from specialized agencies. One of those representatives called for a basic modification of the whole institution of non-governmental organizations and for the admission of such organizations as would reflect public opinion of other continents and nations. It was stressed that the principles and resolutions of the United Nations concerning the work of non-governmental organizations with consultative status should be strictly abided by. In the view of certain representatives, such considerations had guided the Commission and the Economic and Social Council when, by previous resolutions, notably Council resolutions 454 (XIV), 625 (XXII), 728 B (XXVIII) and 728 F (XXVIII), they had strictly limited the right of non-governmental organizations to communicate and consult with the United Nations on matters of human rights. Under Council resolution 728 F (XXVIII), the Commission on Human Rights had not the power to consider slanderous communications. Council resolution 888 (XXXIV), in carefully worded provisions, mentioned only the possibility for non-governmental organizations to submit comments "of an objective character" in order "to assist the Commission in its consideration of the summaries of periodic reports". Extending the rights of non-governmental organizations in the matter would introduce drastic changes of unforeseeable consequences in the well-established reporting system, in disregard of all those resolutions. One representative stated that Governments recognized that international responsibility for the protection of human rights lay with the United Nations and the specialized agencies but not with non-governmental organizations.

368. One representative considered that it would be appropriate to request the Secretary-General to prepare a summary of those non-governmental organization statements which, in his opinion, were of an objective character. To this effect, the representative of India orally proposed an amendment to operative paragraph 11 of the draft resolution for the Council (see para. 356 above). Several representatives stated that the Secretary-General was not in a position to evaluate the objectivity of the comments from non-governmental organizations. The Indian representative explained that the principal objective of his amendment was to implement the provision of Council resolution 888 (XXXIV), which referred to observations of an objective nature. As the non-governmental organizations were not organs of the United Nations, it was necessary for an agency of the United Nations to ensure that the comments of these organizations corresponded to the requirements of the Council resolution. This issue needed detailed examination and, as the time of the Commission was limited, he would not press his amendment.

369. Some representatives considered that, in order to promote the implementation of human rights and fundamental freedoms, the greatest possible number of Governments should participate in the system of periodic reports. They therefore suggested that not only States Members of the United Nations but all Governments should be invited to submit such reports. They regarded as quite abnormal that proposals be made for fuller participation of non-governmental organizations in the reporting system while several Governments were kept out of that system.

370. As regards the scope and contents of periodic reports, several representatives drew attention to resolution 728 B (XXVIII) by which the Economic and Social Council approved suggestions made by the Secretary-General to help Governments in preparing future reports. In their opinion, these suggestions had proved to be very useful and should be regarded as an important guide to Governments.

371. Several representatives shared the Committee's concern regarding the lack of information on the right to self-determination and independence, and recalled that the Economic and Social Council, by its resolution 888 B (XXXIV), had made a special request for such information. The **periodic reports could not be regarded** as complete and satisfactory until such information was embodied therein. The right to independence was a fundamental right which was stressed, in particular in the Declaration on the granting of independence to colonial countries and peoples. Members of the Organization, particularly those administering dependent territories were to be encouraged to include in their reports information on the right to self-determination and independence as well as on the implementation of this right. The amendment by Poland (see para. 345 above) gave expression to that concern.

372. It was noted with interest that the Committee had pointed out the lacunae which were apparent in several reports, particularly as regards the obstacles to be faced with regard to the implementation of certain rights, and the difficulty of ascertaining the de facto situation from a reading of the summaries. Still, certain trends manifested themselves, particularly as regards the importance attached by Governments to the prevention of racial and religious discrimination, and also as regards the protection of the rights of accused persons in criminal proceedings, and the rights of workers.

373. In connexion with the form in which periodic reports were to be submitted to the Commission, two main ideas were put forward. While most representatives approved the new system proposed by the Committee that the texts of periodic reports be submitted in extenso to the Commission (operative para. 12 of the draft resolution for the Council; see para. 339 above), some were also of the opinion that, in order to facilitate the consideration of those reports, Governments and non-governmental organizations should be requested to append to their reports a brief summary of the contents. In their view, the authors of the reports were undoubtedly those best qualified to summarize them. It was agreed that the Secretary-General should not be requested to summarize the reports received either from Governments or from non-governmental organizations. Several representatives mentioned the favourable financial implications for the Secretariat of the United Nations which were involved in this decision.

374. The Commission then turned to consider the proposal to establish a three-year cycle of reporting, contained in operative paragraph 5 of the draft resolution for the Council.

375. Some representatives felt that the present reporting system was to be preferred, on balance, to the new one proposed by the Committee. The present system took fully into account the fact that, all human rights being closely interrelated, it was very difficult, if not impossible, to evaluate the status of a given right in isolation. The over-all picture of developments towards greater respect for human rights would not be likely to be apparent, or would be to some extent distorted, under the proposed system. The fear was also

expressed that the new procedure might encourage Governments to concentrate on certain rights or groups of rights, while others remained neglected, and that the new procedure might also increase the burden of work of Governments. Certain other representatives, in objecting to the new system, pointed out that the old system of periodic reporting was carefully balanced and that its structure took into account the basic orientation for implementing human rights by the elaboration and adoption of covenants and international conventions in the field of human rights. These representatives deemed quite unacceptable in that system the proposals made concerning contributions by non-governmental organizations.

376. Several representatives, however, expressed the view that the present system had serious short-comings and should be changed. Governments, that were requested to report at the same time on many different rights, too often forwarded rather superficial and badly organized information, from which it was difficult to obtain a clear view of the situation in the field of human rights in their territories. By inviting Governments to concentrate on certain subjects at a time, the new system would afford to the authors the best opportunity to make thorough reports and to follow more closely the recommendations of the Economic and Social Council concerning the contents of their reports. The work-load of Governments would certainly not be heavier, and it might well be lighter, under the new system. Governments might use the information collected for periodic reports as the basis for their contribution to the Yearbook on Human Rights. The risks which might be inherent in excessive concentration on certain rights would be greatly reduced if Governments applied the provision, also contained in operative paragraph 5 of the draft resolution, under which annexes to the reports containing particularly significant information not connected with the subject under review might be submitted every year. The task of the Commission in considering such reports, more limited in scope but more specific in content and better organized, would be easier and more fruitful.

377. Some representatives objected to the adoption of the new system. Some others still had doubts as to the advisability of adopting the new system. Most of them were prepared, however, to accept the proposal, at least on a trial basis.

378. As regards the procedure to be followed in the examination of the reports, most representatives agreed with the Committee's proposal in operative paragraph 13 of the draft resolution, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities undertake the initial study of the materials received and submit comments and recommendations thereon to the Commission. In their view, a really objective appraisal of information relating to human rights could be performed only in a non-political atmosphere, and experts serving in a private capacity, having great experience in various fields of human rights, were best qualified to conduct such an examination.

379. The proposal, made in operative paragraph 16 of the draft resolution, that an ad hoc committee of the Commission be established to study and evaluate the reports and the comments of the Sub-Commission and of the Commission on the Status of Women and to submit recommendations gave rise to certain reservations. It was feared that the work of an ad hoc committee might duplicate that of the Sub-Commission. The observation was made that not many Governments had the staff necessary to add to their delegations officials to participate in the work of the ad hoc committee. Concern was expressed over the financial implications which

might be involved for the United Nations and for Governments in the functioning of the proposed ad hoc committee, especially if it were to have a permanent status. In the view of some representatives, the Sub-Commission alone should be entrusted with the task of making a preliminary examination of the periodic reports. If later it was found that this body was overburdened, the Commission could consider whether or not to establish another body to deal with periodic reports. One representative mentioned that, under the Costa Rican proposal on implementation of human rights through a United Nations high commissioner for human rights or through some other appropriate international machinery (E/CN.4/L.726), to be considered under item 18 of the agenda, the High Commissioner should inter alia advise and assist the Commission in the matter of periodic reports.

380. Some representatives objected to the creation of any new committees, indicating the untimeliness of the proposals at a time when the United Nations was experiencing serious financial troubles.

381. Some other representatives, however, supported the proposal to establish an ad hoc committee on the grounds that the Commission, faced with a very heavy agenda, needed this auxiliary organ to lighten its task, and that Government generally would prefer to have a body composed of their representatives review the preliminary work performed by the experts of the Sub-Commission.

382. Several representatives, while approving of the establishment of an ad hoc committee, declared themselves opposed to such a body meeting during the Commission's session as was proposed in operative paragraph 16 of the draft resolution. The time available would be too short for a thorough examination of the documents submitted. The members of the ad hoc committee would have either to perform double work during the Commission's session, a very heavy task indeed, or to absent themselves from the Commission's meetings, thereby interfering with its work.

383. The representative of the Secretary-General stated that, if the ad hoc committee were to meet during the Commission's session, additional technical services might be required. They would certainly be needed if the Commission were meeting in Geneva, in which case the financial implications would be: \$2,500 for interpretation in two languages, \$4,700 if three languages were being used, and \$7,000 if the members of the Committee spoke four languages.

384. In the light of all these considerations, most representatives were in favour of the ad hoc committee meeting before the Commission's session and reporting its findings not later than one week prior to the end of the Commission's session.

385. The Commission considered the question of co-operation with the specialized agencies in the examination of periodic reports on human rights. After hearing statements made by the representatives of ILO and UNESCO who drew attention to the importance of avoiding any examination of reports by bodies with a completely different composition, which, in their view, could harm the authority and effectiveness of the specialized agencies and of the United Nations organs concerned, the Commission agreed to ensure the necessary co-ordination with the specialized agencies while considering questions arising out of the reports submitted by the agencies.

Adoption of the draft resolution

386. The Commission at its 843rd meeting voted on the text of the draft resolution submitted by the Committee on Periodic Reports on Human Rights (see para. 339 above) and the amendments thereto.

Adoption of the draft resolution of the Committee

387. The introductory part of the draft resolution up to the words "The Economic and Social Council" as submitted by the Committee, (see para. 339 above) was adopted by 20 votes to none, with 1 abstention.

Adoption of the draft resolution for the Economic and Social Council

388. The amendment of the USSR to the first preambular paragraph (see para. 341 above) was rejected by 9 votes to 6, with 5 abstentions. The first preambular paragraph, as submitted by the Committee was adopted by 20 votes to none with 1 abstention.

389. The amendment of the USSR to the second preambular paragraph (see para. 342 above) was adopted by 18 votes to none, with 2 abstentions. The second preambular paragraph as amended, was adopted unanimously.

390. The third and fourth preambular paragraphs were adopted unanimously.

391. The additional preambular paragraph proposed by Costa Rica, France and the Philippines (see para. 343 above) was adopted by 20 votes to none, with 1 abstention.

Adoption of the operative paragraphs of the draft resolution for
the Economic and Social Council

Paragraphs 1, 2 and 3

392. The Commission adopted unanimously operative paragraphs 1, 2 and 3.

Paragraph 4

393. The amendment of the Ukrainian SSR (see para. 344 above) was adopted by 17 votes to none, with 4 abstentions. Operative paragraph 4, as amended, was adopted unanimously.

New paragraph 5

394. The proposal of Poland (see para. 345 above) to add a new operative paragraph was adopted by 10 votes to none, with 9 abstentions.

Paragraph 5 (new paragraph 6)

395. The amendment of the Ukrainian SSR (see para. 346 above) was rejected by 13 votes to 5, with 3 abstentions. The second amendment of the Ukrainian SSR (see para. 347 above) was rejected by 14 votes to 4, with 3 abstentions. The proposal of Jamaica (see para. 348 above) was rejected by 13 votes to 5, with 3 abstentions. The amendment of Italy (see para. 348 above) was rejected by 9 votes to 8, with 4 abstentions. At the request of the representative of Poland a separate vote was taken on the words "Members of the United Nations and of the specialized agencies", and those words were retained by 17 votes to 4. Operative paragraph 5 (new paragraph 6), as submitted by the Committee, was adopted by 16 votes to 2, with 3 abstentions.

Paragraph 6 (new paragraph 7)

396. The oral amendment of the Netherlands, further amended by India (see para. 349 above), was adopted unanimously. Operative paragraph 7, as amended, was adopted by 20 votes to none, with 1 abstention.

New paragraph 8

397. The proposal of Chile (see para. 350 above) to add a new operative paragraph was adopted by 19 votes to none, with 2 abstentions.

Paragraph 7 (new paragraph 9)

398. The amendment of Austria (see para. 351 above) was adopted unanimously. Operative paragraph 7 (new paragraph 9) as amended, was adopted by 20 votes to none, with 1 abstention.

Paragraph 8 (new paragraph 10)

399. The amendment of Austria (see para. 352 above) was adopted by 12 votes to none, with 9 abstentions. Operative paragraph 8 (new paragraph 10), as amended, was adopted unanimously.

Paragraph 9 (new paragraph 11)

400. Operative paragraph 9 (new paragraph 11) was adopted unanimously.

Paragraph 10 (new paragraph 12)

401. The amendment of the USSR (see para. 353 above) was adopted by 10 votes to 3, with 8 abstentions. The amendment of the Ukrainian SSR (see para. 354 above) was rejected by 15 votes to 5, with 1 abstention. Operative paragraph 10 (new paragraph 12), as amended, was adopted by 16 votes to none, with 3 abstentions.

Paragraph 11 (new paragraph 13)

402. The proposal of the USSR to delete paragraph 13 (see para. 355 above) was rejected by 16 votes to 4, with 1 abstention. Operative paragraph 11 (new paragraph 13), as submitted by the Committee was adopted by 16 votes to 4, with 1 abstention.

Paragraph 12 (new paragraph 14)

403. The amendment of the USSR (see para. 357 above) was rejected by 15 votes to 3, with 2 abstentions. The second amendment of the USSR (see para. 358 above) was rejected by 15 votes to 3, with 3 abstentions. Operative paragraph 12 (new paragraph 14), as submitted by the Committee was adopted by 17 votes to 2, with 2 abstentions.

Paragraphs 13, 14 and 15 (new paragraphs 15, 16 and 17)

404. At the request of the representative of Iraq a separate vote was taken on paragraph 13 (new paragraph 15), as submitted by the Committee; it was adopted by 17 votes to 2, with 2 abstentions. Operative paragraphs 14 and 15 (new paragraphs 16 and 17), as submitted by the Committee, were adopted unanimously.

Paragraph 16 (new paragraph 18)

405. The proposal of the USSR to delete the paragraph (see para. 359 above) was rejected by 16 votes to 3, with 2 abstentions. The first amendment of Austria (see para. 360 above) was adopted by 15 votes to 2, with 4 abstentions. The second Austrian amendment was adopted by 9 votes to 8, with 4 abstentions. The joint amendment of Costa Rica, France and the Philippines (see para. 361 above) was adopted by 16 votes to 3, with 2 abstentions. Operative paragraph 16 (new paragraph 18) as amended, was adopted by 15 votes to 3, with 3 abstentions.

Adoption of the draft resolution as a whole

406. The draft resolution, as a whole, as amended, was adopted by 17 votes to 2, with 2 abstentions.

407. The text of the resolution, as adopted at the 843rd meeting, on 9 April 1965, read as follows:

"2 (XXI). Periodic Reports on Human Rights and Reports on Freedom of Information

"The Commission on Human Rights,

"Recalling its resolution 3 (XX) establishing a Committee on Periodic Reports on Human Rights,

"Noting the report of that body,

"Believing that better use can be made of information on human rights,

"Recommends to the Economic and Social Council the adoption of the following resolution:"

/For the text of the draft resolution, see Chapter XII, draft resolution II/

408. At its 848th meeting, the Commission agreed to the following States members of the Commission being appointed to the ad hoc Committee on Periodic Reports: Costa Rica, Dahomey, France, the Philippines, Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America. This decision was subject to the approval by the Economic and Social Council of the draft resolution submitted by the Commission.

IV. INTERNATIONAL YEAR

409. At its eighteenth session, on 12 December 1963, the General Assembly adopted resolution 1961 (XVIII) entitled "Designation of 1968 as International Year for Human Rights". By the operative part of that resolution, the General Assembly, among other things, 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, for consideration by the Assembly, 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.

410. On 17 December 1963, the Economic and Social Council, at its resumed thirty-sixth session, decided to transmit the resolution of the General Assembly to the Commission on Human Rights.

411. At its twentieth session, the Commission, by resolution 6 (XX), decided, inter alia, to establish a Committee of thirty-four members, appointed from permanent delegations. All the States members of the Commission together with the other co-sponsors of General Assembly resolution 1961 (XVIII) would be invited to appoint representatives to this Committee which would meet prior to the 1965 session of the Commission 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. As part of its terms of reference, the Committee was asked to give special thought to the possibility of holding an international conference in 1968 to (i) review the progress 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 in 1968. The Commission also requested the Economic and Social Council to recommend to the General Assembly, for consideration at its nineteenth session, a draft resolution listing goals to be achieved by the United Nations not later than the end of 1968. By resolution 1015 E (XXXVII), the Council forwarded the Commission's draft resolution to the General Assembly.

412. At its twenty-first session, the Commission had before it the report of the Committee on the International Year for Human Rights (E/CN.4/886) containing a programme of measures and activities to be undertaken in connexion with the International Year for Human Rights.

413. The Commission considered this item of its agenda at its 844th to 846th and 848th meetings, held on 9, 12 and 13 April 1965.

414. The representative of Jamaica, who was Chairman of the Committee, stated in his introductory remarks on the report that it was the outcome of a long series of discussions and exchanges of views which had taken place over a period of nearly ten months, during which the Committee had held four series of meetings. He said that with a view to making the programme of measures and activities to be undertaken in connexion with the International Year as representative as possible, the Committee had provided an opportunity to Member States, States members of specialized agencies, the specialized agencies and non-governmental organizations in consultative status to express their views. He pointed out that written observations had been received from twenty-seven States, five specialized agencies and nineteen non-governmental organizations in consultative status.

415. It was stated that some of the Committee's recommendations concerned undertakings on which action was required before 1968, and that those recommendations would become meaningless unless they were considered by the Commission at its current session. It was with this consideration in mind that the representatives of Costa Rica, Jamaica and the Philippines proposed two draft resolutions (E/CN.4/L.769), one of which was a draft resolution for adoption by the Economic and Social Council. These draft resolutions read:

Draft resolution I

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,

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

The Economic and Social Council,

Noting the report of the Commission on Human Rights on International Year for Human Rights,

Recommends the following draft resolution to the General Assembly for consideration at its twentieth session:

The General Assembly,

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

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,

Convinced further that the proposed international review of progress in the field of human rights can advantageously be carried out by means of an international conference,

Noting the interim programme of measures and activities to be undertaken in connexion with the International Year for Human Rights and in celebration of the twentieth anniversary of the Universal Declaration of Human Rights, recommended by the Commission on Human Rights, and which is set out in the interim programme annexed to the present resolution,

Noting further that the Commission on Human Rights is continuing the preparation of a programme of observances, measures and activities to be undertaken in 1968,

1. Calls upon Member States, States members of the specialized agencies, the specialized agencies, and the national and international organizations concerned, to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including an international review of achievements in this field;

2. Approves the interim programme of measures and activities envisaged for the United Nations, annexed to this resolution, and requests the Secretary-General to proceed with the arrangements for the measures to be undertaken by the United Nations set out in the annex;

3. Requests the Secretary-General to transmit the present resolution and the interim programme annexed to the resolution to Member States, States members of the specialized agencies, the specialized agencies and the interested international organizations;

4. Commends to these States, agencies and organizations the programme of measures and activities set out in that annex and invites their co-operation and participation in this programme with a view to making the celebrations successful and meaningful;

5. Decides that an international conference on human rights should be convened during 1968 in order:

- (i) to review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights,
- (ii) to evaluate the effectiveness of the methods used by the United Nations in the field of human rights, and

- (iii) to formulate and prepare a programme of further measures to be taken subsequent to the celebrations of Human Rights Year; and

6. Requests the Economic and Social Council to invite the Commission on Human Rights, in particular, to elaborate for the consideration of the General Assembly the agenda, duration and venue of the Conference, to make recommendations in regard to the preparation of the necessary preliminary evaluation studies and other documentation and in regard to means of defraying the expenses of the Conference.

ANNEX

International Year for Human Rights: Interim Programme

A. Measures to be undertaken by the United Nations

1. Recommendation IV - Convention on the Rights of the Child (paras. 63-72)*
2. Recommendation V - Elimination of certain practices (paras. 73-77)
3. Recommendation... - History of the Universal Declaration of Human Rights (paras. 78-92)

B. Measures to be undertaken by Member States

4. Recommendation XI - Review of national legislation (paras. 116-120)
5. Recommendation XII - Machinery for implementation on the national level (paras. 121-129)
6. Recommendation XIII - National Programme of Education on Human Rights (para. 130)
7. Recommendation XIV, etc. ...

Note: The number of recommendations will be determined by the progress made in the Commission's examination of the Committee's report. Each recommendation to be inserted will be amended as necessary in accordance with the conclusions reached by the Commission in the present discussion.

* Paragraphs refer to those contained in the Report of the Committee on the International Year for Human Rights (E/CN.4/886).

Draft resolution II

The Commission on Human Rights,

Having given preliminary consideration to the Report of the Committee for the International Year for Human Rights (E/CN.4/886), and

Having submitted an interim programme with measures and activities for the consideration of the General Assembly,

1. Decides to appoint a working party consisting of the following members:

/The names of seven Member States to be inserted/

to elaborate, in co-operation with the Secretary-General, the further observances, measures and activities which the Commission should recommend to the General Assembly to be undertaken by the United Nations in celebration of the Twentieth Anniversary of the Universal Declaration of Human Rights including the proposed International Review Conference on Human Rights;

2. Requests the Working Party, in preparing its report, to take into account the recommendations in the Report of the Committee on the International Year for Human Rights (E/CN.4/886) as well as the discussions on the subject of the International Year at the twenty-first session of the Commission on Human Rights (E/CN.4/SR.844-846 and 848);

3. Requests the Secretary-General to provide the Working Party with adequate secretarial and other assistance for the discharge of its task; and

4. Decides to consider the report of the Working Party at its twenty-second session.

Amendments to draft resolution I

416. Draft resolution I was subsequently orally revised by the co-sponsors at the 845th meeting to add a new preambular paragraph after the preambular paragraph beginning with the word "Sharing", which read as follows: "Having considered the report of the Committee on the International Year for Human Rights (E/CN.4/886)".

417. The Ukrainian SSR submitted amendments (E/CN.4/L.770) which, as orally modified at the 848th meeting, proposed:

(a) The insertion of the following new paragraph as the second preambular paragraph of the draft resolution for the Economic and Social Council:

"Recalling its resolution 1015 E (XXXVII) of 30 July 1964 on the International Year for Human Rights".

This amendment was accepted by the co-sponsors.

(b) The insertion of the following new paragraph as the second preambular paragraph of the draft resolution for the General Assembly:

"Considering that the further promotion and development of respect for human rights and fundamental freedoms contributes to the strengthening of peace throughout the world and to friendship between peoples".

This amendment was also accepted by the co-sponsors.

(c) The insertion as a new operative paragraph 2 of the draft resolution for the General Assembly of the following:

"Confirms the necessity to implement Economic and Social Council resolution 1015 E (XXXVII) of 30 July 1964 concerning the ratification by States Members of the United Nations before 1968 of the conventions already concluded in the field of human rights; the earlier conclusion of the draft conventions referred to in paragraph 2 of that resolution, so that they may be open for ratification and accession before 1968; and the completion by 1968 of the consideration and preparation of the draft declarations listed in paragraph 3 of that resolution".

(d) Insertion of the following new paragraph between operative paragraphs 4 and 5 of the draft resolution for the General Assembly:

"Decides to set up a committee to prepare and to co-ordinate the efforts of the United Nations and its organs in connexion with the International Year for Human Rights and the preparation of an international conference on human rights to be attended by the representatives of the following States...".

(e) Insertion of the following new sub-paragraph between sub-paragraphs (i) and (ii) of paragraph 5 of the draft resolution for the General Assembly:

"To hear a number of reports on achievements in the field of fundamental human rights and freedoms in the various countries, including reports on specific problems relating to human rights in the developing countries".

This amendment was subsequently withdrawn.

418. The representative of the USSR submitted the following amendments (E/CN.4/L.771), proposing:

(a) The insertion after the second preambular paragraph of the draft resolution for the General Assembly of the following:

"Stressing the importance of further development and implementation in practice of the principles of the protection of human rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on the Elimination of all Forms of Racial Discrimination".

This amendment was accepted by the co-sponsors at the 848th meeting.

(b) The insertion of a new sub-paragraph after sub-paragraph (i) in operative paragraph 5 of the draft resolution for the General Assembly, reading:

"To develop further and guarantee political, civil, economic, social and cultural rights and eliminate all forms of discrimination on grounds of race, colour, sex, language or religion".

419. The representative of Chile submitted amendments (E/CN.4/L.772) proposing the insertion of the words "regional inter-governmental organizations" before the words "the specialized agencies" in operative paragraphs 1 and 3 of the draft resolution for the General Assembly, and the insertion of the same words before the word "agencies" in operative paragraph 4. These amendments were accepted by the co-sponsors.

420. The representatives of Chile, Denmark and Ecuador submitted an amendment (E/CN.4/L.774) proposing the insertion of the following new paragraphs after operative paragraph 2 of the draft resolution for the General Assembly:

"3. Invites Member States to consider, in connexion with the International Year, the possible advantage of undertaking, on a regional basis, common studies in order to establish more effective protection of human rights;

"4. Invites regional inter-governmental organizations with competence in the field to provide the international conference envisaged for 1968 with complete information on their accomplishments, programmes and other measures to realize protection of human rights".

The co-sponsors of the amendment accepted a United Kingdom drafting suggestion to replace "complete" by "full" in the second paragraph of the proposed amendment.

421. The representative of the United Kingdom submitted an amendment (E/CN.4/L.775) proposing to add to the end of the operative paragraph 5 (iii) of the draft resolution for the General Assembly the following:

"with a view to securing recognition and enjoyment of human rights and fundamental freedoms everywhere, without discrimination on the ground of race, colour, sex or religion".

This amendment was later withdrawn (see paragraph 459 (i) below).

422. At the 848th meeting, the representative of Iraq orally proposed the addition of the following new paragraph to be inserted as operative paragraph 5 in the draft resolution for the General Assembly, reading:

"Invites the Commission on the Status of Women to participate and co-operate at every stage in the preparatory work for the International Year for Human Rights".

423. At the 845th meeting, the representative of the Netherlands orally proposed the deletion of the inclusion of recommendation IV of the Committee which was proposed for inclusion in section A.1 of the annex. This amendment was accepted by the co-sponsors at the 848th meeting.

424. The representative of Jamaica orally proposed the following substitute wording for the introductory part of recommendation V of the Committee which was proposed for inclusion in section A.2 of the annex:

"Believing that certain practices which constitute some of the grosser forms of the denial of human rights still persist within the territories of some Member States, the Commission recommends that the United Nations adopt, and set before the Member States, as a target to be achieved by the end of 1968, the complete elimination of the following violations of human rights".

425. At the 846th meeting, the representative of Austria orally proposed to insert the word "ethnic" between the words "national" and "or social" in recommendation V, sub-paragraph 2, which was proposed for inclusion in section A.2 of the annex. This amendment was accepted by the co-sponsors at the 848th meeting.

426. The representative of the USSR orally proposed the deletion of section A.3 of the annex which contained the inclusion of a recommendation on the "History of the Universal Declaration of Human Rights".

427. France submitted an amendment (E/CN.4/L.773) proposing the insertion in section A of the annex of the following:

"4. Recommendation VI - International Measures for the Protection and Guarantee of Human Rights (paragraphs 93-99)".

This amendment was accepted by the co-sponsors.

428. The co-sponsors of the draft resolution proposed certain drafting changes to the beginning of recommendations XI and XII which were proposed for inclusion under sections B.4 and B.5 of the annex: recommendation XI would start with the words: "Governments are invited to review," and recommendation XII would begin with the words: "All Member States are invited, as one of the measures they will undertake...".

429. At the 845th meeting, the representative of Iraq orally proposed to place sub-paragraph (d) in the first paragraph of recommendation XIII of the Committee, which was proposed for inclusion in section B.6 of the annex, after sub-paragraph (a), thus changing sub-paragraph (b) to (c) and (c) to (d) in the recommendation of the Committee. This proposal was accepted by the co-sponsors at the 848th meeting.

430. The co-sponsors of the draft resolution withdrew the proposed inclusion of further recommendations of the Committee in section B.7 of the annex.

431. The representative of Jamaica orally proposed the inclusion of recommendations I and II of the Committee in the annex to the draft resolution.

Amendments to draft resolution II

432. The representative of the Ukrainian SSR submitted an amendment (E/CN.4/L.770) to delete the draft resolution, but he subsequently withdrew this amendment.

433. The co-sponsors of the draft resolution revised the opening phrase of operative paragraph 1 of the draft resolution to read as follows:

"1. Decides to appoint a working party to meet at Headquarters consisting of all States represented on the Commission on Human Rights, to elaborate, in co-operation with..."

Issues discussed

434. Members of the Commission were in general in favour of the two joint draft resolutions submitted by Costa Rica, Jamaica and the Philippines (see paragraph 415 above). Many representatives observed that the sponsors of the draft resolutions were quite right in taking the view that the Commission could not, for the moment, due to lack of time, do more than suggest an interim programme of measures and activities to be undertaken in the near future in connexion with the International Year. Many representatives regretted that the Commission did not have enough time to examine in detail the report of the Committee.

435. It was recalled that by its resolution 1961 (XVIII), the General Assembly had requested the Economic and Social Council to invite the Commission on Human Rights to prepare a programme of measures and activities to be undertaken by the United Nations in celebration of the International Year for Human Rights, which would also be the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, and to submit the programme of measures and activities for consideration by the General Assembly at its twentieth session. In order to comply with the General Assembly's request, it was considered essential for the Commission to take a decision at its current session on some of the recommendations contained in the Committee's report.

436. Several representatives thought that an international conference on human rights, to be convened in 1968 on the occasion of the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, would be desirable provided it would not be held merely for the purpose of hearing ceremonial speeches or providing an opportunity for making political statements. It was agreed that it would have to have a definite programme of work and make a lasting contribution in the field of human rights. For this reason it was necessary that its terms of reference be well defined. It was the view of most of the representatives that a preparatory committee should be established and entrusted with the task of undertaking the preparatory work for the conference.

437. The planning and preparation for the conference were considered to be of the utmost importance for its success. Unless the conference was well planned and prepared, further United Nations activities in the field of human rights would be lacking in purpose. The United Nations could not afford having a human rights conference which would be a failure. A number of representatives emphasized that the conference would have to consider the most important question of the development and practical implementation of the basic political, economic, social and cultural human rights. The conference should also contribute to the strengthening of the principle of equality among nations and to the eradication of discrimination.

438. A few representatives said that, as a result of the Committee's deliberations, the doubts that their Governments had originally entertained on the possibility of

holding an international conference on human rights in 1968 had been dispelled. It was thought that the conference could achieve some improvement in the planning and co-ordination of human rights activities within the United Nations and that, if it were properly planned, it could strengthen the executive power of the United Nations in the field of human rights.

439. A few representatives were in favour of holding the conference during the regular session of the General Assembly in 1968. Others did not express any opinion on the time and place of the conference since they considered this a matter to be studied further by the proposed working party.

440. On the question of preparing a history of the Universal Declaration of Human Rights (E/CN.4/886, paras. 78-92), it was said that what was involved was the preparation of a history of the life of the Declaration since its adoption. It was observed that such a work could not be prepared by an individual, but should perhaps be prepared by a team of persons representing the different regions and legal systems of the world. One representative believed that the proposed international conference should itself decide on how the history was to be prepared and any work on it should not start until 1968. Another representative thought that the history of the Declaration should be the kind of work intended to popularize the Declaration rather than a compilation of statements which had played a role in its formulation.

441. Some representatives pointed out, as a shortcoming of draft resolution I, the lack of provision in its annex for international machinery for implementing human rights. The matter had been discussed in the Committee and a suggestion made for measures to be taken if action on the draft covenant at present awaiting approval by the General Assembly was not completed by 1968 (E/CN.4/886, paragraphs 93-99). It was felt that even if such action was completed, the proposed international conference should consider the question of international implementation of human rights not only within the context of the draft covenants but in its totality. The proposed conference could, for example, make a comparative study of reporting procedures in the field of human rights. Although the United Nations had little experience in the matter, the ILO had forty years of experience and UNESCO had also some experience in dealing with such reports. Such a study might be of the greatest value to the United Nations. The conference could also make a comparative study of existing bodies which dealt with human rights, such as the European Commission of Human Rights, the European Court of Human Rights and similar bodies which were being set up. It was with these considerations in mind that the representative of France proposed his amendment to add the Committee's recommendation VI (E/CN.4/886, paragraph 99) in the annex to draft resolution I (see paragraph 427 above). However, some other representatives objected to considering the question of implementation separately from those basic conventions which might strengthen the commitment of States in the field of human rights; the conference must contribute to the elaboration and adoption of such instruments.

442. Section A of the annex to draft resolution I contained a recommendation that a convention on the rights of the child should be completed and opened for ratification before the end of 1968. Many representatives observed that in principle they had no objections to the drafting of a convention on the rights of the child. However, in view of the enormous amount of drafting work of an urgent nature which was already in progress and which was also due to be completed before the end of 1968, they did not think that it was realistic to recommend that a

convention on the rights of the child should be completed by 1968 as well. It was observed that by resolution 1015 E (XXXVII), the Economic and Social Council had recommended to the General Assembly to take a decision concerning the completion of nine draft conventions and declarations before or by 1968. Even that list of nine texts did not give, it was felt, a complete picture of all the unfinished drafting work in the field of human rights, as it did not include the draft declaration on the elimination of all forms of religious intolerance, or the draft articles on the right of everyone to leave any country including his own, and to return to his country, or the draft principles on the right to be free from arbitrary arrest and detention. It was said that the Commission would be deceiving itself if it assumed that the list of international instruments to be completed by 1968 could be extended still further. Therefore, for practical reasons, many representatives were opposed to including the preparation of a convention on the rights of the child in the interim programme. Moreover, it was recalled that the Declaration of the Rights of the Child had been adopted only recently. It was with these considerations in mind that the Netherlands proposed the deletion of the Committee's recommendation IV (E/CN.4/886, paragraph 71) from the annex to the draft resolution (see para. 423 above).

443. Some representatives thought that recommendation V of the Committee (E/CN.4/886, paragraph 77) on the "elimination of certain practices" should be listed in section B of the annex to draft resolution I under "measures to be undertaken by member States", rather than under section A which dealt with "measures to be undertaken by the United Nations". This change was said to be necessary because recommendation V dealt with matters which called for action by States rather than by the United Nations. It was observed, however, that this change should not be made since the elimination of certain practices, such as racial discrimination and the maintenance of colonial regimes in various parts of the world, was a matter of concern to all United Nations bodies concerned with the promotion of human rights. To make the text of the recommendation clearer, the representative of Jamaica proposed a substitute text to replace the introductory paragraph of the Committee's text (see paragraph 424 above).

444. Certain representatives, speaking in support of the amendment proposed by the Ukrainian SSR (see paragraph 417 (a) above) to draft resolution I, said that it was necessary to have a preambular paragraph referring to Economic and Social Council resolution 1015 E (XXXVII) because, in the normal course of events, that resolution would have been considered by the General Assembly at its nineteenth session. The General Assembly, however, had not in fact considered it, and there was now some danger that the recommendations and decisions contained in it might be forgotten altogether unless it was referred to in the draft resolution the Commission was asked to adopt. Secondly, they thought that draft resolution I should contain some reference to the relationship between respect for human rights and fundamental freedoms, on the one hand, and the cause of peace and friendly relations between peoples and nations on the other.

445. These representatives said that in view of the fact that United Nations bodies other than the Commission itself dealt with different aspects of human rights, the General Assembly should set up a committee to co-ordinate the activities of the United Nations and the specialized agencies for the International Year for Human Rights and to undertake the preparatory work of the proposed international conference. This was the reason for the proposal of the Ukrainian SSR to insert a new paragraph between operative paragraphs 4 and 5 of the draft resolution for the General Assembly (see paragraph 417 (d) above). He said that the advantages

of having the General Assembly constitute the committee were that the committee would then really be a co-ordinating committee and its membership would be widely representative of the membership of the United Nations. In such a case, it would not be necessary for the Commission to set up a working party as suggested in draft resolution II.

446. Many members of the Commission, however, favoured the establishment of a working party by the Commission because they feared that political questions would be introduced if the preparatory work for the conference was done by a Committee set up by the General Assembly. Besides, they thought that the agenda of the Assembly was already overloaded, and hence it might not be able to give the matter the consideration that it needed. It was also observed that since the matter concerned human rights, it was for the Commission to deal with it in a preparatory way. The Secretary-General was considered to be the appropriate official to co-ordinate the activities of the United Nations and those of the specialized agencies for the International Year for Human Rights.

447. The representative of the Soviet Union stated that his amendments (see para. 418 above) were prompted by the fact that the General Assembly would expect the Commission to submit proposals dealing with the substance of the arrangements to be made for the International Year for Human Rights. In his view, the terms of the draft resolution before the Commission seemed to be procedural, rather than substantive, in character.

448. It was pointed out by the representative of Chile that a number of regional intergovernmental organizations, such as the Organization of American States, the Arab League and the Organization for African Unity were already making a valuable contribution, in their respective regions, to the promotion of human rights. He felt that they should be associated with the activities to be undertaken in connexion with the International Year for Human Rights both at the preparatory stage as well as in connexion with the activities to be undertaken. It was said that when dealing with matters as important as the International Year for Human Rights, which would have far-reaching results, suitable tasks should be entrusted to bodies which played an important part in the protection of human rights. The Charter specifically mentioned regional agencies, and it was appropriate that draft resolution I should do so as well. These were said to be, the considerations on the basis of which the representative of Chile had proposed his amendments to draft resolution I (see paragraph 419 above).

449. Many representatives felt that there was a need for greater emphasis to be placed on educational measures to be undertaken as part of the activities of the International Year for Human Rights (E/CN.4/886, para. 130). It was pointed out that educational measures could play a very important part in changing human attitudes and in uprooting prejudices, the elimination of which was an important aspect of the activities of the International Year for Human Rights.

450. It was observed that operative paragraph 1 of draft resolution II was not specific enough. Doubts were expressed as to whether it empowered the proposed working party to deal with items which were listed in the annex to draft resolution I or as to what duties it was expected to perform in connexion with the international conference. On behalf of the co-sponsors it was said that it would be the duty of the working party to examine the recommendations contained in the report of the Committee on the International Year for Human Rights which

could not be dealt with by the Commission at the current session, and to submit a report on them for the Commission's consideration at its twenty-second session. The working party would be free to propose other measures concerning the programme of measures and activities to be undertaken in connexion with the International Year for Human Rights, apart from those contained in the report of the Committee, for the Commission's consideration. In connexion with the conference, the function of the working party, it was said, would be to make recommendations on the terms of reference, and structure of and the nature of participation in the conference, on its agenda, duration and venue, and on the preparation of the necessary studies and documentation and to prepare estimates of the costs.

451. A number of representatives thought that the programme of measures and activities to be undertaken in connexion with the International Year for Human Rights, appearing in the Report of the Committee, did not include specific recommendations on matters concerning the status of women. It was hoped that the proposed working party would solicit the views of the Commission on the status of women in the course of its deliberations on the further observances of measures and activities to be undertaken and on matters relating to the international conference on human rights.

452. The representative of the Commission on the Status of Women said that that Commission was keenly interested in the preparation of, and activities connected with, the International Year for Human Rights. As the work of the Commission on the Status of Women dealt with an important area of human rights, it was of the utmost importance to make it possible for her Commission to participate in the preparations for the International Year. This could be done by inviting a representative of the Commission on the Status of Women to attend the meetings of any committee or working party which might be established in this respect. As it was recommended that commemorative ceremonies be organized on the Universal Declaration of Human Rights during the International Year, special attention could be drawn to the desirability of organizing such ceremonies on the day when women were first granted suffrage in the respective countries.

453. In order to make full use of the impact of the International Year for Human Rights on matters concerning the status of women and with a view to setting up a goal for intensification of national efforts on those questions, the representative of the Commission on the Status of Women felt that it would be desirable to devote a part of the year - possibly a week - to matters concerning the status of women. She thought that the setting up of a target date for the ratification of, or accession to, United Nations conventions relating to the status of women would help in drawing the attention of Governments to the urgency of making efforts on the national level in matters concerning the status of women.

Adoption of the resolutions

454. At its 848th meeting, the Commission voted on the two draft resolutions submitted by Costa Rica, Jamaica and the Philippines (see para. 415 above), as revised by the co-sponsors and on amendments thereto. At the request of the USSR, a separate vote was taken on each of the paragraphs of the draft resolutions and amendments thereto.

Voting on draft resolution I

455. The first three paragraphs of the preamble of the draft resolution for the Commission were each adopted unanimously. The operative paragraph of the draft resolution recommending to the Economic and Social Council the adoption of a draft resolution, including the first preambular paragraph of the draft resolution for the Economic and Social Council, was also adopted unanimously.

456. A Ukrainian SSR amendment (see para. 417 (a) above), accepted by the co-sponsors of the draft resolution as the second preambular paragraph of the draft resolution for the Council, was adopted unanimously.

Adoption of the draft resolution to be recommended by the
Economic and Social Council to the General Assembly

457. The paragraph of the draft resolution for the Economic and Social Council recommending a draft resolution to the General Assembly beginning with the word "Recommends" was adopted unanimously.

458. The voting on the preambular paragraphs of the draft resolution for the General Assembly was as follows:

(a) The first preambular paragraph beginning with the word "Recalling" was adopted unanimously.

(b) A Ukrainian SSR amendment (see para. 417 (b) above), accepted by the co-sponsors, to insert a new preambular paragraph after the first preambular paragraph, was adopted unanimously.

(c) The second preambular paragraph (new third preambular paragraph) beginning with the word "Reaffirming" was adopted unanimously.

(d) A USSR amendment (see para. 418 (a) above), accepted by the co-sponsors, to add a new preambular paragraph, was adopted by 20 votes to none, with one abstention.

(e) The next two preambular paragraphs, beginning with the word "Convinced" and the words "Convinced further" were each adopted unanimously.

(f) The next preambular paragraph, beginning with the words "Noting the interim program" was adopted by 18 votes to none, with 3 abstentions.

(g) The last paragraph of the preamble, beginning with the words "Noting further" was adopted by 20 votes to none, with one abstention.

459. The voting on the operative paragraphs of the draft resolution for the General Assembly was as follows:

(a) Operative paragraph 1, including the Chilean amendment (see para. 419 above) accepted by the co-sponsors of draft resolution I, was adopted by 20 votes to none, with one abstention.

(b) A Ukrainian SSR amendment (see para. 417 (c) above), beginning with the words "Confirms the necessity to implement Economic and Social Council resolution 1015 E (XXXVII)", was adopted by 11 votes to one, with 9 abstentions, as new operative paragraph 2.

(c) Operative paragraph 2 (new paragraph 3) beginning with the word "Approves" was adopted by 17 votes to none, with 3 abstentions.

(d) Proposals for two additional operative paragraphs (new paragraphs 4 and 5) submitted by Chile, Denmark and Ecuador (see para. 420 above) were each adopted by 18 votes to none, with 3 abstentions.

(e) A proposal by Iraq (see para. 422 above) for an additional operative paragraph (new paragraph 6) was adopted unanimously.

(f) Operative paragraph 3 (new paragraph 7) beginning with the word "Requests" and including the Chilean amendment (see para. 419 above) accepted by the co-sponsors of draft resolution I, was adopted by 19 votes to none, with 2 abstentions.

(g) Operative paragraph 4 (new paragraph 8) beginning with the word "Commends" and including the Chilean amendment (see para. 419 above) accepted by the co-sponsors, was adopted by 18 votes to none, with 2 abstentions.

(h) A Ukrainian SSR amendment (see para. 417 (d) above), proposing the insertion of a new operative paragraph between paragraphs 4 and 5 (new paragraphs 8 and 9), was rejected by 12 votes to 3, with 5 abstentions.

(i) Operative paragraph 5 (i) (new paragraph 9 (i)), beginning with the word "Decides", was adopted unanimously. A USSR amendment (see para. 418 (b) above) proposing the insertion of a new sub-paragraph after sub-paragraph (i) in operative paragraph 5 was adopted by 14 votes to 2, with 4 abstentions. Thereupon, the representative of the United Kingdom withdrew his amendment (see para. 421 above) to operative paragraph 5 (iii). Operative paragraph 5 (ii) (new paragraph 5 (iii)) and operative paragraph 5 (iii) (new paragraph 5 (iv)) were each adopted unanimously. Operative paragraph 5 (new paragraph 9), as a whole, as amended, was adopted unanimously.

(j) Operative paragraph 6 (new paragraph 10) was adopted by 19 votes to none, with 2 abstentions.

460. The voting on the annex to draft resolution I and the amendments thereto was as follows:

(a) The proposal of the Netherlands (see para. 423 above) to delete the inclusion of recommendation IV of the Committee in section A.1 of the annex was adopted by 11 votes to 4, with 6 abstentions.

(b) The inclusion of recommendation V of the Committee, as revised (see paras. 424 and 425 above) in section A.2 of the annex, was approved by 12 votes to 3, with 6 abstentions.

(c) The proposal of the USSR (see para. 426 above) to delete the inclusion of the recommendation on the "History of the Universal Declaration of Human Rights", in section A.3 of the annex, was adopted by 10 votes to none, with 11 abstentions.

(d) The French amendment, accepted by the co-sponsors (see para. 427 above), to include recommendation IV of the Committee in section A of the annex, was adopted by 20 votes to none, with one abstention.

(e) The inclusion of recommendation XI of the Committee, as revised (see para. 428 above) in section B.4 (new section B.3) of the annex, was adopted by 19 votes to none, with 2 abstentions.

(f) The inclusion of recommendation XII of the Committee, as revised (see para. 428 above) in section B.5 (new section B.4) of the annex, was adopted by 17 votes to none, with 4 abstentions.

(g) The inclusion of recommendation XIII of the Committee, in section B.6 (new section B.5) of the annex was adopted by 17 votes to none, with 4 abstentions.

(h) The proposal of Jamaica (see para. 431 above) to include recommendations I and II of the Committee in the annex was adopted by 12 votes to none, with 8 abstentions.

Adoption of draft resolution I as a whole

461. Draft resolution I proposed by Costa Rica, Jamaica and the Philippines, as a whole, as amended, was adopted unanimously. (For the text of the resolution as adopted see para. 465 below, resolution 5 A (XXI)).

Voting on draft resolution II

462. The first preambular paragraph of draft resolution II submitted by the representatives of Costa Rica, Jamaica and the Philippines (see para. 415 above) was adopted by 17 votes to none, with 3 abstentions. The second preambular paragraph was adopted by 16 votes to none, with 4 abstentions.

463. Operative paragraph 1, as revised by the co-sponsors (see para. 433 above), was adopted by 16 votes to none, with 4 abstentions. Operative paragraph 2 was adopted by 17 votes to none, with 3 abstentions. Operative paragraph 3 was adopted by 18 votes to none, with 3 abstentions, and operative paragraph 4 was adopted by 18 votes to none, with 3 abstentions.

464. Draft resolution II proposed by Costa Rica, Jamaica and the Philippines, as a whole, as revised, was adopted by 17 votes to none, with 4 abstentions. (For the text of the resolution as adopted, see para. 465 below, resolution 5 B (XXI)).

465. The text of the two resolutions as adopted at the 848th meeting, on 13 April 1965, read as follows:

5 (XXI) International Year for Human Rights

A

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,

Having considered the report of the Committee on the International Year For Human Rights (E/CN.4/886),

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

For the text of the draft resolution, see Chapter XII, draft resolution IV/

B¹⁵/

The Commission on Human Rights,

Having given preliminary consideration to the Report of the Committee on the International Year for Human Rights (E/CN.4/886), and

Having submitted an interim programme with measures and activities for the consideration of the General Assembly,

1. Decides to appoint a working party to meet at Headquarters consisting of all States represented on the Commission on Human Rights to elaborate, in co-operation with the Secretary-General, the further observances, measures and activities which the Commission should recommend to the General Assembly to be undertaken by the United Nations in celebration of the twentieth anniversary of the Universal Declaration of Human Rights including the proposed international conference on Human Rights;

2. Requests the working party, in preparing its report, to take into account the recommendations in the Report of the Committee on the International Year for Human Rights (E/CN.4/886) as well as the discussions on the subject of the International Year at the twenty-first session of the Commission on Human Rights (E/CN.4/SR.844-846 and 848);

3. Requests the Secretary-General to provide the working party with adequate secretarial and other assistance for the discharge of its task; and

4. Decides to consider the report of the working party at its twenty-second session.

15/ See the statement of financial implications, annex II.

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

466. At its twelfth session, the Commission on Human Rights established a Committee composed of four of its members to prepare a Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile. ^{16/} This study was submitted to the Commission together with draft principles on freedom from arbitrary arrest and detention. At its seventeenth session, the Commission further requested the Committee to prepare a study on the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests. Information on the current work of the Committee was contained in document E/CN.4/381.

467. Up to 31 December 1965, the Committee will be composed of the representatives of Ecuador, Liberia, the Netherlands and the Philippines. As from that date, Ecuador and Liberia, whose terms of office in the Commission will expire, will cease to be members of the Committee. As was mentioned in a note by the Secretary-General (E/CN.4/L.741), it was necessary for the Commission to elect two of its members as members of the Committee to replace Ecuador and Liberia.

468. At its 348th meeting, upon the proposal of the Chairman, the Commission elected Costa Rica and Senegal to fill these vacancies in the Committee.

^{16/} United Nations publication, Sales No.: 65.XIV.2.

VI. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES

Election of members

469. At its first session in 1947 the Commission decided, amongst other things:

"(a) That the Sub-Commission be composed of twelve persons selected by the Commission in consultation with the Secretary-General and subject to the consent of the Governments of which the persons are nationals;

(b) That not more than one person be selected from any single country." 17/

470. At its fifteenth session the Commission, by resolution 11 (XV) decided, unless otherwise determined by the Economic and Social Council, to increase the membership of the Sub-Commission from twelve to fourteen. The Council, by resolution 728 E (XXXVIII) of 30 July 1959, approved the decision of the Commission.

471. At its twenty-first session, the Commission considered the question of the membership of the Sub-Commission, at its 846th to 848th meetings, held on 12 and 13 April 1965.

472. It was agreed that, since the term of office of the present members expired on 31 December 1965, it was necessary to elect new members. It was also agreed that the term of office of the new members should be three years, ending on 31 December 1968. From the list of candidates nominated by States Members of the United Nations (E/CN.4/383 and Add.1 to 8 and Add.8/Corr.1), the Commission elected fourteen persons as members of the Sub-Commission, subject to the consent of their Governments, for a period of three years beginning 1 January 1966.

473. The persons elected on 12 April 1965 were:

Peter Calvocoressi (United Kingdom of Great Britain and Northern Ireland)
Francesco Capotorti (Italy)
C. Clyde Ferguson (United States of America)
José D. Ingles (Philippines)
Pierre Juvigny (France)
Wojciech Ketrzynski (Poland)
Antonio Martínez Baéz (Mexico)
Nath Pai (India)
Yakov Arkadyévich Ostrovsky (Union of Soviet Socialist Republics)
Mohamed Ahmed Abu Rannat (Sudan)
Voitto Saario (Finland)
Hernán Santa Cruz (Chile)
Eduard Schiller (Austria)
Zeev W. Zeltner (Israel)

17/ Official Records of the Economic and Social Council, Fourth Session, Supplement No. 3 (E/259), para. 20.

Draft resolutions on the membership and terms of reference of the Sub-Commission and debate thereon

474. On 9 April 1965 the representatives of Costa Rica, India, Liberia, Netherlands and Philippines submitted a draft resolution relating to the membership and terms of reference of the Sub-Commission which read as follows (E/CN.4/L.768):

"The Commission on Human Rights,

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

"The Economic and Social Council,

"Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/1371, paragraph 13);

"Bearing in mind the important tasks which the Sub-Commission has accomplished in the fields of its competence and the valuable contributions it has made to the progress achieved in these fields;

"Considering that, in actual practice, the Sub-Commission has served as an expert body whose studies and recommendations have greatly facilitated the work of the Commission on Human Rights,

"Believing that the usefulness of the Sub-Commission and its representative character would be enhanced by enlarging its terms of reference and increasing its membership,

"1. Decides to change the name of the Sub-Commission to "Permanent Committee of Experts of the Commission on Human Rights", and to increase its membership to eighteen (18), one third of which would be elected each year for a term of three years;

"2. Authorizes the Permanent Committee of Experts, in addition to the specific tasks previously assigned to the Sub-Commission, to undertake studies and submit reports and recommendations concerning any matter in the field of human rights and fundamental freedoms, as may be requested by the Commission on Human Rights and the Economic and Social Council."

475. On 13 April 1965, the representative of the Ukrainian SSR submitted a draft resolution reading as follows (E/CN.4/L.777):

"The Commission on Human Rights

"Requests the Economic and Social Council to refer the draft resolution on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/L.768) to the Governments of Member States of the United Nations for their comments on the following questions:

"(1) Extension of the membership of the Sub-Commission, taking into account the principles of geographical distribution and the representation of different legal systems;

"(2) Change of title of the Sub-Commission to "Committee of Experts of the United Nations Commission on Human Rights" and the extension of its terms of reference;

"(3) Retention of the said question on the Commission's agenda and its consideration at the next regular session of the Commission with due regard to the comments received from the Governments."

476. Certain representatives thought that the proposal to increase the membership of the Sub-Commission and to broaden its terms of reference was an entirely new question which did not come under item 9 or indeed under any other item of the agenda as adopted. They expressed doubts, therefore, as to whether the Commission could discuss such matters at the present stage. However, they did not challenge formally the admissibility of such matters. Certain other representatives objected to the consideration and adoption of a decision at that session. They stressed that the question had been raised at the very last moment and could not be carefully examined. Other representatives were of the view that the Commission was fully entitled to discuss any subject and any resolution at the request of any of its members. The Commission went on to consider the issues involved in the draft resolutions before it.

477. The debate relating to the joint draft resolution centred around the following main points: increase in the membership of the Sub-Commission; broadening of its functions and change of title; and procedure for the election of its members.

478. In the view of several representatives, the proposed increase in membership of the Sub-Commission would have the great advantage, and indeed the main purpose, of ensuring in that body a more adequate representation of the different regions, legal systems and cultures of the world. The proposal, in that respect, was quite in harmony with the trend of the last few years to increase the membership of various organs of the United Nations. Besides, the Sub-Commission was being entrusted with tasks of increasing magnitude and importance, the importance of which required the participation of a greater number of members. It was recalled that the Economic and Social Council had approved previous requests made by the Commission for the increase of its own membership and that of the Sub-Commission.

479. Some other representatives did not favour the proposed increase in membership. If the purpose of such a proposal was to ensure better representation of different regions, legal systems and cultures, this could have been achieved by taking that objective fully into account in the election of the new fourteen members. The present size of the Sub-Commission allowed intimate discussion and a fruitful interchange of ideas. It was felt that the small size of United Nations organs generally made for increased efficiency because less time was involved in hearing the views of all its members. The financial implications of the proposal, which would be approximately between \$7,000 and \$8,000 a year, were stressed by those representatives. In their view, the larger the body, the longer the discussions and the duration of the sessions, with the consequent increase in the financial implications.

480. Some doubts were expressed as to the number of four which the proposal for increase contained. After an exchange of views concerning the advisability of recommending an increase in membership to eighteen as against any other number,

it was agreed that, if the proposal for rotation envisaged in operative paragraph 1 of the five-Power draft resolution (see para. 474 above) were to be adopted, an increase should be made to a number multiple of three in order to make possible such a procedure of rotation. The increase of four was generally agreed as being the most apt to fulfil the aims of the proposal, namely to ensure the representation of more countries and regions without changing too drastically the structure and the methods of work of the Sub-Commission.

481. Turning to the question of the broadening of the functions of the Sub-Commission, contained in the five-Power proposal, some representatives pointed out that it was a recognition of a situation which had existed for some time past. For some years, the studies undertaken by the Sub-Commission had not been confined solely to questions relating to the prevention of discrimination and the protection of minorities but to many other aspects of human rights. It was noted that paragraph 2 of the five-Power draft resolution did not, in fact, broaden the terms of reference which the Commission had adopted at its ninth session in 1949, whereby, in addition to undertaking studies concerning the prevention of discrimination and the protection of minorities, the Sub-Commission was authorized to perform any other function which might be entrusted to it by the Economic and Social Council or by the Commission on Human Rights.

482. Some representatives who objected to broadening the terms of reference of the Sub-Commission, doubted whether its members, although experts in the field of prevention of discrimination and protection of minorities, would be equally qualified to deal with all other problems relating to human rights. It was felt that very careful consideration of all aspects of that proposal was needed before entrusting to that subsidiary organ a number of new functions which might upset rather than develop its activities.

483. Closely connected with the question of the broadening of the functions of the Sub-Commission was the problem of the change of name to "Permanent Committee of Experts of the Commission on Human Rights", as proposed in paragraph 1 of the five-Power draft resolution.

484. In the view of the authors of that proposal, supported by some other representatives, this change of title would reflect more accurately the nature of the new functions to be performed by the Sub-Commission. The recognition of a permanent status would allow that body to deal with matters in a more authoritative fashion and give greater weight to its deliberations and recommendations. Some other representatives opposed this proposal on the ground, inter alia, that rule 66 of the rules of procedure of the Functional Commissions of the Economic and Social Council, which provided for the setting up of sub-commissions, made no provision for the establishment of permanent committees of experts. Moreover they argued that the financial implications of the establishment of a body of a permanent nature would be great. Several representatives agreed that the question of the change of name with all its implications was of great importance, and they considered the possibility of discussing the matter further during the next session of the Commission. Moreover, they pointed out that under its terms of reference the Commission was entitled to establish sub-commissions.

485. Finally the question of rotation of the members of the Sub-Commission, also proposed in the five-Power draft resolution, was discussed. The proposal was favoured by some representatives who felt that to change a third of the membership

each year would provide a flow of new ideas coming from the new members of the Sub-Commission. It will also help, it was contended, to assure a more adequate representation; if, at any time, it appeared that certain regions or certain legal systems or cultures were not adequately represented, rotation of membership would be the quickest way of remedying the situation.

486. Some other representatives were opposed to the proposal. In their opinion, experience of the Sub-Commission's work had shown that continuity of membership made for closer contacts and more thorough and speedier work. The remarkable success of the Sub-Commission, it was noted, was largely due to the fact that it had worked as a team for long periods and that the nature of the main part of its work required the continued collaboration of a special rapporteur for a number of years. If the retiring members were to be selected by lot under the rotation system, it was argued, the possibility for the Commission to ensure the continued membership of the special rapporteur would no longer exist. The system of rotation with selection by lot might also, some representatives contended, endanger the principle of adequate representation which was so much desired. Members retiring in a given year might well belong to the same geographical area; it would then be necessary either to re-elect them or to replace them at a time when it might be difficult to find suitable candidates from the same area.

487. Several representatives were of the view that the present system for the election of members of the Sub-Commission had so far given good results, and that the question of introducing a new system of rotation was very complicated and required further study.

488. In connexion with the proposed rotation system, several representatives wondered what procedure should be followed during the transitional period, considering that the fourteen members elected at the twenty-first session (see para. 473 above) were entitled to serve for a three-year term in accordance with the system presently in force. One representative suggested that after the end of the term of office of the newly elected members in 1968, the years of 1968, 1969 and 1970 would be the first three years of application of the rotation system. If the Economic and Social Council agreed to increase the membership of the Sub-Commission to eighteen members, the other four members could be elected at the Commission's next session to serve for periods shorter than three years up to 1968. This suggestion was considered favourably by several representatives. Some of them thought that the transitional measures should be spelled out in the draft resolution. It was added that it was equally desirable to spell out explicitly the principles according to which the outgoing members could be re-elected.

489. Some representatives were of the opinion that the implications of the draft resolution were very far-reaching and that it was difficult to take a position in the matter without further consideration. They felt that a final decision could not be taken without careful reflection by Governments. According to these representatives, it was a well-established practice for the Secretary-General to inform Member Governments well in advance of the holding of elections in any organ of the United Nations. The representative of the Ukrainian SSR submitted a draft resolution (see para. 475 above) under which the Commission would request the Economic and Social Council to refer the draft resolution of Costa Rica, India, Liberia, the Netherlands and the Philippines (see para. 474 above) to Member States of the United Nations for their comments on the proposals contained therein and on the question as to whether these matters should be retained on the agenda

of the Commission and discussed at the next session, with due regard to Governments' comments.

490. Several representatives were of the opinion that the matters dealt with in the joint draft resolution came very clearly under the terms of reference of the Commission on Human Rights and the Economic and Social Council, and that these bodies would be remiss in their duties if they did not take a position on these matters. It was also said that, if the Commission recommended to the Council that it should consult Governments before taking any decision, it would give the impression of lacking confidence in the Council's authority or competence. The Council, it was recalled, had acted on previous occasions within the competence granted to it by the Charter of the United Nations to expand the membership of some of its subsidiary bodies.

491. After a further exchange of views, the representative of India submitted orally a draft resolution under which the Commission would request the Economic and Social Council to approve an increase in the membership of the Sub-Commission to eighteen in order to assure adequate representation; and decide to give further consideration at its next session to the proposals contained in the joint draft resolution (see para. 474 above) other than that concerning the increase in the membership of the Sub-Commission.

492. This draft resolution was supported by several representatives as accurately reflecting the sense of the debate: while there was general agreement as to the need for increasing the membership of the Sub-Commission in order to ensure better representation, it had been felt that all the other proposals raised complex questions which required further consideration by the Commission.

493. Some representatives would have preferred that the number by which the membership of the Commission should be increased would not be predetermined in the draft resolution, or at least that the mention of such a number be qualified by words such as "preferably" or "approximately". Several representatives, however, thought that the Commission should propose a definite number to the Council, and they felt that the number indicated was adequate.

494. The representative of the Ukrainian SSR, in withdrawing his amendment (see para. 475 above) expressed his opinion that it would be desirable for the Council, when it received the report of the Commission and the joint draft resolution (see para. 474 above), to consult Member States on the issues to be discussed next year.

495. A proposal by Israel to close the debate on this item was adopted by 16 votes to 2, with 3 abstentions.

496. At the 848th meeting held on 13 April 1965, the Commission adopted by 19 votes to none, with 2 abstentions, the draft resolution orally proposed by the representative of India.

497. The text of the resolution as adopted at the 848th meeting, on 13 April 1965 read as follows:

4 (XXI) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 18/

The Commission on Human Rights,

Having discussed the draft resolution in document E/CN.4/L.768,

1. Requests the Economic and Social Council to approve an increase in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to eighteen in order to assure adequate representation to different regions, legal systems and cultures;

2. Decides to give further consideration at its twenty-second session to the proposals contained therein, other than that of the increase in the membership of the Sub-Commission.

18/ See the statement of financial implications in annex II.

VII. REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

498. Under item 9 (e) of its agenda, the Commission had before it the report of the Sub-Commission (E/CN.4/882 and Corr.1) as well as two draft resolutions, one submitted by Austria (E/CN.4/L.767) and the other by the USSR (E/CN.4/L.776).

499. The draft resolution submitted by Austria (E/CN.4/L.767) read as follows:

"The Commission on Human Rights,

"Considering resolution 7 (XVII) 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,

"Noting 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 authorize the Secretary-General to take appropriate steps, within the budgetary resources available to him, for printing, circulating and making available for sale to the public this memorandum and the compilation as one publication."

500. The draft resolution submitted by the USSR (E/CN.4/L.776) was as follows:

"The Commission on Human Rights,

"Taking into account resolutions 5 and 6 (XVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Noting that the question concerning measures of the implementation of the Declaration on Elimination of All Forms of Racial Discrimination was included in the agenda of the forthcoming sessions of the General Assembly and the Economic and Social Council,

"Considering the special importance of the speedy implementation in practice of the Declaration on Elimination of All Forms of Racial Discrimination,

"1. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning a special study of racial discrimination in the political, economic, social and cultural spheres;

"2. Asks the Secretary-General to give necessary assistance to the Sub-Commission in preparation of this study;

"3. Decides to include in the provisional agenda of its twenty-second session the item "Measures for the speedy implementation of the Declaration on Elimination of All Forms of Racial Discrimination."

501. At the 848th meeting, the representative of the Ukrainian SSR made the oral proposal, which was accepted by the representative of the USSR, to add the following operative paragraph 4 to the USSR draft:

"Requests the Economic and Social Council to appeal to all States Members of the United Nations and of the specialized agencies to ratify as soon as possible the ILO Discrimination (Employment and Occupation) Convention and the UNESCO Convention against Discrimination (Employment and Occupation) Convention and the UNESCO Convention against Discrimination in Education, as well as the Protocol thereto."

502. The report of the Sub-Commission contained various suggestions and recommendations, besides those mentioned in the Austrian and USSR proposals (resolutions 6 (XVII) and 7 (XVII); see paras. 499 and 500 above), which called for consideration by the Commission. In particular, by operative paragraph 5 of resolution 5 (XVII) (E/CN.4/882, para. 369), the Sub-Commission expressed the hope that the Commission would be able to initiate or pursue considerations of the studies and draft principles on discrimination in the matter of religious rights and practices, on discrimination in the matter of political rights, and on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. By resolution 8 (XVII) (E/CN.4/882, para. 395), the Sub-Commission requested the Commission to give consideration to further measures to reinforce the prevention and punishment of the crime of genocide and give wider effect to the Convention on this subject.

503. The Commission considered this item at its 848th meeting.

504. It was felt by several representatives that the Commission had not enough time left at its twenty-first session to consider the substance of the Sub-Commission's report and the draft resolutions.

505. Certain other representatives, however, stressed that the Sub-Commission needed specific instructions from its parent body on various important matters and that the Commission should not shirk its responsibility. The representatives of Austria and the USSR pressed for a vote on their proposals.

506. It was orally proposed by the representative of Israel that the Commission vote without debate on these two draft resolutions. However, this proposal was not pressed to a vote. Later in the discussion, the representative of the Philippines, supported by several representatives, orally proposed that the Commission take note of the Sub-Commission's report and decide to postpone discussion of recommendations made therein and of the two draft resolutions.

507. A vote was taken on the question as to whether the Commission should vote on the draft resolutions by Austria (see para. 499 above) and the USSR (see paras. 500 and 501 above). By 10 votes to 7 with 3 abstentions, the Commission decided not to vote on these proposals.

508. Following a request by the USSR that the Philippines' oral proposal be circulated in writing in all working languages under rule 51 of the rules of procedure, a vote was taken on the question as to whether the Commission would agree to vote on that proposal without a written text. It was so agreed, by 14 votes to 3, with 2 abstentions.

509. The oral proposal by the Philippines was adopted by 17 votes to 3.

510. The representative of the USSR stated that, in his view, the whole procedure which had been followed by the Commission in considering item 9 (e) was incorrect. He regretted that the Commission, in a hasty decision, had failed to give the necessary instructions and guidance to the Sub-Commission on matters of great importance for the prevention of discrimination. The representative of the USSR reserved the right of his delegation to raise this question in the Economic and Social Council and to endeavour to obtain approval of the Sub-Commission's decision (E/CN.4/882, para. 378) to carry out a study on racial discrimination as well as the inclusion of the problem of the implementation of the Declaration on the Elimination of All Forms of Racial Discrimination in the agenda of the next session of the Commission on Human Rights.

511. The text of the resolution, as adopted at the 848th meeting on 13 April 1965, read as follows:

6 (XXI). Report of the Seventeenth Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

1. Takes note of the report of the seventeenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/882 and Corr.1), and

2. Decides to postpone discussion of recommendations made in that report for consideration of the Commission together with other proposals (E/CN.4/L.767 and E/CN.4/L.776) moved in connexion therewith.

VIII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

512. At the 815th meeting on 22 March 1965, the Secretary-General distributed to the members of the Commission a confidential list of communications (H.R. Communications List No. 15), replies of Governments (H.R. Communications Nos. 365-436) and a confidential document of a statistical nature (H.R. Communications/Stat/6). A non-confidential list of communications (E/CN.4/CR.34/Add.1) was also distributed to the members of the Commission.

513. The Commission took no action on this item of its agenda.

IX. THE QUESTION OF PUNISHMENT OF WAR CRIMINALS AND OF
PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

514. It will be recalled that, at its 815th meeting, the Commission adopted a Polish proposal (E/CN.4/885), as revised upon the suggestion of several representatives, to include in its agenda an additional item entitled "The question of punishment of war criminals and of persons who have committed crimes against humanity" (see chapter I, para. 12 above). The Commission also decided, at its 816th meeting, to consider this item immediately after item 3 (see chapter I, para. 27 above). A proposal by Poland, at the 820th meeting, that item 17 be considered at the 821st and 822nd meetings was rejected by 8 votes to 4 with 8 abstentions. At the request of the representative of Poland, the vote was taken by roll-call. The results of the vote were as follows:

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

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

Abstaining: Austria, Chile, Costa Rica, Dahomey, Denmark, India, Israel, Philippines.

A proposal by France, at the 825th meeting, that the Commission consider item 17 at its 835th and 836th meetings was adopted by 19 votes to none with 1 abstention.

515. The Commission accordingly considered this item at its 835th and 836th meetings. It resumed consideration thereof at its 844th meeting (see paragraph 553 below).

516. The Commission had before it the initial communication by the Government of Poland (E/CN.4/885) and communications by the Governments of the Byelorussian SSR (E/CN.4/890) and Czechoslovakia (E/CN.4/889).

Draft resolutions and amendments submitted

517. On 25 March 1965, the representative of Poland submitted a draft resolution, which, as revised (E/CN.4/L.733/Rev.1), read as follows:

"The Commission on Human Rights,

"Recalling the General Assembly resolution of 13 February 1946 entitled 'Extradition and Punishment of War Criminals', and General Assembly resolution 95 (I) of 11 December 1946 entitled 'Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal',

"Taking note of article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, which authorizes the competent United Nations organs to take action under the United Nations Charter for the prevention and suppression of acts of genocide,

"Deeply concerned that a great number of Nazi war criminals guilty of the gravest crimes against humanity have not as yet been discovered and justly punished by competent courts of law,

"Deeply concerned also by the fact that in accordance with the laws of some countries the statute of limitations on the prosecution of the gravest Nazi crimes may be applied in the very near future,

"Convinced that recognition of the impunity of criminals guilty of war crimes and crimes against humanity perpetrated during the Second World War may encourage others to similar crimes and would consequently endanger international peace and security as well as human rights and fundamental freedoms,

"Urges all States which have not yet done so:

"1. To continue their efforts to secure the apprehension and the punishment by competent courts of law, in accordance with international and internal law, of all criminals guilty of war crimes and crimes against humanity committed during the Second World War;

"2. To undertake the necessary measures to prevent termination of the legal prosecution of those crimes;

"3. To accede as soon as possible to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948;

"Decides to include the following item in the provisional agenda of its twenty-second session: Draft international convention concerning the non-application of the statute of limitations to crimes against humanity and concerning collaboration in the prosecution and punishment of such crimes;

"Requests the Secretary-General to communicate the text of this resolution to the Governments of Member States and States which are not members of the United Nations."

518. Amendments to this draft resolution were submitted by the Ukrainian SSR (E/CN.4/L.748), the USSR (E/CN.4/L.747) and the United States (E/CN.4/L.753).

519. In the second paragraph of the preamble of the Polish draft resolution (E/CN.4/L.733/Rev.1), the United States proposed to replace the words following "which" by the words: "states that any Contracting Party may call upon the competent United Nations organs to take such action under the United Nations Charter as consider appropriate for the prevention and suppression of acts of genocide (E/CN.4/L.753, para. 1).

520. The United States also proposed amendments (E/CN.4/L.753, para. 2) whereby the third, fourth and fifth preambular paragraphs of the Polish proposal would be substituted by the following:

"Deeply concerned that those guilty of the gravest war crimes of the Nazi period shall not escape the bar of justice, wherever they may be and whenever they may be detected,

"Gratified that certain States have recently extended or abolished statutes of limitation on the prosecution of the gravest war crimes,

"Convinced that recognition of the impunity of criminals guilty of the gravest war crimes perpetrated during the Second World War would be an affront to the dignity of man and in derogation of the principles of justice and of international law."

521. The fifth preambular paragraph of the Polish proposal was also the object of two amendments by the Ukrainian SSR (E/CN.4/L.748, para. 1). The first amendment was to insert, after the words "the Second World War", the following: "is likely to stimulate revanchist and neo-Nazi forces". The second amendment was to replace the words "and would consequently endanger international peace and security as well as" by the words: "and is ultimately a danger to international peace and security as well as to".

522. As regards sub-paragraph 1 of the first operative paragraph of the Polish draft resolution, the representative of the USSR (E/CN.4/L.747, para. 1) proposed to insert the words "the detection" between the word "secure" and the words "the apprehension", and the word "severe" before the word "punishment". The USSR amendment also called for the addition of the words "and not to permit such criminals to be given unjustifiably light sentences or to be acquitted, or their cases to be dismissed", at the end of sub-paragraph 1.

523. Sub-paragraph 2 of the first operative paragraph of the Polish text, was the object of amendments by the USSR (E/CN.4/L.747, para. 2) to insert the words "on any grounds" between the words "termination" and "of the legal prosecution"; and to add the following at the end of the sub-paragraph:

"and, in particular, to recognize as inadmissible the application of statutes of limitations to war crimes and crimes against humanity, and to surrender such criminals for severe punishment to the countries on whose territory they committed the crimes in question".

524. The representative of the United States proposed to insert, in the first operative paragraph, a new sub-paragraph 3 as follows (E/CN.4/L.753, para. 3):

"To release all material pertaining to such crimes which remains in their possession, in order to enable the competent courts of law to initiate proceedings."

525. Sub-paragraph 3 of the first operative paragraph of the Polish proposal was the object of amendments by the Ukrainian SSR (E/CN.4/L.748, para. 2) and the United States (E/CN.4/L.753, para. 4). The Ukrainian amendment called for the addition of the words "for the purpose of taking effective steps to carry out the provisions of this resolution" at the end of sub-paragraph 3. The United States proposal was to make sub-paragraph 3 the second operative paragraph, and read:

"Invites all eligible States to accede as soon as possible to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948."

526. In the last operative paragraph of the Polish draft resolution, the United States proposed (E/CN.4/L.753, para. 5) to replace the words "Member States and States which are not members of the United Nations" by the words "States Members of the United Nations or of any of the specialized agencies".

527. The representative of the Ukrainian SSR proposed (E/CN.4/L.748, para. 3) to add a new operative paragraph at the end of the Polish draft resolution as follows:

"Requests all States to inform the United Nations Commission on Human Rights, at its twenty-second session, of the action taken to carry out this resolution."

528. On 5 April 1965, Dahomey, Ecuador, France and the Philippines submitted jointly a draft resolution (E/CN.4/L.752) which read as follows:

"Recalling the General Assembly resolution of 13 February 1946 entitled 'Extradition and punishment of war criminals' and General Assembly resolution 95 (I) of 11 December 1946, entitled 'Affirmation of the principles of international law recognized by the Charter of the Nürnberg Tribunal';

"Taking into consideration the Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide and particularly article VIII thereof, which authorizes the competent organs of the United Nations to take action under the Charter for the prevention of acts of genocide;

"Convinced that the appropriate punishment of war crimes and crimes against humanity may help to prevent the recurrence of atrocities, to protect human rights and to restore mutual confidence among peoples;

"Noting the measures recently taken by the States concerned in order that the prosecution of such crimes should not be altogether paralysed by the expiry of a period of limitation in the near future; but realizing the disadvantages inherent in divergent and dispersed national action;

"Considering that the United Nations, which has undertaken the task of advancing international criminal law, has the duty to work for the harmonious solution of the problems raised by war crimes and crimes against humanity and that, since such crimes constitute in the first place crimes under the law of nations, the Commission has, in this matter, special responsibilities and should, in particular, study the principle that no period of limitation applies to such crimes in international criminal law and the possibilities of establishing this principle explicitly;

"Requests the Secretary-General to undertake a study of the problems raised in international criminal law by the question of the punishment of those who have committed war crimes and crimes against humanity, including

the problem of the inapplicability of any period of limitation to such crimes. This study will be the subject of a report to be considered by the Commission at its next regular session."

Issues discussed

529. The Commission was unanimous in stressing that every effort should be made to prevent the recurrence of the atrocities which had been committed by the Nazis during the Second World War. In accordance with the Charter, it was the basic duty of the United Nations to see to it that such utter disregard for human dignity would never again occur and that mankind would never again undergo such sufferings. The Commission on Human Rights was particularly competent to consider questions regarding the punishment of war criminals and of persons who had committed crimes against humanity, since such offences were the gravest violations of human rights which the world had ever known.

530. It was noted that the principle of responsibility for war crimes and crimes against peace and humanity as well as the commitment of States to prosecute and punish persons having committed such crimes were laid down in documents of the anti-Hitler coalition, such as the Declaration on the Punishment of War Crimes committed during the War, of 13 January 1942, the Declaration of Allied States of 1943 concerning the responsibility of Hitlerites for atrocities committed, the decisions of the Yalta Conference, and the Declaration on the Defeat of Germany and other States. It was recalled that questions regarding war crimes and crimes against humanity had been dealt with in several international instruments and recommendations of the United Nations. The Charters of the International Military Tribunals of Nürnberg and Tokyo, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as well as the General Assembly resolution of 13 February 1946 on "Extradition and Punishment of War Criminals" and resolution 95 (I) of the General Assembly concerning the "Affirmation of the Principles of International Law recognized by the Charter of the Nürnberg Tribunal" were mentioned, among other conventions and recommendations. As was stressed by several representatives, war crimes and crimes against humanity constitute violations of international law.

531. There was some discussion as to the general approach which the Commission should follow in considering item 17.

532. In the opinion of some representatives, the Commission should stress that the just demands of world opinion and the above-mentioned requirements of international law, calling for the speedy prosecution and severe punishment of all such criminals, were not being met in some countries, particularly in the country where most of the war criminals were concentrated. Indeed, this was an urgent question since, in that country, a law was in the process of being enacted to apply in the matter of war crimes and crimes against humanity the statute of limitations provided for in the domestic penal code. Such a decision would amount to the granting of amnesty to war criminals in the near future and constitute a shocking disregard for the memory of the victims and a violation of international standards. The Commission had the duty to express its deep concern over such alarming deficiencies in the prosecution of war crimes and crimes against humanity, and particularly over the latest developments regarding the application of a statute of limitations. It should appeal to all States to continue their efforts towards securing the punishment of war criminals and recommend some specific measures to that end. It

should not be satisfied with an occasional look at the matter, but keep it on the agenda of its next session. Such were the purposes of the draft resolution by Poland (see para. 517 above) and of the amendments by the Ukrainian SSR (see paras. 521 and 525 above) and of the USSR (see paras. 522 and 523 above), which aimed at strengthening certain parts of the Polish proposal.

533. Some other representatives, while fully recognizing that the question of punishment of persons guilty of such crimes was of great importance, stressed that the debates in the Commission on the matter should remain free from political propaganda and from one-sided criticism of any particular country. The Commission should indeed point out the deficiencies of State action in that field, but it should note with equal care the considerable efforts which had already been made in that field. The debate should lead to constructive proposals, with a view to encouraging the countries concerned to disassociate themselves unequivocally from their war criminals, thereby furthering reconciliation between peoples who suffered from the war and strengthening international understanding.

534. Certain representatives thought that the best service which the Commission could now render to the victims of Nazi atrocities was not to dwell on the past, but continuously to further respect for the principles proclaimed in the Universal Declaration on Human Rights so as to build a world where the Declaration would be a living truth and a relapse into barbarity would be definitely precluded. It was further pointed out that crimes against humanity were a matter of concern to the whole community of nations wherever and whenever such crimes were committed. The progressive development of international criminal law was therefore an urgent affair.

535. Whatever their over-all approach to the matter under consideration, most representatives recognized the existence of a number of specific problems relating to the prosecution and punishment of war criminals and of persons guilty of crimes against humanity. They agreed that the Commission, having included item 17 in its agenda, should consider these problems carefully and, as far as possible, make recommendations thereon. There was some difference of opinion, however, as to the relative importance of these problems and as to the best or most practical ways of solving them.

536. Certain representatives stressed the need for international co-operation to ensure the detection of war criminals. A specific reference to this problem was contained in the USSR amendment (see para. 522 above) to sub-paragraph 1 of the first operative paragraph of the Polish draft resolution (see para. 517 above).

537. In the opinion of the same representatives, the extradition of war criminals had frequently not been easy to obtain. It was stressed that the General Assembly, by its resolution of 13 February 1946, had drawn the attention of States to that very important problem. As proposed in another USSR amendment (see para. 523 above), those representatives thought that the Commission should recommend to all States to undertake the necessary measures to surrender such criminals to the countries on whose territory they had committed the crimes in question. The view was expressed by those representatives that the courts of such countries were clearly in the best possible position to consider thoroughly the cases of war criminals.

538. The same representatives were of the opinion that, in the country where most war criminals were concentrated, such persons too often benefited from discontinuance

of the prosecution or dismissal of their cases, were given unjustifiably light sentences, or were acquitted. Such decisions were frequently arrived at on very dubious grounds, such as that their crimes were excusable since they were committed in accordance with superiors' orders. Such a theory, though totally unacceptable, seemed to be currently in favour with the courts of that country and was about to be consecrated by a decision of its legislative body. A USSR amendment (see para. 522 above) to sub-paragraph 1 of the first operative paragraph of the Polish proposal aimed at preventing such undue leniency. This amendment was opposed by several representatives on the ground that it disregarded the independence of judges from the executive authorities.

539. According to certain representatives, these deficiencies in the prosecution and punishment of war criminals in that particular country should arouse the concern of the United Nations, not only because they amounted to condoning such crimes but also because "revanchist and neo-Nazi" agitation was being strengthened thereby. Such a policy was ultimately a danger to international peace and security. One amendment by the Ukrainian SSR (see para. 521 above) gave expression to that opinion.

540. In the view of certain other representatives, the deficiencies in the prosecution and punishment of the authors of war crimes and crimes against humanity were due not to some alleged reluctance or ill-will on the part of the prosecuting authorities, but primarily to insufficiency of evidence or lack thereof. At present, the only substantial evidence of Nazi crimes still existing consisted essentially of written records drawn up by the Nazis themselves. It was of great importance that the States where such records were stored should make them fully and readily available to the prosecuting authorities of other countries. Unfortunately, certain States had not given a satisfactory response to requests for the communication of such documents emanating from some other States. In such circumstances the courts of the prosecuting States, respectful of the right of everyone to be presumed innocent until proved guilty, could only dismiss the cases or render verdicts of acquittal. One of the United States amendments (see para. 524 above) was to introduce in the Polish draft resolution a sub-paragraph calling upon all States to release all material remaining in their possession pertaining to war crimes and crimes against humanity. In that connexion, it was said by certain representatives that such records existed and were available, but that the will to make full use thereof was apparently lacking among the competent authorities of some prosecuting States.

541. The debate centred on the question of the applicability or non-applicability of statutes of limitation to the prosecution and punishment of war crimes and crimes against humanity.

542. Certain representatives thought that this matter, important as it might be, had lost its character of urgency in view of the recent abolition of the period of limitation in one State, and the imminent extension of that period of limitation in another State, both countries being primarily concerned with the prosecution of war criminals. They felt, therefore, that the Commission might not wish to dwell upon this particular issue, but rather consider some other specific problems which still existed. Most representatives, however, declared themselves prepared to consider not only the meaning and effects of recent developments in the matter, but also the whole question of the moral and legal validity of the application of statutes of limitations to the prosecution of such crimes.

543. As regards the precise meaning and effects of the decision regarding the statute of limitations which was about to be taken in the country most directly concerned, some representatives stressed that such a decision had not legally the character of an extension of the period of limitation. The starting point (dies a quo) of that period would be moved forward so that the crimes in question could still theoretically be prosecuted until 1969; but the period of limitation as set forth in the old domestic penal code would not in itself be extended. In a sense, the situation was worse now than it was some time ago when the matter was clouded with uncertainty in that country, for it was clear now that such crimes were to be assimilated to ordinary offences and that their authors would in fact be forgiven at the expiry of a short period. Some other representatives, while not contending that the decision in question was fully satisfactory, felt that measures of that kind were steps in the right direction and that their positive aspects should not be overlooked.

544. Several representatives said that the reasons usually advanced to justify the application of statutes of limitation in criminal matters were totally inapplicable as regards war crimes and crimes against humanity. World opinion and the millions of victims of Nazi atrocities would never forgive such crimes or become indifferent to them. Some of these representatives stated that it would be even more cynical to think that perpetuation of repressive action, in keeping artificially alive feelings of revenge and tensions, would not be in the best interests of society; for the demand for retribution would always be of formidable strength, whether prosecutions were discontinued or not. Several representatives pointed out that insufficient prosecution and punishment might well exacerbate such feelings to the point where many people would take justice in their own hands. It could never reasonably be believed or hoped that Nazi criminals would in time repent and become decent members of any civilized community. It was wrong to assert, with reference to the matters under consideration, that the competent authorities in all countries had now succeeded in prosecuting and punishing all or most criminals; for it was widely known that many of them were still at large and, according to the opinion of certain representatives, the number of untried guilty Nazis was very great.

545. It was stressed by a number of representatives that no international instrument mentioned the possibility of applying any statute of limitations to the prosecution and punishment of war crimes and crimes against humanity.

546. Some representatives interpreted this fact as meaning that such a measure was illegal under international law. The permissibility of statutes of limitations was not to be presumed, and in the silence of the law it should be considered that such action was prohibited. They said that such an interpretation was confirmed, inter alia, by the fact that, in several countries, war crimes and crimes against humanity had been expressly excluded from the scope of statutes of limitation, and furthermore, that in several legal systems, no such statute was provided for in respect of the gravest offences including those punished under ordinary domestic criminal law. It could therefore certainly not be said that the application of a statute of limitations for the gravest offences, and in particular its application to war crimes and crimes against humanity, was a generally recognized principle in national legislation. At any rate, according to those representatives, the meaning of international instruments was clear and excluded the application of a statute of limitations in the matter. It was an international obligation for all States to conform to this prohibition, whatever their own domestic legal systems might be. Furthermore, in the country where most war criminals were concentrated and where the statute of limitations was about to be applied to war crimes and crimes against

humanity, the prevalence of international law over domestic law was expressed with exceptional clarity in the constitution: it was provided in that constitution that the general principles of international law shall have precedence over national law and shall directly determine the rights and obligations of persons resident in the territory of that country, and it was required that international instruments relating to the liberation of that nation from Nazism and militarism be applied by public authorities.

547. Certain representatives, without entering into a full examination of the meaning of various international instruments in the matter, attempted to show the falsity of the contention, made in some quarters, that any ex post facto extension, and a fortiori any abolition of the statutes of limitations which were provided for by law at the time of the commission of the crime to be punished would amount to a violation of article 11 (2) of the Universal Declaration of Human Rights. This article provided that "No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed." According to that theory, this article of the Declaration meant that, if the law in force at the time the crime was committed laid down a time-limit for the initiation of proceedings, the criminals had an acquired right not to be prosecuted or punished after the expiration of that period. This theory ignored the distinction between substantive criminal law dealing with the definition of offences and the measure of punishment, on the one hand, and, on the other hand, procedural or adjective criminal law concerning the manner in which the offenders were to be prosecuted and punished. It could be safely asserted that the fundamental principle prohibiting the retroactive application of criminal law did not generally obtain as regards procedural matters. For example, the International Military Tribunal at Nürnberg had rejected the plea that the accused were, under the law in force at the time of the commission of their offences, entitled to trial by jury, and therefore could not be lawfully tried by courts sitting without a jury. The question as to whether or not the application of statutes of limitations was one of substantive or procedural law was solved differently in the various legal systems. In several countries, statutory limitations clearly belonged to the realm of procedural law. At any rate, there was no doubt that article 11 (2) of the Universal Declaration of Human Rights, setting forth international standards to which all domestic laws should conform, did not include statutes of limitations within the scope of criminal laws in respect of which the prohibition of retroactive effects applied. This article dealt only with the definitions of the offences and the measure of punishment, i.e., with substantive criminal law. Therefore the above-mentioned contention relying on the Declaration to condemn the extension or abolition of statutes of limitations as regards war crimes and crimes against humanity should be firmly rejected, not only because it was morally shocking in itself, but also because it was legally groundless.

548. Some representatives, while recognizing that war crimes and crimes against humanity were of such a nature as to justify the non-application of statutes of limitations, felt that it remained somewhat uncertain whether or not international law proscribed statutes of limitations in the matter. One opinion was that the inadmissibility of statutory limitations in that field could be regarded as potentially existing in international law. However, it was admitted by some representatives that the silence of relevant international instruments was to some extent ambiguous. It would be of great importance to attempt to solve this

particular problem in unequivocal texts at the international level in the manner most appropriate to secure the full prosecution and punishment of war criminals.

549. In view of the importance and complexity of the above-mentioned questions, and particularly of those regarding the applicability or non-applicability of statutes of limitations to war crimes and crimes against humanity, and in view of the absence of express provisions of international law on some of these questions, several representatives thought that the Commission should request the Secretary-General to make a study of such problems to be considered at the next session of the Commission. This was the purpose of the draft resolution submitted jointly by Dahomey, Ecuador, France and the Philippines (see para. 528 above). It was hoped by the sponsors that such a study would lead to clarification of international law in these matters and to greater harmony among the laws and practices of the various States.

550. Certain representatives, however, felt that any such study would be superfluous, as international law was sufficiently clear in the matter. Adoption of the joint draft resolution would mean that the Commission was avoiding its essential and urgent task which was to point out certain serious violations of international law as regards the prosecution and punishment of war criminals and of persons who had committed crimes against humanity.

551. At its 836th meeting, the Commission decided to establish a working group, composed of the representatives of Dahomey, Ecuador, France, the Philippines, Poland, the Ukrainian SSR, the USSR and the United States, to prepare a draft resolution, taking into account the proposals and amendments so far submitted.

552. The working group on item 17 held five meetings, under the chairmanship of Mr. Hortencio J. Brillantes (Philippines). It submitted its draft resolution to the Commission on 8 April 1965.

Draft resolution submitted by the working group and debate thereon

553. The draft resolution submitted by the working group was considered by the Commission at its 844th meeting held on 9 April 1965. This draft resolution (E/CN.4/L.761) read as follows:

"The Commission on Human Rights,

"Recalling the General Assembly resolution of 13 February 1945 entitled 'Extradition and Punishment of War Criminals', and General Assembly resolution 95 (I) of 11 December 1946 entitled 'Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal',

"Taking note of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 and especially its Article VIII which states that any Contracting Party may call upon the competent United Nations organs to take such action under the United Nations Charter as they consider appropriate for the prevention and suppression of acts of genocide,

"Convinced that the prosecution of and punishment for war crimes and crimes against humanity would prevent others from the commission of

similar crimes, protect human rights and fundamental freedoms, promote confidence among peoples, and enhance international peace and security,

/The text of the third preambular paragraph was agreed upon by the majority of the working group. One representative, however, made some reservations./

"Deeply concerned that no one guilty of war crimes or of crimes against humanity of the Nazi period shall escape the bar of justice wherever he may be and whenever he may be detected,

"Noting that, while some measures have been undertaken to make possible the prosecution of war crimes and crimes against humanity, the variety of such measures requires that further steps be taken,

"Considering that the United Nations must contribute to the solution of the problems raised by war crimes and crimes against humanity, which are serious violations of the law of nations, and that it must, in particular, study possible ways and means of establishing explicitly the principle that there is no period of limitation for such crimes in international law,

/The text of the sixth preambular paragraph was agreed upon by the majority of the working group. One representative, however, proposed the deletion of the word "explicitly"./

Operative paragraphs

/Note: this operative part was submitted to the working group by the representative of France, on the basis of consultations with several other members. The working group had no time to come to definite conclusions on this text and submits it as a working paper to the Commission./

"1. Urges all States which have not yet done so to continue their efforts to ensure that, in accordance with international law and national laws, the criminals responsible for war crimes and crimes against humanity committed during the Second World War are traced, apprehended and equitably punished by the competent courts. For this purpose they should co-operate, in particular, by handing over to the authorities of the prosecuting State any evidence relating to such crimes which they have in their possession.

/Soviet amendment, E/CN.4/L.747, paragraph 2 - "and to surrender such criminals, for severe punishment, to the countries on whose territory they committed the crimes in question" - not incorporated./

"2. Invites States which are able to do so to accede as soon as possible to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

"3. Requests the Secretary-General to undertake a study of the problems raised in international criminal law by war crimes and crimes against humanity, and particularly of legal procedures to ensure that no period of limitation shall apply to such crimes.

"4. Decides that the report concerning that study will be discussed by the Commission at its next regular session."

554. In introducing this draft resolution, the Chairman of the working group stated that the following revisions should be made to its text:

(a) In the third preambular paragraph, the word "enhance" should be replaced by the words "contribute to";

(b) In the sixth preambular paragraph, the word "explicitly", between the word "establishing" and the words "the principle", should be deleted;

(c) In the first operative paragraph, first sentence, the words "which have not yet done so" and "committed during the Second World War" should be deleted; and in the second sentence the phrase "by handing over to the authorities of the prosecuting State any evidence relating to such crimes which they have in their possession" should be replaced by the phrase "by making available any document in their possession relating to such crimes";

(d) In the second operative paragraph, the word "eligible" should be inserted between the word "Invites" and the word "States", and the words "which are able to do so" should be replaced by the words "which have not yet done so";

(e) In the third operative paragraph, the word "criminal" between the word "international" and the word "law" should be deleted;

(f) In the sixth operative paragraph, the words "will be discussed" should be replaced by the words "should be discussed", and the words "as one of the matters of priority" should be inserted between the word "Commission" and the words "at its next regular session".

555. Upon the suggestion of the representative of France, to which no one objected, the words "and particularly" in the third operative paragraph were replaced by the words "by priority".

556. With these changes, the objections and reservations which had been expressed in the working group by certain representatives and which had been indicated in passages between brackets referring to certain paragraphs of the text of the draft resolution (see para. 553 above) were not pressed.

557. It was agreed that operative paragraphs 1 and 2 should be submitted to the Economic and Social Council for adoption. The operative part was to begin as follows: "1. Requests the Economic and Social Council: ..." and operative paragraphs 1 and 2, would become sub-paragraphs (a) and (b), and begin respectively with the words "to urge all States..." and "to invite eligible States...". Operative paragraphs 3 and 4 would be renumbered paragraphs 2 and 3.

558. This draft resolution, as revised, met with the general approval of the Commission.

559. Several representatives stressed the historical importance of this action by the Commission and its great significance for the protection of human rights and fundamental freedoms and for the maintenance of international understanding and world peace.

560. Certain representatives declared themselves particularly gratified by the fact that the draft resolution did not dwell on past events but concentrated rather on practical ways to solve problems relating to the prosecution and punishment of war crimes and crimes against humanity. One representative said that correct statements of facts were important prerequisites for any constructive action of the United Nations in that field, and he expressed the opinion that, in the last paragraph of the preamble, as revised, the phrase "of establishing the principle that there is no period of limitation for such crimes in international law" reflected the present situation under international law more accurately than the unrevised phrase which read "of establishing explicitly...".

561. Certain other representatives although agreeing to the text of the draft resolution submitted by the working group so as to secure its unanimous adoption, stressed, at the same time, that in their opinion this resolution would constitute only the first stage of United Nations action in that field. They regretted, in particular, that the text as adopted was drafted in insufficiently strong language; that it did not mention the crucial question of the extradition of war criminals and persons guilty of crimes against humanity to the countries where they had committed their offences; and that it contained no reference to the urgent need for the Commission on Human Rights to take measures to secure the punishment of persons guilty of such crimes, irrespective of any statute of limitations established for ordinary criminal offences. They reiterated their view that the principle of the inadmissibility of statutory limitations for war crimes and crimes against humanity was already established in international law and made explicit in numerous international instruments during the Second World War and the post-war period. In their opinion, the study called for in the draft resolution should therefore aim solely at finding the most effective means of application of that established principle. They regretted that the draft resolution did not reflect the urgency of questions relating to the application of periods of limitation, in view of the clearly inadequate decisions on that matter which were presumably about to be taken in the country where the question of the prosecution and punishment of war criminals was most acute. These representatives also stressed the necessity for just punishment, the inadmissibility of giving persons guilty of such crimes unjustifiably light sentences and the illegality of acquittal on the grounds that the Nazis had committed their crimes upon the orders of their superiors, a question which had also recently been considered by the legislative body of the country referred to above.

562. As regards the contents and scope of the study requested by the draft resolution, some representatives expressed the hope that the study could be comprehensive. One representative stressed that the resolution gave absolute priority to a study of legal procedures to ensure that no period of limitation should apply to war crimes and crimes against humanity. To that end, various procedures might be considered. The preparation of an international convention might be contemplated, and the Secretary-General could study what should be the main contents and form of such an instrument. The States Parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide might be invited to express unanimously their interpretation of that Convention as regards the inapplicability of statutes of limitations to the crime of genocide. This interpretation would have great weight, but its scope would be limited to genocide. As was done with regard to the principles recognized by the Charter of the Nürnberg Tribunal, the International Law Commission might be consulted and, upon its recommendations, the General Assembly might adopt a resolution concerning the problem of statutory limitations as regards war crimes and crimes against humanity.

Lastly, if the United Nations were unable to define a satisfactory principle in the matter - which, it was hoped, would not be the case - they could limit themselves to recommending that States eliminate or minimize the existing divergencies between their domestic laws. Perhaps other ways and means of achieving the desired result could be contemplated. The Secretary-General should consider all possible alternatives and should feel free to make suggestions, taking into account all relevant international instruments including the various conventions concluded under the auspices of the Red Cross.

563. The representative of the Secretary-General pointed out that, if the study requested for submission to the next session of the Commission were to be comprehensive, it would necessarily have financial implications, and, in view of the present budgetary situation of the United Nations, such a task could most probably not be performed before 1967. However, in view of the suggestion of the representative of France that priority be given to the study of legal procedures to ensure that no period of limitation should apply to war crimes and crimes against humanity, a suggestion which had been incorporated in the draft resolution, the representative of the Secretary-General understood that the study to be submitted next year could deal essentially or exclusively with the above question. In these conditions, the task entrusted to the Secretariat for the period between now and the next session of the Commission would have no financial implications.

Adoption of the draft resolution

564. At its 844th meeting, the Commission voted on the draft resolution submitted by the working group as orally revised (see paras. 553-555 and 557 above).

565. At the request of the representative of the United Kingdom, a separate vote was taken on sub-paragraph (b) of operative paragraph 1. This sub-paragraph was adopted by 19 votes to none, with 2 abstentions.

566. The draft resolution as a whole as revised was adopted unanimously.

567. The resolution as adopted at the 844th meeting on 9 April 1965 reads as follows:

3 (XXI). Question of Punishment of War Criminals and of Persons Who Have Committed Crimes Against Humanity

The Commission on Human Rights,

Recalling the General Assembly resolution of 13 February 1946 entitled "Extradition and Punishment of War Criminals", and General Assembly resolution 95 (I) of 11 December 1946 entitled "Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal",

Taking note of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 and especially its Article VIII which states that any Contracting Party may call upon the competent United Nations organs to take such action under the United Nations Charter as they consider appropriate for the prevention and suppression of acts of genocide,

Convinced that the prosecution of and punishment for war crimes and crimes against humanity would prevent others from the commission of similar crimes, protect human rights and fundamental freedoms, promote confidence among peoples, and contribute to international peace and security,

Deeply concerned that no one guilty of war crimes or of crimes against humanity of the Nazi period shall escape the bar of justice wherever he may be and whenever he may be detected,

Noting that, while some measures have been undertaken to make possible the prosecution of war crimes and crimes against humanity, the variety of such measures requires that further steps be taken,

Considering that the United Nations must contribute to the solution of the problems raised by war crimes and crimes against humanity, which are serious violations of the law of nations, and that it must, in particular, study possible ways and means of establishing the principle that there is no period of limitation for such crimes in international law,

1. Requests the Economic and Social Council:

(a) To urge all States to continue their efforts to ensure that, in accordance with international law and national laws, the criminals responsible for war crimes and crimes against humanity are traced, apprehended and equitably punished by the competent courts. For this purpose they should co-operate, in particular, by making available any documents in their possession, relating to such crimes,

(b) To invite eligible States which have not yet done so to accede as soon as possible to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948;

2. Requests the Secretary-General to undertake a study of the problems raised in international law by war crimes and crimes against humanity, and by priority a study of legal procedures to ensure that no period of limitation shall apply to such crimes;

3. Decides that the report concerning that study should be discussed by the Commission as one of the matters of priority at its next regular session.

/For the text of the draft resolution for the Economic and Social Council, see chapter XII, draft resolution III./

X. POSTPONEMENT OF AGENDA ITEMS TO NEXT SESSION

568. At its 850th meeting, the Commission decided to postpone until its next session all the items on its agenda which it had not been able to consider at its current session as well as all items the consideration of which it had not been able to complete.

XI. ADOPTION OF THE REPORT

569. The Commission considered the draft report of its twenty-first session (E/CN.4/L.750 and Add.1 to 10 and Add.5/Corr.1) at its 849th and 850th meetings on 15 April 1965. The report was adopted unanimously.

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

I.

Draft international convention on the elimination
of all forms of religious intolerance 19/

The Economic and Social Council,

Having taken note of resolution 1 (XXI) of the Commission on Human Rights Concerning the draft convention on the elimination of all forms of religious intolerance,

Draws the attention of the General Assembly to this resolution.

II.

Periodic reports on human rights and reports on
freedom of information 20/

The Economic and Social Council,

Recalling its resolution 888 B (XXXIV) regarding periodic reports on human rights,

19/ See para. 326 above.

20/ See para. 407 above.

Considering that in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples, and the Declaration on the Elimination of All Forms of Racial Discrimination, human rights and fundamental freedoms for all without distinctions as to race, nationality, sex, language or religion should be strictly observed throughout the world,

Recognizing that a comprehensive system of periodic reporting on human rights is important as a source of information for the General Assembly and other United Nations bodies as well as for the Commission on Human Rights, and that it should accordingly be as inclusive and up-to-date as possible,

Noting that in addition to the periodic reports now requested from Member States on a triennial basis, annual reports are also requested on freedom of information,

Noting the importance for the implementation of human rights of the constitutional provisions and practical procedures which, in certain specialized agencies, govern the consideration by their competent bodies of the reports of Member States on the application of conventions and recommendations adopted by those agencies,

1. Expresses its appreciation to all States Members of the United Nations and of the specialized agencies that have submitted reports;

2. Notes that while the situation throughout the world with regard to human rights and fundamental freedoms continues to be unsatisfactory in the fields of civil and political rights as well as social, economic, and cultural rights, and particularly in connexion with the policy of apartheid and the widespread racial, ethnic and religious discrimination throughout the world which prompted the General Assembly to adopt the Declaration on the Elimination of All Forms of Racial Discrimination, the reports contain useful information indicating that some progress was achieved in the protection of human rights during 1960-1962, including rights enumerated in the Universal Declaration of Human Rights;

3. Notes further that measures were taken by various countries, including the conclusion of multilateral and regional agreements among Member countries: to eliminate or prohibit discrimination, particularly - but not only - discrimination based on race, or sex; to protect the rights of suspects and defendants in criminal procedures, in particular by such steps as restricting detention in custody and strengthening the right to counsel by broadening counsel's rights and by providing free legal aid; to repeal provisions concerning various kinds of compulsory labour; to extend, increasingly, social insurance coverage to the agricultural population; to apply social insurance protection to workers and employees who are citizens of a foreign State; to improve the conditions of work by widening the scope of minimum wage laws, shortening working hours and lengthening statutory vacations at full pay; to make education more widely available by the extension of tuition-free instruction or by assistance to cover students' expenses by grants or loans repayable after graduation;

4. Reiterates its belief that the reporting system is not only a source of information, but also a valuable incentive to Governments' efforts to protect human rights and fundamental freedoms and to the implementation of the Universal Declaration of Human Rights, the Declaration on the granting of independence to

colonial countries and peoples and the Declaration on the Elimination of All Forms of Racial Discrimination;

5. Expresses concern that, despite the terms of Economic and Social Council resolution 888 B (XXXIV), which calls upon States Members of the Organization to submit reports on developments in the field of human rights relating, inter alia, to the right to self-determination and independence, no information regarding implementation of this right has yet been received from States administering dependent territories;

6. Invites States Members of the United Nations and of the specialized agencies to supply information regularly on human rights and fundamental freedoms in the territories subject to their jurisdiction, within a continuing three-year cycle scheduled, without prejudice to the adoption and ratification of the Covenants on Human Rights, including the measures of implementation provided therein, as follows:

In the first year, on civil and political rights, the first such reports to cover the period ending 30 June 1965;

In the second year, on economic, social and cultural rights, the first such report to cover the period ending 30 June 1966;

In the third year, on freedom of information, the first such reports to cover the period ending 30 June 1967;

Each year Governments may submit an annex to their reports containing information of particular significance which does not pertain to the subject for the year;

It is understood that for the rights falling in the field of competence of specialized agencies Governments may, if they so elect, confine themselves to reference to the reports they send to the specialized agencies concerned, which will continue to submit period reports on these rights to the United Nations;

7. Urges all Member States to submit reports on developments in human rights concerning the rights enumerated in the Universal Declaration of Human Rights and the right to self-determination and independence, taking fully into account the suggestions referred to in the Council's resolutions 728 B (XXVIII) and 888 B (XXXIV);

8. Invites Governments and non-governmental organizations to append to their reports a brief summary thereof;

9. Suggests that Governments include more information on court and other decisions and administrative practices affecting human rights and on the ratification and accession to international agreements in the field of human rights;

10. Requests the Secretary-General to submit to the Commission on Human Rights a document indicating the status of multilateral international agreements in the field of human rights, as mentioned in paragraph 7, concluded under the auspices of the United Nations;

11. Invites the specialized agencies to continue their contributions to the periodic reports on human rights in accordance with this schedule and with the provisions of Council resolution 624 B (XXII) by submitting reports as they deem appropriate and by assisting the bodies examining the reports;

12. Invites the non-governmental organizations in consultative status to continue to submit objective information in accordance with the provisions of Council resolution 888 B (XXXIV) and in accordance with the subject and time schedule for submission of reports by Governments established by this resolution;

13. Requests the Secretary-General, in accordance with the usual practice in regard to human rights communications, to forward any material received from non-governmental organizations in accordance with paragraph 12 and mentioning any particular States Members of the United Nations or of the specialized agencies to those Member States for any comments they may wish to make;

14. Requests the Secretary-General to forward the information received from Member States and specialized agencies under the terms of this resolution in full, together with a subject and country index, to the Commission on Human Rights, the Commission on the Status of Women and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities; the comments received from non-governmental organizations in consultative status, as well as any comments which might be made on them by the Member State concerned, are also to be made available by the Secretary-General to the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities;

15. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake the initial study of the materials received under the terms of this resolution, to report thereon to the Commission on Human Rights, and to submit comments and recommendations for consideration by the Commission;

16. Invites the Commission on the Status of Women to inform the Commission on Human Rights of its comments on the materials it received under the terms of this resolution, and of any recommendations it may wish to make;

17. Requests the Commission on Human Rights to plan for prompt and effective consideration of the periodic reports in the light of the comments and recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women;

18. Requests the Commission on Human Rights to establish a special ad hoc committee composed of persons chosen from its members, having as its mandate the study and evaluation of the periodic reports and other information received under the terms of this resolution, and, in the light of the comments, observations and recommendations of the Commission on the Status of Women and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to submit to the Commission comments, conclusions and recommendations of an objective character. The ad hoc committee will meet before the session of the Commission and must report its findings to the Commission no later than one week prior to the end of the Commission's sessions. It shall ensure all necessary co-ordination with any specialized agency in considering any question or matter dealt with in that agency's report.

III.

The question of punishment of war criminals and of persons who
have committed crimes against humanity 21/

The Economic and Social Council,

Having considered resolution 3 (XXI) of the Commission on Human Rights,
adopted on 9 April 1965,

1. Urges all States to continue their efforts to ensure that, in accordance with international law and national laws, the criminals responsible for war crimes and crimes against humanity are traced, apprehended and equitably punished by the competent courts. For this purpose, they should co-operate, in particular, by making available any documents in their possession relating to such crimes;

2. Invites eligible States which have not yet done so to accede as soon as possible to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

IV.

International year for human rights^{22/}

The Economic and Social Council,

Noting the report of the Commission on Human Rights on the International Year for Human Rights,

Recalling its resolution 1015 E (XXXVII) of 30 July 1964 on the International Year for Human Rights,

Recommends the following draft resolution to the General Assembly for consideration at its twentieth session:

"The General Assembly,

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

"Considering that the further promotion and development of respect for human rights and fundamental freedoms contributes to the strengthening of peace throughout the world and to friendship between peoples,

21/ See paragraph 567 above.

22/ See para. 465 above. See also the statement of financial implications in annex II.

"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,

"Stressing the importance of further development and implementation in practice of the principles of the protection of human rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples, and the Declaration on the Elimination on all Forms of Racial Discrimination,

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

"Convinced further that the proposed international review of progress in the field of human rights can advantageously be carried out by means of an international conference,

"Noting the interim programme of measures and activities to be undertaken in connexion with the International Year for Human Rights and in celebration of the twentieth anniversary of the Universal Declaration of Human Rights, recommended by the Commission on Human Rights and which is set out in the interim programme annexed to the present resolution,

"Noting further that the Commission on Human Rights is continuing the preparation of a programme of observances, measures and activities to be undertaken in 1968,

"1. Calls upon Member States, States members of the specialized agencies, regional inter-governmental organizations, the specialized agencies, and the national and international organizations concerned, to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including an international review of achievements in this field;

"2. Confirms the necessity to implement Economic and Social Council resolution 1015 E (XXXVII) of 30 July 1964 concerning the ratification by States Members of the United Nations before 1968 of the conventions already concluded in the field of human rights, the earlier conclusion of the draft conventions referred to in paragraph 2 of that resolution, so that they may be open for ratification and accession before 1968, and the completion by 1968 of the consideration and preparation of the draft declarations listed in paragraph 3 of that resolution;

"3. Approves the interim programme of measures and activities envisaged for the United Nations annexed to this resolution, and requests the Secretary-General to proceed with the arrangements for the measures to be undertaken by the United Nations set out in the annex;

"4. Invites Member States to consider, in connexion with the International Year, the possible advantage of undertaking, on a regional basis, common studies in order to establish more effective protection of human rights;

"5. Invites regional intergovernmental organizations with competence in the field to provide the international conference envisaged for 1968 with full information on their accomplishments, programmes and other measures to realize protection of human rights;

"6. Invites the Commission on the Status of Women to participate and co-operate at every stage in the preparatory work for the international year for human rights;

"7. Requests the Secretary-General to transmit the present resolution and the interim programme annexed to the resolution to Member States, States members of the specialized agencies, regional inter-governmental organizations, the specialized agencies, and the interested international organizations;

"8. Commends to these States, regional inter-governmental organizations, agencies and organizations the programme of measures and activities set out in that annex and invites their co-operation and participation in this programme with a view to making the celebrations successful and meaningful;

"9. Decides that an international conference on human rights should be convened during 1968 in order:

"(i) to review the progress which has been made in the field of human rights since the adoption of the Universal Declaration on Human Rights,

"(ii) to develop further and guarantee political, civil, economic, social and cultural rights and eliminate all forms of discrimination on grounds of race, colour, sex, language or religion,

"(iii) to evaluate the effectiveness of the methods used by the United Nations in the field of human rights, and

"(iv) to formulate and prepare a programme of further measures to be taken subsequent to the celebrations of Human Rights Year, and

"10. Requests the Economic and Social Council to invite the Commission on Human Rights, in particular, to elaborate for the consideration of the General Assembly the agenda, duration and venue of the conference, to make recommendations in regard to the preparation of the necessary preliminary evaluation studies and other documentation and in regard to means of defraying the expenses of the conference."

ANNEX

INTERNATIONAL YEAR FOR HUMAN RIGHTS: INTERIM PROGRAMME

I. The theme of ceremonies, activities and celebrations^{23/}

It is recommended that the programme of measures and activities to be undertaken throughout the International Year for Human Rights should be calculated to encourage, on as wide a basis as possible, both nationally and internationally, the protection of human rights and fundamental freedoms and to bring home to all the people the breadth of the concept of human rights and fundamental freedoms in all its aspects. The theme of the ceremonies, activities and celebrations should be: "Greater recognition and full enjoyment of the fundamental freedoms of the individual and of human rights everywhere". The aim should be to dramatize universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

II. A year of activities^{24/}

It is agreed that all the participants in the celebrations should be invited to devote the year 1968 as a whole to activities, ceremonies and observances relating to the question of human rights. International or regional seminars, national conferences, lectures and discussions on the Universal Declaration of Human Rights, and on other declarations and instruments of the United Nations relating to human rights, may be organized throughout the year. Some countries will wish to stress the entire content of the Declaration, as further elaborated in later United Nations human rights programmes. Some participating countries may wish to emphasize, during particular periods of the International Year, rights and freedoms in connexion with which they have faced special problems. During each such period the Governments would review, against the standards set by the Universal Declaration of Human Rights, and other declarations and instruments of the United Nations relating to human rights, their domestic legislation and the practices within their society in respect of the particular right or freedom which is the subject of that period's observances. They would assess the extent to which the right had been effectively secured and would give publicity to it and make special efforts to promote amongst their citizens a basic understanding of its nature and significance so that the gains already made might not easily be lost in the future. To the extent that the right or freedom had not yet been effectively secured, every effort would be made during the period towards its achievement. In the choice of subjects priority could of course be given to those rights of a civil and political character and those of an economic, social and cultural character.

^{23/} See E/CN.4/886, paras. 46-52, and Recommendation I (para. 52).

^{24/} See ibid., paras. 53-58, and Recommendation II (para. 58).

A. Measures to be undertaken by the United Nations in the period prior to the beginning of the International Year for Human Rights

1. Elimination of certain practices^{25/}

Believing that certain practices which constitute some of the grosser forms of the denial of human rights still persist within the territories of some Member States, the Commission recommends that the United Nations adopt and set before the Member States as a target to be achieved by the end of 1968 the complete elimination of the following violations of human rights:

(a) Slavery, the slave trade, institutions and practices similar to slavery, and forced labour;

(b) All forms of discrimination based upon race, sex, language, religion, political or other opinion, national or social or ethnic origin, property, birth or other status;

(c) Colonialism and the denial of freedom and independence.

2. International measures for the protection and guarantee of human rights^{26/}

Measures for the effective implementation of the rights and freedoms set forth in the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights have been under consideration in the United Nations for many years. The Commission is confident that action on the draft Covenant on civil and political rights and the draft Covenant on economic, social and cultural rights, and measures of implementation, and on the other conventions or international agreements in the field of human rights listed in the draft resolution prepared by the Commission on Human Rights in 1964 for consideration by the General Assembly, will be completed before the beginning of the International Year for Human Rights. If, however, by the beginning of 1968, international machinery for the effective implementation of these covenants and conventions or international agreements does not form part of the instruments adopted, international measures for the guarantee or protection of human rights should be a subject of serious study during the International Year for Human Rights.

B. Measures to be undertaken by Member States in the period prior to the beginning of the International Year for Human Rights

3. Review of national legislation^{27/}

Governments are invited to review their national legislation against the standards of the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights, and consider the

^{25/} See ibid., paras. 73-77, and Recommendation V (para. 77), as well as paras. 424-425 above.

^{26/} See ibid., paras. 93-99, and Recommendation VI (para. 99).

^{27/} See ibid., paras. 116-120, and Recommendation XI (para. 120).

enactment of new or amending of existing laws to bring their legislation into conformity with the principles of the Declaration and other declarations and instruments of the United Nations relating to human rights.

4. Machinery for implementation on the national level^{28/}

All Member States are invited as one of the measures they will undertake in connexion with the International Year, to establish or refine, if necessary by the end of 1968, their national machinery for giving effect to the fundamental rights and freedoms. If, for example, within any Member State, arrangements do not exist which will enable individual persons or groups of persons to bring before independent national tribunals or authorities any complaints they may have concerning the violation of their human rights and obtain effective remedies, the Member State should be invited to undertake that such arrangements will be introduced. If such arrangements already exist, the Member States should be invited to undertake to refine and improve them. This is not a recommendation that any particular improvement in machinery should be introduced. In one set of circumstances what may be needed is the establishment of a special court; in another the appointment of an Ombudsman or Procurator General or similar official; in another simply the setting up of offices to which individual citizens may bring their complaints. The determination as to what machinery or improvement in machinery is required for giving effect to the fundamental rights and freedoms would be within the sole discretion of the Government concerned.

5. National programme of education on human rights^{29/}

Believing that there are limits to the effectiveness of laws in making the enjoyment of human rights and fundamental freedoms a reality, the Commission is convinced that a concentration of effort on legal and institutional guarantees of human rights, although it will go far towards the achievement of objectives we seek, will not go all the way. Attention needs to be concentrated, in addition, on means of changing some old ways of thinking on these subjects, and of rooting out deep-seated prejudices in regard to race, colour, sex, religion and so on. In short, it is necessary to embark upon a complementary programme of education, including both adult and child education, designed to produce new thinking on the part of many people in regard to human rights. Accordingly, it is recommended that an integral part of any programme of intensification of effort to be undertaken in the next three years should be a world-wide educational programme in human rights. Such an educational programme would be consistent with the objectives of the development decade and also with the objectives in the field of human rights of the proposed United Nations Training and Research Institute. This programme should aim at mobilizing some of the energies and resources of:

^{28/} See ibid., paras. 121-129, and Recommendation XII (para. 129).

^{29/} See ibid., para. 130, and Recommendation XIII in the same paragraph.

(a) universities, colleges and other institutions of higher learning, private and public, within Member States;

(b) the teaching staff of primary and secondary schools;

(c) foundations and charitable, scientific and research institutions;

(d) media of information and mass communication, including the Press, radio and television;

(e) interested non-governmental organizations;

towards the education of the people, adults and children, about the state of human rights in their communities and elsewhere, and about the further steps which need to be taken to secure the fullest and most effective realization of these rights. Member States with federal systems of government are called upon to encourage the activities in the field of human rights of local and state educational institutions.

It would guarantee the success of this educational effort if the national leaders within Member States would give it every encouragement. Within this effort Governments would organize conferences of universities and other institutions of higher learning within their territories and invite them to consider how the curricula and their teaching programmes can be utilized to improve the awareness in the student population of the fundamental questions of human rights, how their research programmes might be directed to this end, and how they can co-operate with other interested organizations, through extra-mural and other programmes, in furthering the aims of adult education in human rights. In this context, studies of local customs and traditions could be undertaken by national authorities with a view to examining to what extent they might be fostering and encouraging attitudes or values contrary to the principles of the Universal Declaration of Human Rights and how these customs and traditions can be eventually eliminated. Charitable and philanthropic foundations might be invited to consider making grants for programmes of research and study in this field and to make bursaries and fellowships available for research in human rights. Responsible authorities of colleges, and of elementary and secondary schools, could be invited to review their curricula and textbooks in order to eradicate bias, intentional and unintentional, towards the preservation of ideas and concepts contrary to the principles of the Universal Declaration of Human Rights, and to introduce courses of study which positively promote respect for human rights and fundamental freedoms. It has been noticed with appreciation that certain universities have already included in their curricula courses in the international protection of human rights; other universities could be guided by such programmes and benefit by those experiences. Attention is also called to the UNESCO Associated Schools Project in Education for International Understanding.

Governments might also convene, or give encouragement to the convening of, conferences amongst the radio and television broadcasting services within their territories, inviting them to consider how their facilities might most usefully co-operate with other organizations within the country, and with international agencies, in advancing the effort to educate the people into greater respect for individual rights and fundamental freedoms.

The specialized agencies of the United Nations, especially UNESCO and the ILO, can make a particularly valuable contribution towards the intensification of the educational effort with the co-operation of United Nations regional institutes, bearing in mind Economic and Social Council resolution 958 D I (XXXVI) of 12 July 1963. It is recommended that they should be invited to do so.

V. Report of the Commission on Human Rights

The Economic and Social Council,

Takes note of the report of the Commission on Human Rights on its twenty-first session. 30/

ANNEXES

Annex I

List of documents before the Commission at its twenty-first session

Documents issued in the general series

- 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) - Note by the Secretary-General transmitting the observations and recommendations of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.
- E/3743 (Ibid., Thirty-sixth Session, Supplement No. 8) - Report of the Commission on Human Rights on its nineteenth session.
- E/3873 (Ibid., Thirty-seventh Session, Supplement No. 8) - Report of the Commission on Human Rights on its twentieth session.
- E/CN.4/809 and Add.1-11 - 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/Rev.1 (United Nations publication, sales No.: 65.XIV.2) - Study of 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.1-8 - 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.4/859 - Memorandum by the Secretary-General on the question of an international code of police ethics.
- E/CN.4/860 and Add.1-10 - Summary prepared by the Secretary-General of periodic reports of Governments on human rights covering the period 1960-1962.
- E/CN.4/861 and Add.1-3 - Periodic reports on human rights: reports of the specialized agencies covering the period 1960-1962.
- E/CN.4/862 and Add.1-3 - Annual report by the Secretary-General on freedom of information, 1962-1963.
- E/CN.4/864 - Note by the Secretary-General on capital punishment.
- 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.1-4 - 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.4/872 and Add.1-2 - Periodic reports on human rights covering the period 1960-1962: comments and observations from non-governmental organizations in consultative status.
- E/CN.4/875 - Note by the Secretary-General 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.4/876 and Corr.1 - Report of the Committee on periodic reports on human rights.
- E/CN.4/877 - Report by the Secretary-General on advisory services in the field of human rights.
- E/CN.4/878 and Add.1 - Annual report by the Secretary-General on freedom of information, 1963-1964.
- E/CN.4/879 and Add.1 and 2 - Provisional agenda of the twenty-first session of the Commission on Human Rights.

- E/CN.4/880 - Memorandum by the Secretary-General on the study of special problems relating to human rights in developing countries.
- E/CN.4/881 - 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 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.4/882 and Corr.1 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (seventeenth session) to the Commission on Human Rights.
- E/CN.4/883 and Add.1-8 and E/CN.4/883/Add.8/Corr.1 - Membership of the Sub-Committee on Prevention of Discrimination and Protection of Minorities.
- E/CN.4/884 - Note by the Secretary-General on the draft international convention on the elimination of all forms of religious intolerance.
- E/CN.4/885 - The question of punishment of war criminals: communication from the Government of Poland.
- E/CN.4/886 - Report of the Committee on the International Year for Human Rights.
- E/CN.4/887 and Corr.1 - Election of a United Nations high commissioner for human rights: communication from the Government of Costa Rica.
- E/CN.4/888 - Agenda as adopted by the Commission on Human Rights at its 816th meeting on 22 March 1965.
- E/CN.4/889 - The question of punishment of war criminals and of persons who have committed crimes against humanity: communication from the Government of Czechoslovakia.
- E/CN.4/890 - The question of punishment of war criminals and of persons who have committed crimes against humanity: communication from the Government of the Byelorussian Soviet Socialist Republic.
- E/CN.4/CR.34 and Add.1 - 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 17 December 1963 and 15 December 1964.
- E/CN.4/SR.815-850 - Summary records of the meetings of the Commission at its twenty-first 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.2/235 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.

E/CN.4/Sub.2/243 - Note by the Secretary-General and comments by Governments on the draft convention on the elimination of all forms of religious intolerance.

ST/SOA/SD/9 (United Nations publication, Sales No.: 62.IV.2) - Report on 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.

ST/TAO/HR/20 - Report of the United Nations seminar on freedom of information, Rome, Italy, 7-20 April 1964.

ST/TAO/HR/21 - Report of the United Nations seminar on human rights in developing countries, Kabul, Afghanistan, 12-25 May 1964.

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.722 - United States of America: amendment to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*

E/CN.4/L.723 - United Kingdom of Great Britain and Northern Ireland: amendments to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*

E/CN.4/L.723/Rev.1 - United Kingdom of Great Britain and Northern Ireland: revised amendments to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*

E/CN.4/L.724 - Text of the preamble, as adopted by the Commission, of the draft international convention on the elimination of all forms of religious intolerance.

E/CN.4/L.724/Add.1 - Text of Articles I and II, as adopted by the Commission, of the draft international convention on the elimination of all forms of religious intolerance.

E/CN.4/L.724/Add.2 - Text of Article III, as adopted by the Commission, of the draft international convention on the elimination of all forms of religious intolerance.

* The "Articles" referred to are articles of the draft convention on the elimination of all forms of religious intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its seventeenth session (document E/CN.4/882, para. 321, resolution 1 (XVII), annex).

- E/CN.4/L.724/Add.3 - Text of new article to be inserted after Article IV, as adopted by the Commission, of the draft international convention on the elimination of all forms of religious intolerance.
- E/CN.4/L.725 - Ukrainian Soviet Socialist Republic: amendment to Article II in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.726 - Costa Rica: draft resolution on the question concerning implementation of human rights through a United Nations high commissioner for human rights or through some other appropriate international machinery.
- E/CN.4/L.727 - France: amendment to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.728 - Israel: amendment to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.729 - Costa Rica: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.729/Rev.1 - Costa Rica: revised amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.730 - Canada: amendment to article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.731 - Poland: amendment to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.732 - Chile: amendment to Article I in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.733 - Poland: draft resolution on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/L.733/Rev.1 - Poland: revised draft resolution on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/L.734 - Israel: amendments to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.735 - Netherlands: amendment to Article II in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.736 - Jamaica: amendments to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*

* The "Articles" referred to are articles of the draft convention on the elimination of all forms of religious intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its seventeenth session (document E/CN.4/882, para. 321, resolution 1 (XVII), annex).

- E/CN.4/L.737 - United States of America: sub-amendment to the revised amendments of the United Kingdom (E/CN.4/L.723/Rev.1).
- E/CN.4/L.738 - Poland: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.739 - Poland: amendment to Article IV in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.740 - United Kingdom of Great Britain and Northern Ireland: amendments to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.740/Rev.1 - United Kingdom of Great Britain and Northern Ireland: amendments to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.741 - Note by the Secretary-General on the election of two members of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile.
- E/CN.4/L.742 - Ukrainian Soviet Socialist Republic: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.743 - United States of America: amendment to Article VIII in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.744 and Corr.1 and 2 - Union of Soviet Socialist Republics: amendment to insert a new article between Articles IV and V in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.745 - France and India: amendments to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.746 - Iraq: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.747 - Union of Soviet Socialist Republics: amendments to the revised draft resolution submitted by Poland on the question of punishment of war criminals and of persons who have committed crimes against humanity (E/CN.4/L.733/Rev.1).
- E/CN.4/L.748 - Ukrainian Soviet Socialist Republic: amendments to the revised draft resolution submitted by Poland on the question of punishment of war criminals and of persons who have committed crimes against humanity (E/CN.4/L.733/Rev.1).
- E/CN.4/L.749 - Israel: amendment to Article IV in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*

* The "Articles" referred to are articles of the draft convention on the elimination of all forms of religious intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its seventeenth session (document E/CN.4/882, para. 321, resolution 1 (XVII), annex).

- E/CN.4/L.750 and Add.1-10 and E/CN.4/L.750/Add.5/Corr.1 - Draft report of the Commission on Human Rights on its twenty-first session.
- E/CN.4/L.751 - Costa Rica: draft resolution on the question concerning implementation of human rights through a United Nations high commissioner for human rights or through some other appropriate international machinery.
- E/CN.4/L.752 - Dahomey, Ecuador, France and Philippines: draft resolution on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/L.753 - United States of America: amendments to the revised draft resolution submitted by Poland on the question of punishment of war criminals and of persons who have committed crimes against humanity (E/CN.4/L.733/Rev.1).
- E/CN.4/L.754 - Note by the Secretary-General on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- E/CN.4/L.755 - Israel: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.756 - Netherlands: draft resolution on the draft international convention on the elimination of all forms of religious intolerance.
- E/CN.4/L.757 - France: amendment to Article III in document E/CN.4/882, para. 321, resolution 1 (XVII), annex.*
- E/CN.4/L.758 - Ukrainian Soviet Socialist Republic: amendments to document E/CN.4/876, para. 257.
- E/CN.4/L.759 - Poland: amendment to document E/CN.4/876, para. 257.
- E/CN.4/L.760 - Austria: amendments to document E/CN.4/876, para. 257.
- E/CN.4/L.761 - Draft resolution submitted by the working group on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/L.762 - Costa Rica and Philippines: amendments to document E/CN.4/876, para. 257.
- E/CN.4/L.763 - France: amendments to document E/CN.4/876, para. 257.
- E/CN.4/L.764 - Union of Soviet Socialist Republics: amendments to document E/CN.4/876, para. 257.
- E/CN.4/L.765 - Italy: amendment to document E/CN.4/876, para. 257.

* The "Articles" referred to are articles of the draft convention on the elimination of all forms of religious intolerance, prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its seventeenth session (document E/CN.4/882, para. 321, resolution 1 (XVII), annex).

- E/CN.4/L.766 - Canada and United States of America: draft resolution on advisory services in the field of human rights.
- E/CN.4/L.766/Rev.1 - Canada and United States of America: revised draft resolution on advisory services in the field of human rights.
- E/CN.4/L.767 - Austria: draft resolution on the report of the seventeenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- E/CN.4/L.768 - Costa Rica, India, Liberia, Netherlands and Philippines: draft resolution on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- E/CN.4/L.769 - Costa Rica, Jamaica and Philippines: draft resolutions on the International Year for Human Rights.
- E/CN.4/L.770 - Ukrainian Soviet Socialist Republic: amendments to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.771 - Union of Soviet Socialist Republics: amendments to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.772 - Chile: amendments to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.773 - France: amendment to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.774 - Chile, Denmark and Ecuador: amendment to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.775 - United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolutions submitted by Costa Rica, Jamaica and Philippines (E/CN.4/L.769).
- E/CN.4/L.776 - Union of Soviet Socialist Republics: draft resolution on the report of the seventeenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/882 and Corr.1).
- E/CN.4/L.777 - Ukrainian Soviet Socialist Republic: draft resolution on the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

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 on 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 - Statement submitted by Pax Romana, 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/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/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/124 - Statement submitted by the International League for the Rights of Man, a non-governmental organization in consultative status, Category B, on periodic reports on human rights.
- E/CN.4/NGO/125 - Statement submitted by the International Criminal Police Organization (INTERPOL), a non-governmental organization in consultative status, Category B, on draft principles on freedom from arbitrary arrest and detention.
- E/CN.4/NGO/126 - Statement submitted by the International Federation of Senior Police Officers (IFSPPO), 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/127 - Statement submitted by the World Jewish Congress, a non-governmental organization in consultative status, Category B, on the question of the punishment of war criminals.
- E/CN.4/NGO/128 - Statement submitted by the International Federation of Women Lawyers, a non-governmental organization in consultative status, Category B, on capital punishment.
- E/CN.4/NGO/129 - Statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status, Category A, on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/NGO/130 - Statement submitted by the World Veterans Federation, a non-governmental organization in consultative status, Category A, on periodic reports on human rights.

Annex II

Financial implications of decisions taken by the Commission at its twenty-first session

Some of the recommendations contained in the Commission's report would entail additional expenditures in 1966 and 1967 for which specific budgetary provisions will have to be made. These recommendations and related financial implications are set out below:

A. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Resolution 4 (XXI) recommends an increase in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to eighteen in order to ensure adequate representation to different regions, legal systems and cultures. Assuming that the duration of the Sub-Commission's sessions remains the same - three weeks - the addition of four new members would involve extra costs amounting to about \$7,500 for each session of the Sub-Commission. Should the Economic and Social Council approve the recommendations, the additional requirement will be included in the Revised Estimates for 1966 to be submitted to the General Assembly later in 1965.

B. INTERNATIONAL YEAR FOR HUMAN RIGHTS

By resolution 5 (XXI) the Commission calls for the appointment of a working party, to meet at Headquarters, consisting of all States represented on the Commission on Human Rights, to elaborate, in co-operation with the Secretary-General, the further observances, measures and activities which the Commission should recommend to the General Assembly to be undertaken by the United Nations in celebration of the twentieth anniversary of the Universal Declaration of Human Rights, including the proposed international conference on human rights. It further requests the Secretary-General to provide the working party with adequate secretariat and other assistance for the discharge of its task.

From the discussions in the Commission, it is apparent that the working party will consist of members appointed from the Permanent Delegations. On the assumption that its meetings will take place at Headquarters, at a time convenient from the point of view of the total calendar of meetings, there will be no additional costs.

Resolution 5 (XXI) contains a draft resolution for the Economic and Social Council (Resolution IV) in which it is recommended that the Council decide that an international conference on human rights should be convened during 1968, and that it invite the Commission on Human Rights to elaborate, for the consideration of the General Assembly, the agenda, duration and venue of the conference, and to make recommendations in regard to the preparation of the necessary preliminary evaluation studies and other documentation and in regard to means of defraying the expenses of the conference.

In the absence of an agenda for the conference, and an indication of its duration, venue, and documentation, it is not possible at this stage to prepare detailed cost estimates. In the event detailed information on these points becomes available during the twenty-second session of the Commission on Human Rights, it will be the intention of the Secretary-General to submit to the twenty-first session of the General Assembly a report on the administrative and financial implications of convening such a conference at the time the Assembly takes up consideration of this item.

Operative paragraph 6 of draft resolution IV proposes that the Economic and Social Council invite the Commission on the Status of Women for the International Year for Human Rights. If the intention is that reports on the preparatory work and plans for the International Year should be made available to the Commission on the Status of Women at its regular sessions, no extra cost will arise in implementing the recommendation.

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre librairie ou adressez-vous à: Nations Unies, Section des ventes, New York ou Genève.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.