

E/4322
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COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-THIRD SESSION

20 February – 23 March 1967

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS : FORTY-SECOND SESSION
SUPPLEMENT No. 6

UNITED NATIONS



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I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twenty-third session at the Office of the United Nations, Geneva, from 20 February to 23 March 1967.
2. In the absence of the Chairman and of the First Vice-Chairman, the session was opened by Mr. Ibrahima Boye (Senegal), Second Vice-Chairman of the Commission at its twenty-second session (893rd meeting).

B. Attendance

3. Attendance at the session was as follows:

MEMBERS

Argentina: Mrs. Ana M. Zaefferer de Goyeneche, Mr. D. Osvaldo G. Garcia Pineiro*,
Mr. D. Gustavo A. Urrutia**

Austria: Mr. Felix Ermacora, Mr. Kurt Herndl*

Chile: Mr. Jaime Castillo Velasco, 1/ Mr. Juan Enrique Miquel*, Mr. Luis G. Larrain*

Congo (Democratic Republic of): Mr. Simon Ilako, Mr. Honoré Waku*,
Mr. Evariste Kalala-Ilunga*

Costa Rica: Mr. Luis D. Tinoco, Mr. Carlos di Mottola Balestra*,
Mr. Aristide Donnadieu**

Dahomey: Mr. Maxime-Léopold Zollner

France: Mr. René Cassin, Mr. P. Juvigny*, Mrs. Nicole Questiaux**,
Mr. Henri Beffeyte**, Mrs. Hirlemann**

Greece: Mr. Pierre Papadatos, Mr. Georges Papoulias*

Guatemala: Mrs. Ana Maria Vargas Dubón

India: Mr. Krishna Chandra Pant, Mr. K. P. Lukose*, Mr. P. Gopinath*,
Miss Kamlesh Nath*

* Alternate.

** Adviser.

1/ Did not attend the session.

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. M. Ganji*, Mr. Mehdi Ehsassi**,

Iraq: Mrs. Badia Afnan

Israel: Mr. Haim H. Cohen, Mr. David I. Marmor*, Mr. Joël Alon**

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

Jamaica: Mr. E. A. Richardson, Mr. P. V. Marsh*, Miss J. A. Slyfield**

Morocco: Mr. Ahmed Kettani

New Zealand: Mr. R. Q. Quentin-Baxter, Mr. N.H.S. Judd**

Nigeria: Mr. S.D. Adebisi, Mr. A.A. Mohammed**

Pakistan: Mr. Mujibur Rahman Khan^{2/}

Peru: Mr. Luis Marchand Stens, Mr. Felipe Solari Swayne*

Philippines: Mr. Salvador P. Lopez, Mr. Hortencio J. Brillantes*
Mr. Virgilio C. Nanagas**

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

Senegal: Mr. Ibrahima Boye

Somalia: Mr. Mahmoud^{3/}

Sweden: Mr. Love Kellberg, Mr. Per-Olof Forshell*

Ukrainian Soviet Socialist Republic: Mr. Petr E. Nedbailo, Mr. Yefim Kachurenko*,
Mr. Sviatoslav N. Domashevski**

Union of Soviet Socialist Republics: Mr. Yakov A. Ostrovsky, Mr. Georgy Zadorozhny*,
Mr. Igor I. Yakovlev**, Mr. Vassili Galkin**

United Arab Republic: Mr. Soliman Ahmed Huzayyin, Mr. Abdel-Monem Ghoneim*,
Mr. Omar Ali Amer*

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

United Republic of Tanzania: Mr. Waldo Emerson Waldron-Namsey

* Alternate.

** Adviser.

^{2/} Mr. S.A.D. Bokhari attended some meetings pending the arrival of Mr. Mujibur Rahman Khan.

^{3/} Did not attend the session.

United States of America: Mr. Morris B. Abram, Mr. Roger W. Tubby*,
Mr. Jack Goldklang**, Mr. Warren E. Hewitt**, Mrs. Rachel C. Nason**,
Mr. Charles Howard Silver**

Yugoslavia: Mr. Branimir Janković, Miss Zagorka Ilić**

OBSERVERS

Belgium: Mr. Joseph Nisot

Bulgaria: Mr. Y. Tzarvoulanov

Canada: Mr. Jacques Corbeil

China: Mr. Yang-hai Liu

Czechoslovakia: Mr. Otto Jachek

Japan: Mr. Katsuhiro Imaya

Libya: Mr. Mansur Kikhia

Netherlands: Mrs. A.F.W. Lunsingh Meijer

Republic of South Africa: Mr. Willem C. Naudé, Mr. John H. Selfe

Romania: Mr. C. Mitran

Turkey: Mr. M. Sirman, Mr. O. Aksoy

OBSERVERS OF STATES NON-MEMBERS OF THE UNITED NATIONS, MEMBERS OF THE SPECIALIZED AGENCIES

Federal Republic of Germany: Mr. Zorn, Mr. Mahnke

COMMISSION ON THE STATUS OF WOMEN

Mrs. Helvi Sipilä

At the 941st meeting, the representative of the Union of Soviet Socialist Republics expressed the view that the Observer for China was not representative of that country, since only the Government of the People's Republic of China represented the Chinese people.

* Alternate.

** Adviser.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Paul Weis

Mr. Ivor C. Jackson

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

Mr. Ahmed Boumendjel

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. G.W. Jenks, Mr. N. Valticos,
Mr. E.A. Landy, Mr. M. Paranhos da Silva, Mr. D. Farman-Farmaian

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

REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS

Council of Europe: Mr. Polys Modinos, Mr. J.A.C. Robertson, Mr. Giuseppe Guarneri

Inter-American Commission on Human Rights: Mr. Luis Reque

League of Arab States: Mr. Kacem Zhiri

NON-GOVERNMENTAL ORGANIZATIONS

Category A

International Federation of Christian Trade Unions: Mr. Georges Eggermann,
Mr. Johannes Pietryga

United Towns Organization: Mr. Henri Jaquet

World Federation of Trade Unions: Mr. Giuseppe Boglietti, Mr. Kizakedath Panikkar

World Federation of United Nations Associations: Mr. L.H. Horace Perera,
Miss Ruth Steiner

Category B

Agudas Israël World Organization: Mr. Mathieu Muller, Mr. Alexander Safran

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

Anti-Slavery Society, The: Mr. Patrick Montgomery

Associated Country Women of the World: Mrs. Rani Mirza-Khan

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

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

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

Coordinating Board of Jewish Organizations: Mr. Charles D. Rappaport,
Mr. Gustav Warburg

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

International Alliance of Women - Equal Rights, Equal Responsibilities:
Miss Marie Ginsberg, Mrs. Irmgard Rimondini-Schnitter

International Association for Social Progress: Mr. Moïse Berenstein

International Association of Penal Law: Mr. Jean Graven, Mrs. Hélène Romniciano

International Catholic Child Bureau: Miss Odile Rouillet

International Catholic Migration Commission: Mr. Jozef Perridon

International Catholic Press Union: Mr. Edmond Blanc

International Commission of Jurists: Miss Hilary A. Cartwright, Miss Annar Cassam
Mr. Vladimir Kabes, Mr. Sean MacBride, Mr. Marino Porzio, Mr. Janos Toth,
Mr. Lucian G. Weeramantry

International Committee of the Red Cross: Mr. Serge Nessi, Mr. François de Reynol

International Conference of Catholic Charities: Mr. Paul Bouvier

International Council of Jewish Women: Mrs. Kathleen Levy, Mrs. Miriam Warburg

International Council of Women: Miss Louise van Eeghen

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: Miss Immita Cornaz,
Mrs. Constance Jones

International Federation of Women Lawyers: Lady Gladys M. Chatterjee,
Mrs. M. Antoinette Rivollet

International Law Association: Mr. Michael Brandon

International League for the Rights of Man: Mr. Hans E. Riesser

International Social Service: Mrs. Manon Buholzer, Mrs. Edna Weber

League of Red Cross Societies: Mr. Nedim Abut, Mr. Frederick Åkerhielm,
Mrs. Posy Sheppard

Pan Pacific South-East Asia Women's Organization: Mrs. Constance Jones

Pax Romana - International Catholic Movement for Intellectual and Cultural
Affairs and International Movement of Catholic Students: Miss Thérèse Bruttin,
Rev. Joan E. Jarque, Mr. Tadeusz Szmitkowski

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

Women's International Zionist Organization: Mrs. Yvette Brunschvig,
Mrs. Blurette Nordmann

World Alliance of Young Men's Christian Associations: Mr. W. Harold Denison,
Mr. Maher T. Doss

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

World Jewish Congress: Mr. Friedrich Lothar Brassloff, Mr. André Jabes,
Mr. Maurice L. Perlzweig

World Union of Catholic Women's Organizations: Mrs. Marie-Th. Graber-Duvernay,
Miss Marie Thompson, Mrs. Helen Walker

World Young Women's Christian Association: Miss Alice Arnold

World's Woman's Christian Temperance Union: Mrs. Noëlle Chaix-Constantin,
Mrs. Lucienne Erni.

Register

Catholic International Education Office: Mr. Philippe de la Chapelle,
Miss Chantal Dutilh

International Catholic Youth Federation: Mr. Pierre Ricca

International Federation of Senior Police Officers: Mr. Paul Villetorte

Open Door International for the Economic 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: Miss Elizabeth Lotz

Zonta International: Mrs. Gertie Deneke

4. Mr. Marc Schreiber, Director of the Division of Human Rights, and Mr. Edward Lawson, Deputy Director, represented the Secretary-General. Mr. Kamleshwar Das and Mr. Valentin Romanov, Chiefs of Section, Division of Human Rights, acted as Secretaries of the Commission.

C. Election of Officers

5. At its 893rd meeting, on 20 February 1967, the Commission unanimously elected Mr. Petr E. Nedbailo (Ukrainian Soviet Socialist Republic) as Chairman.

6. At its 895th meeting, the Commission, in application of rule 76 of the rules of procedure, decided unanimously to suspend, for the duration of the twenty-third session, the application of rules 15 and 17 of the rules of procedure of the functional commissions of the Economic and Social Council, as far as the designation of its Vice-Chairmen was concerned, so as to be able to elect three Vice-Chairmen without listing them in any order of precedence.* The representative of the Philippines suggested that the Economic and Social Council might be requested to amend the relevant rules of procedure to that effect on a permanent basis. It was agreed that such a procedure was desirable in view of the increased membership of the Commission.

7. At its 896th meeting, on 21 February 1967, the Commission unanimously elected the following other officers:

Mr. Maxime-Léopold Zollner (Dahomey))	
Mr. Krishna C. Pant (India))	Vice-Chairmen*
Mr. E.R. Richardson (Jamaica))	
Mr. Felix Ermacora (Austria),		<u>Rapporteur.</u>

D. Agenda

Adoption of the agenda

8. At its 894th meeting, on 20 February 1967, the Commission adopted, without objection, the twenty-four items of the provisional agenda drawn up by the Secretary-General (E/CN.4/919) and the following supplementary item proposed by the Secretary-General (E/CN.4/919/Add.1):

"Communication dated 3 February 1967 from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935)".

This item was placed on the agenda as item 24, and the original item 24 was renumbered as item 25.

* The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

9. The agenda of the twenty-third session of the Commission on Human Rights, as adopted at the 894th meeting, read as follows:

1. Election of officers
2. Adoption of the agenda
3. Draft declaration and draft international convention on the elimination of all forms of religious intolerance
4. Question of the punishment of war criminals and of persons who have committed crimes against humanity
5. Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery
6. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
7. Capital punishment
8. Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination
9. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories
10. Advisory services in the field of human rights
11. Review of the Commission's procedures and methods of work with a view to expediting the consideration of the items on its agenda
12. Periodic reports on human rights
13. Prevention of discrimination and protection of minorities
 - (a) Draft principles on freedom and non-discrimination in the matter of religious rights and practices
 - (b) Draft principles on freedom and non-discrimination in the matter of political rights
 - (c) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
 - (d) Report of the seventeenth, eighteenth and nineteenth sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

- (e) Name and terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

14. 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, 1963-1964

15. 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

16. 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

17. The question of an international code of police ethics

18. Study of special problems relating to human rights in developing countries

19. Question of the establishment of national commissions on human rights

20. Further promotion and encouragement of respect for human rights and fundamental freedoms

21. International Year for Human Rights

22. Communications concerning human rights

23. Review of the human rights programme; control and limitation of documentation

24. Communication dated 3 February 1967 from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935)

25. Report of the twenty-third session of the Commission to the Economic and Social Council.

Order of consideration of agenda items and organization of the work of the Commission

10. Matters relating to the order of consideration of agenda items and organization of the work of the Commission were considered at the 894th, 896th, 898th, and 938th meetings, on 20, 21 and 22 February and 21 March 1967.

11. After some discussion, which concerned in particular the order of priority of items to which the Commission had accorded priorities at its twenty-first session, the Commission at its 896th meeting on 21 February 1967 unanimously adopted a draft resolution submitted by the United Arab Republic (E/CN.4/L.864), as amended after consideration of proposals by the United Republic of Tanzania (E/CN.4/L.865, amendment No.1), the United States of America (E/CN.4/L.866), Sweden (E/CN.4/L.868) and Poland (E/CN.4/L.870).

12. The text of the resolution, as adopted, reads as follows:

1 (XXIII) Order of consideration of agenda items and organization of the work of the Commission

The Commission on Human Rights,

Having adopted the agenda for its twenty-third session (E/CN.4/L.936),

Aiming at establishing a list of priorities of items on the agenda that would meet as far as possible with the views expressed by various members of the Commission,

1. Decides to start with the consideration of items 3, 9, 24, 8, 4, 6, 11, 5 and 7 of the agenda, devoting the morning meetings to items 3 and 4 and the afternoon meetings to the other items in the above-mentioned order; if the consideration of items 9, 24 and 8 is completed before that of item 3, the Commission will start with the consideration of item 4 before the other items at its afternoon meetings;
2. Invites the Chairman to convene a group of five members of the Commission to prepare a draft list of priorities for the remaining items on the agenda and to submit it to the Commission in due time for its consideration.

13. The Commission agreed, at its 896th meeting, to determine later the order of consideration of items 11, 5 and 7.

14. At its 898th meeting the Commission decided to consider item 24 before item 9 at its afternoon meetings.

15. The officers of the Commission submitted the following tentative suggestions concerning the allocation of meetings to agenda items: item 3, 8-9 meetings; item 4, 8-9 meetings; item 5, 3-4 meetings; item 6, 2 meetings; item 7, 1-2 meetings; item 8, 1 meeting; item 9, 3 meetings; item 10, 1 meeting; item 11, 2 meetings; item 12, 2 meetings; item 13, 1 meeting; items 14, 15 and 16, 1 meeting; item 17, 1 meeting; item 18, 1 meeting; items 19 and 20, 1 meeting; items 21, 22 and 23, 1-2 meetings; item 24, 2 meetings; item 25, 2 meetings. Total: 46 meetings.

16. The working group referred to in paragraph 2 of resolution 1 (XXIII), composed of the representatives of Chile, Greece, Iran, Poland and the United Arab Republic, held three meetings and submitted its recommendations (E/CN.4/L.913) to the Commission. The working group unanimously proposed that, after considering items 3, 4, 24, 9, 8 and 6, the Commission should take up the remaining items in the following order: 11, 5, 7, 18, 20, 21, 10, 23, 13, 17, 14, 15, 16, 19, 22 and 25.

17. At its 938th meeting the Commission, having considered items 3, 4, 24, 9, 8 and 6, adopted by 18 votes to 7, with no abstentions, a motion by Senegal to consider item 5 next. The Commission considered items 5, 18, 12, 10, 11 and 16 at its 939th and 940th meetings.

E. Meetings, resolutions and documentation

18. In its resolution 1165 (XLI) of 5 August 1966, the Economic and Social Council had authorized the Commission on Human Rights to have a longer session, but one not exceeding six weeks, beginning in 1967. In view of the decision of the Council, in resolution 1156 I (XLI) of the same date, to rearrange its own programme of work to provide for a session in the second quarter of the calendar year devoted primarily to the consideration of the reports of functional commissions and committees, particularly those in the human rights field, and taking account of the need for holding other meetings on human rights matters, the calendar of conferences approved by the Council provided for a session of the Commission lasting slightly less than five weeks.
19. The Commission held forty-nine plenary meetings. The views expressed at those meetings are summarized in the records of the 893rd to 941st meetings (E/CN.4/SR.893-941).
20. At its 894th meeting, the Commission heard a statement by H.I.H. Princess Ashraf Pahlavi (Iran). At the request of the Commission, the statement was circulated as a Commission document (E/CN.4/L.863).
21. At its 935th meeting, the Commission heard a statement by Mrs. Helvi Sipilä, Chairman and representative of the Commission on the Status of Women.
22. The Commission granted hearings, at its 904th, 906th, 910th, 916th and 938th meetings, to the Observer for the Republic of South Africa. At its 921st meeting, the Commission granted a hearing to the Observer for Czechoslovakia.
23. The Commission granted hearings at its 897th meeting to the Observers for the following regional inter-governmental organizations: the League of Arab States, the Inter-American Commission on Human Rights and the Council of Europe.
24. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission also granted hearings to representatives of the following non-governmental organizations:

Category A: International Federation of Christian Trade Unions
(Mr. Johannes Pietryga, at the 920th meeting).

Category B and Register: Anti-Slavery Society (Mr. Patrick Montgomery, at the 932nd meeting); Catholic International Education Office (Mr. Philippe de la Chapelle, at the 899th meeting); Co-ordinating Board of Jewish Organizations (Mr. Gustav Warburg, at the 917th meeting); International Association of Penal Law (Mr. Jean Graven, at the 934th meeting); International Conference of Catholic Charities (Mr. Philippe de la Chapelle, at the 899th meeting); International Council of Women (Miss Louise van Eeghen, at the 932nd meeting); Pax Romana (Mr. Philippe de la Chapelle, at the 899th meeting); World Jewish Congress (Mr. Maurice L. Perlzweig, at the 899th meeting); World Union of Catholic Women's Organizations (Mr. Philippe de la Chapelle, at the 899th meeting).

25. The resolutions (1-18 (XXIII)) 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 XVII of the present report. Draft resolutions submitted to the Commission by its members but not considered owing to lack of time, are reproduced in chapter XVIII. Statements of financial implications made by the Secretary-General in relation to certain proposals are reproduced in annex I. The documents before the Commission at its twenty-third session are listed in annex II.

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

26. The Commission had been requested by the General Assembly, in resolution 1781 (XVII), to prepare: (a) a draft declaration on the elimination of all forms of religious intolerance, to be submitted to the Assembly 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.

27. At its twentieth session, the Commission began work on a draft declaration, but, owing to lack of time, it was unable to adopt such a draft, and decided to transmit the relevant documents to the Economic and Social Council for its consideration. In resolution 1015 C (XXXVII), the Council suggested to the General Assembly that it take a decision on the further course to be followed on the matter.

28. At its twenty-first session, the Commission undertook the preparation of a draft convention on the elimination of all forms of religious intolerance. It adopted the preamble and four articles, but was unable for lack of time to complete its work on the draft convention.

29. By its resolution 2020 (XX), the General Assembly requested the Economic and Social Council to invite the Commission to make every effort to complete, at its twenty-second session, the preparation of the draft declaration and of the draft international convention on the elimination of all forms of religious intolerance, in order that they might be submitted to the Assembly at its twenty-first session.

30. At its twenty-second session, the Commission adopted five more articles of the draft convention, but was unable, for lack of time, to complete its work on that instrument. The consideration and adoption of articles VIII, IX, XI and XII, and of the articles concerning implementation, could not be completed at that session. In resolution 1 (XXII) the Commission decided to give the highest priority at its twenty-third session to the completion of the preparation of the draft convention.

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

31. The Commission devoted its 897th, 899th, 901st, 903rd, 905th, 907th 909th, 911th, 913th, 915th, 917th and 919th meetings to the consideration of the draft convention. It had before it a note of the Secretary-General (E/CN.4/920) containing in an annex the draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the following documents: the debates at the seventeenth session of the General Assembly,^{4/} 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), the comments submitted by UNESCO (E/CN.4/852), and the ILO (E/CN.4/852/Add.1).

^{4/} Official Records of the General Assembly, Seventeenth Session, 1187th meeting, and ibid., Third Committee, 1165th-1173rd meetings.

32. The Commission dealt with articles VIII, IX, XI and XII substantially, and with the remaining articles formally.

33. 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 discussions (E/CN.4/SR.897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917 and 919).

ARTICLE VIII

34. The text of article VIII submitted by the Sub-Commission (E/CN.4/920, annex II A) read as follows:

"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."

35. The Commission considered article VIII at its 897th, 899th, 901st, 903rd, 905th and 907th meetings, held between 22 February and 1 March 1967.

Amendments submitted

36. Amendments were submitted by the United States of America (E/CN.4/L.867 and Rev.1); Poland (E/CN.4/L.869); the Ukrainian Soviet Socialist Republic (E/CN.4/L.872); Dahomey (E/CN.4/L.874 and Rev.1); Nigeria (E/CN.4/875); and France, Israel and Italy (E/CN.4/L.890 and Rev.1). Sub-amendments were submitted by the United Arab Republic (E/CN.4/L.873 and Rev.1 and 2); Dahomey (E/CN.4/L.878 and E/CN.4/L.879); and Austria (E/CN.4/L.883). Greece submitted an amendment orally at the 897th meeting, and Dahomey at the 907th meeting.

37. The United States amendment (E/CN.4/L.867) was to replace article VIII by the following text:

"States Parties shall not deny equal protection of the law in enacting any legislation against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief. Any acts of violence against any religion or belief or its adherents, any incitement to such acts, and any incitement to hatred of any religion or belief likely to result in such acts, shall be considered an offence punishable by law, and all propaganda designed to foster it shall be condemned."

38. The sub-amendment of the United Arab Republic (E/CN.4/L.873) to the amendment of the United States of America proposed replacing the first sentence of the United States amendment by the following:

"States Parties shall, in enacting appropriate legislation, ensure equal protection of the law against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief."

39. The United States representative submitted a revised text of his amendment (E/CN.4/L.867/Rev.1) as follows:

"1. States Parties shall provide protection of the law against promotion or incitement of intolerance or discrimination on the grounds of religion or belief by any public authority.

"2. States Parties shall ensure equal protection of the law in any legislation against promotion or incitement to intolerance or discrimination on the grounds of religion or belief.

"3. Any acts of violence against adherents of any religion or belief or the means for its exercise, any incitement to such acts, and any incitement to hatred of any religion or belief likely to result in such acts, shall be considered an offence punishable by law.

"4. All propaganda designed to foster hatred, intolerance or discrimination on the grounds of religion or belief is to be condemned."

40. The representative of the United Arab Republic submitted a sub-amendment (E/CN.4/L.873/Rev.1) to the revised text of the amendment of the United States of America. The sub-amendment read as follows:

"1. Paragraph 1

Replace the word 'provide' by the word 'ensure'.

"2. Replace paragraph 2 by the following:

'States Parties shall, in appropriate legislation, ensure equal protection of the law against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief'.

"3. Paragraph 3

Delete the words 'likely to result in such acts'.

"4. Paragraph 4

Replace the words 'is to be' before the word 'condemned' by the words 'shall be'."

41. The representative of the United Arab Republic submitted a revised version of his sub-amendment (E/CN.4/L.873/Rev.2), adding, in paragraph 2, the word "hatred" before the word "intolerance."

42. The sub-amendment of Dahomey to the revised amendment of the United States of America (E/CN.4/L.878), as orally revised at the 901st meeting, was as follows:

"1. Paragraph 1

Replace the words 'shall provide protection of the law' by the words 'shall ensure equal protection of the law'.

"2. Paragraph 2

Replace the words 'shall ensure equal protection of the law in any legislation' by the words 'shall, by legislation and by all other appropriate means, ensure equal protection of the law'.

"3. Paragraph 3

Replace the words 'likely to result in such acts' by the words 'of such a nature as to constitute incitement to such acts'.

"4. Paragraph 4

Delete paragraph 4."

43. The Polish amendment (E/CN.4/L.869) proposed the addition, at the end of article VIII, of a sentence reading as follows:

"Membership in organizations based on religion or belief does not remove the responsibility for the above-mentioned acts."

44. At the 907th meeting, the representative of Poland accepted an amendment suggested orally by the representative of Dahomey, to replace the word "organizations" by the words "an organization".

45. The representative of Greece orally submitted a sub-amendment to the Polish amendment, to insert, after "belief", the words "or in any other organization, official or otherwise". The proposal was not however put to the vote.

46. The amendment of the Ukrainian SSR (E/CN.4/L.872) which proposed to insert, in the second sentence of article VIII, after "adherents", the words "and all acts of violence".

47. The representative of Dahomey submitted a sub-amendment (E/CN.4/L.879) to the Ukrainian amendment, which read as follows:

"1. Replace the words 'against any religion or belief or its adherents' by the words 'against the adherents of any religion or belief, their property or the means of worship'.

"2. Delete the last phrase, which reads: 'and all propaganda designed to foster it shall be condemned'."

48. The Ukrainian amendment was withdrawn at the 907th meeting. The sub-amendment of Dahomey accordingly no longer applied.

49. The amendment to article VIII, submitted by Dahomey, as revised by the sponsor (E/CN.4/L.874/Rev.1), was as follows:

"1. In the second sentence, replace the words 'acts of violence against any religion or belief or its adherents' by the words 'against any religion or belief or to acts of violence against its adherents, their property or the means of worship'

"2. At the end of the article, delete the phrase 'and all propaganda designed to foster it shall be condemned'."

The original amendment of Dahomey (E/CN.4/L.874) differed from the revised amendment (E/CN.4/L.874/Rev.1) in that the former would have replaced the words "acts of violence against any religion or belief or its adherents" by the words "acts of violence against the adherents of any religion or belief or their property".

50. The amendment to article VIII submitted by Nigeria (E/CN.4/L.875) proposed the replacement of the second sentence by the following:

"Any act of violence against adherents of any religion or belief or against any property held for the purposes of any religion or belief, any incitement to such acts of violence or to hatred of any religion or belief likely to result in such acts shall be considered an offence punishable by law and all propaganda designed to foster such incitement shall be condemned."

51. The representative of Austria submitted a sub-amendment (E/CN.4/L.883) to the amendment of Nigeria, to add at the end of that amendment the following sentence:

"Those responsible for such propaganda shall be punished, and organizations fostering such propaganda shall be dissolved."

52. At the 905th meeting, the representative of Nigeria accepted the Austrian sub-amendment.

53. The amendment submitted by France, Israel and Italy to article VIII (E/CN.4/L.890) proposed replacing the second sentence of that article by the following sentence:

"Any act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or fostering of hatred constituting incitement to acts of discrimination, intolerance or violence against any religion or belief or its adherents shall be considered as offences punishable by law."

54. Subsequently, France, Israel and Italy submitted a revised version of their amendment (E/CN.4/L.890/Rev.1). The revised text read as follows:

"Any act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or incitement to hatred likely to result in acts of discrimination or violence against any religion or belief or its adherents, shall be considered as offences punishable by law."

At the 907th meeting, the words "calculated to lead to", which had originally appeared in document E/CN.4/L.890/Rev.1, were replaced by the words "likely to result in".

Issues discussed

55. The discussion concerning article VIII revolved largely around the broad question of how to provide protection against incitement to intolerance, discrimination, hatred and violence while at the same time safeguarding freedom of opinion and expression. It centred on such specific questions as whether article VIII should place States under an obligation to enact legislation, and how to deal with propaganda inciting to hatred or acts of violence.

56. A number of representatives stressed the need for drafting provisions which would apply penal sanctions to certain anti-social behaviour without infringing freedom of speech and of the Press.

57. Some representatives emphasized, on the one hand, that the right of free speech of one person must not be allowed to destroy the fundamental constitutional rights of another person, nor to deprive believers, or non-believers, as the case might be, of protection against attacks on their dignity; and that nowhere were freedom of speech and of the Press absolute but that every country had, for instance, restrictions on pornographic literature or laws against libel and slander. It was also stated that incitement to hatred in the matter of religion or belief served only the aims of fascists and other extremists whose activities should be curbed.

58. According to those representatives, the concept of incitement to hatred "likely to result in violence", was too narrow, since incitement to hatred could lead to acts other than physical violence, such as boycott which would nevertheless make the victims' life miserable. They felt that incitement to hatred as such should be made a penal offence, the gravity of the penalty to vary with the particular circumstances of the offence. Attention was drawn to the fact that provisions concerning penal legislation against "incitement" existed in several instruments adopted under United Nations auspices, as for example in article 20 of the International Covenant on Civil and Political Rights,^{5/} article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,^{6/} and article 9, paragraph 2 of the United Nations Declaration of the Elimination of All Forms of Racial Discrimination,^{7/} and the view was expressed that the provisions of article VIII should not be in conflict with them.

59. Several members pointed out, on the other hand, that while acts of violence and, incitement to violence, and perhaps in certain circumstances incitement to hatred, could and should be made punishable offences, it was important that the mere expression of opinions, however objectionable such opinions might be, should not in itself be made punishable. It was recalled in that connexion that many constitutions prohibited the imposition of such restrictions as the advance censorship of publications. It was maintained that, although the need for protection against certain forms of incitement could not be denied, the most important way of combatting religious intolerance and discrimination might be by way of information and education.

^{5/} General Assembly resolution 2200 (XXI) of 16 December 1966, annex.

^{6/} General Assembly resolution 2106 A (XX) of 21 December 1965, annex.

^{7/} General Assembly resolution 1904 (XVIII) of 20 November 1963.

60. In the view of some representatives, while incitement to acts of violence was a clear-cut concept, incitement to hatred needed to be further defined before it could be made a punishable offence amenable to adjudication by the courts. Incitement to hatred could be made an offence only if it was of a nature likely to lead to certain consequences, e.g. acts of violence, which should be laid down in article VIII itself.

61. The point was also raised that criticism of one religion by the adherents of another religion was not necessarily an incitement to hatred, and that a distinction had to be made between propagating one religion and fostering or inciting hatred against another. Attention was drawn, moreover, to the provisions of article III, adopted by the Commission at its twenty-first session, by which States Parties would undertake to ensure to everyone within their jurisdiction, inter alia, freedom to express opinions on questions concerning a religion or belief.^{8/}

62. The view was expressed that article VIII should cover not only incitement to violence but also acts of violence. Some representatives, however, thought that this might not be necessary, inasmuch as acts of violence were already punishable in all countries.

63. On the question whether article VIII should impose an obligation upon Governments to enact legislation, it was pointed out by some representatives that certain kinds of laws would not be permissible under the constitutions of their countries. Reference was made, on the other hand, to the provisions of article 20 of the International Covenant on Civil and Political Rights, adopted by the General Assembly at its twenty-first session, which provides that any advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence "shall be prohibited by law". It was maintained that the force of that obligation should not be diminished by the text under consideration by the Commission. Attention was also drawn to the need for measures other than legislation.

64. The phrase in article 8 providing that all propaganda designed to foster incitement to hatred or acts of violence "shall be condemned", was discussed at some length. Several representatives considered that the article should specify the manner in which such propaganda was to be condemned, as well as the conditions under which persons who spread such propaganda should be held responsible for their acts. Some representatives expressed the view that propaganda to foster incitement actually constituted incitement, and that the phrase should therefore be deleted as redundant.

Adoption of article VIII

65. At its 907th meeting, the Commission voted on the text of article VIII and the amendments thereto.

66. The representative of the United States withdrew paragraphs 1 and 2 of his revised amendment (see para. 39 above). As a result, paragraphs 1 and 2 of the sub-amendments to the revised United States amendment submitted by the United Arab Republic (see paras 40 and 41 above) and Dahomey (see para. 42) no longer applied.

^{8/} For the text of article III, see below resolution 2(XXIII), annex A.

67. Paragraph 3 of the United Arab Republic sub-amendment to the revised United States amendment was adopted by 12 votes to 11, with 4 abstentions.
68. Paragraph 3 of the revised United States amendment, as amended, was rejected by 16 votes to 8, with 2 abstentions.
69. Paragraph 4 of the revised United States amendment was withdrawn. As a result, paragraph 4 of the sub-amendment of the United Arab Republic and paragraph 4 of the sub-amendment of Dahomey no longer applied.
70. The revised amendment of France, Israel and Italy, as further revised orally (see paras 53 and 54 above) was put to the vote in parts.
71. At the request of the representatives of the USSR and of Dahomey, respectively, separate votes were taken on the words "likely to result in acts of discrimination or violence" and on "discrimination or".
72. The words "discrimination or" were voted on first. These words were rejected by 11 votes to 10, with 6 abstentions.
73. The words "likely to result in acts of violence" were adopted by 16 votes to 10, with one abstention.
74. The amendment of France, Israel and Italy, as amended, was adopted by 14 votes to 7, with 4 abstentions.
75. As a result of the adoption of the three-Power amendment, the amendment of Dahomey (see para. 49) and the Nigerian amendment (see para. 50), incorporating the Austrian sub-amendment (see para. 51), were not put to the vote.
76. The amendment of Poland (see para. 43), incorporating the sub-amendment submitted orally by Dahomey (see para. 44), was adopted by 16 votes to 7, with 4 abstentions.
77. Article VIII as a whole, as amended, was adopted by 20 votes to 2, with 4 abstentions.
78. The text of article VIII as adopted reads as follows:

States Parties shall ensure equal protection of the law against promotion of or incitement to religious intolerance or discrimination on the ground of religion or belief. Any act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or incitement to hatred likely to result in acts of violence against any religion or belief or its adherents, shall be considered as offences punishable by law. Membership in an organization based on religion or belief does not remove the responsibility for the above-mentioned acts.

ARTICLE IX

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

"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."

80. The Commission considered this article at its 905th, 909th, 911th and 913th meetings, held from 28 February to 6 March 1967.

Amendments submitted

81. Amendments were submitted by Israel (E/CN.4/L.876), Chile (E/CN.4/L.877), Jamaica (E/CN.4/L.880), Argentina (E/CN.4/L.881), the Union of Soviet Socialist Republics (E/CN.4/L.882), the Ukrainian Soviet Socialist Republic (E/CN.4/L.887), and Dahomey (E/CN.4/L.898).

82. The amendment of Israel (E/CN.4/L.876) was to replace, in paragraph 2, the words "for reasons of public interest in this regard" by the words "and based on the respective numerical strength of religions or beliefs or other such objective reasons".

83. The Chilean amendment (E/CN.4/L.877) was to replace article IX by the following:

"1. States Parties undertake not to discriminate in any way between religions or beliefs and their followers, institutions and property.

"2. States Parties shall not discriminate between religions or creeds with regard to subsidies, exemption from taxation or benefits of any other kind which may be granted them as such."

84. At the 913th meeting, this amendment was orally revised to include in paragraph 1 the words "within the meaning of paragraph (b) of article I" between the words "not to discriminate in any way" and the words "between religions or beliefs"; and to delete the words "and their followers" in that paragraph.

85. The amendment by Jamaica (E/CN.4/L.880) proposed the deletion of the article.

86. The amendment by Argentina (E/CN.4/L.881) proposed that article IX should be replaced by the following:

"States Parties undertake to make no distinction between religions or beliefs and their followers or institutions, and to give no preference to any religion or belief or its followers or institutions, in the event of granting exemption from taxation or assisting towards the preservation of religious structures recognized as monuments of historic or artistic value."

87. The amendment of the Union of Soviet Socialist Republics (E/CN.4/L.882) was to insert the following new paragraph between paragraphs 1 and 2:

"States Parties undertake not to permit any restriction whatsoever depending on religion or belief with regard to employment, enrolment in an educational institution, dismissal from employment or expulsion from an educational institution, or any other restriction depending on religion or belief."

88. The amendment by the Ukrainian Soviet Socialist Republic (E/CN.4/L.887) was to delete paragraph 2 of the article.

89. The amendment of Dahomey (E/CN.4/L.898) was to replace article IX by the following:

"States Parties undertake not to discriminate between religions or beliefs, their followers or their institutions, particularly when granting subsidies or exemption from taxation or assisting towards the preservation of religious structures recognized as monuments of historic or artistic value."

90. At the 913th meeting, the representative of Dahomey orally revised his amendment by inserting the words "within the meaning of paragraph (b) of article I" after the words "not to discriminate"; and by replacing the words "religions or beliefs, their followers or their institutions" by the words "the followers or the institutions of religions or beliefs".

Issues discussed

91. The representative of Jamaica, supported by several other representatives, proposed the deletion of the article. Certain other representatives, however, considered that it was necessary to embody in the convention the idea underlying paragraph 1 of article IX, namely that in the matter of subsidies and other forms of assistance, the State should endeavour to grant basically equal treatment to all religions and beliefs. In their view, an appropriate text to that effect would complement or illustrate the non-discrimination clauses contained in articles II and VI, and would contribute to guarantee the freedom of conscience of the individual as defined in article III. They maintained that it might be difficult for an individual to exercise that freedom if, for example, he had to pay his share of heavy discriminatory taxes levied upon the religious group to which he belonged, or if his access to education or employment was restricted on account of his religion or belief.

92. Most of those representatives, supporting either the amendments by Chile (see para. 83) as orally revised or the amendment of Dahomey (see para. 89), felt that the article should be centred on the concept of "discrimination" as defined in article I, paragraph (b): "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." They expressed the view that paragraph 1 of article IX, if so amended, would ensure the degree of equality between religions or beliefs which was necessary to guarantee the full exercise of freedom of conscience, without preventing reasonable distinctions being made by the States as regards subsidies and related matters. A few representatives, however, felt that the words "distinctions" and "preferences" were more appropriate as, in their view, the word "discrimination" might not be interpreted in so comprehensive a manner as to prevent all the policies and practices which article IX purported to forbid.

93. The amendments of Chile and Argentina (see para. 85) sought to delete the references to certain forms of assistance which those members considered inappropriate in article IX. At the same time, the amendment of Chile was designed to extend the scope of the article to all the benefits which may be granted to religions or beliefs as such. In different terms, the amendments of the USSR (see para. 87) and of Dahomey also proposed illustrative lists of matters to which the non-discrimination clauses should apply, and which would amplify the enumeration contained in the Sub-Commission's draft. As regards the specific reference to matters of employment and education proposed by the USSR, several members felt that mention of the ILO and UNESCO Conventions against discrimination in those fields would be more appropriate.

94. Several representatives, supporting the proposal of Jamaica to delete article IX, were opposed to that article in its essence, and to several of the amendments submitted, because those texts appeared to introduce a new and, in their view, undesirable subject-matter of international legislation, i.e. equality of treatment between various religions or beliefs, which fell outside the scope of the draft convention, whereas the subject of all the other articles of the draft convention was the rights of persons.

95. According to these members, paragraph 1 of the text proposed by the Sub-Commission was quite unrealistic, as it would impose absolute equality of treatment for all religions or beliefs, however absurd or dangerous any particular belief might appear to be.

96. These representatives stressed, furthermore, that, in their view, the Sub-Commission's draft would not be in harmony with article I, paragraph (d), already adopted, which specified that neither the establishment of a religion nor the recognition of a religion or belief by the State should be regarded as "discrimination on the ground of religion or belief". According to these members, it followed from that clause that no article of the convention should prohibit the distinctions and preferences which normally could flow from such State policies. Some other representatives drew attention to the limitations which the words "by itself" appeared to introduce in article I, paragraph (d), they felt that, in accordance with that expression, article IX was necessary to ensure that the granting of preferences to established churches or to religions or beliefs recognized by the State should not go so far as to hamper the freedom of conscience of the individual.

Several members pointed out, however, that the measures taken in their countries by the State to promote established or recognized religions or beliefs could not be considered as furthering religious intolerance or as constituting discrimination against individuals.

97. According to the representatives who supported the Jamaican amendment, if, in extreme cases, the establishment of distinctions or the granting of preferences to certain religions or beliefs gave rise to discrimination against individuals as defined in article I, such situations would come within the scope of articles II and VI already adopted. For this reason, they considered the amendment of the USSR, as well as the oral revision of the Dahomey amendment, to be redundant. Both of those texts were centred, more so than the other proposals, on the protection of the individual.

98. In support of the deletion of article IX, it was also said that its paragraph 2 would tend to nullify paragraph 1, by leaving the legislative authorities of each State wide discretion to provide for unequal treatment of various religions or beliefs. It was suggested that if paragraph 2 was retained, an objective criterion, such as numerical strength, should be introduced into that paragraph. It was pointed out however that the amendment of Israel (see para. 82) seemed to place on the criterion of numerical strength an emphasis which might lead to misinterpretation and which was not necessarily appropriate in respect of religions and beliefs. A large number of representatives - including most of those who wished to retain the idea underlying paragraph 1 - supported the Ukrainian amendment to delete paragraph 2.

99. Some members, while recognizing the difficulty of imposing on States legal obligations as regards equality of treatment between religions or beliefs, suggested that the Commission should try to formulate a recommendation on that important matter.

Voting

100. At the 913th meeting of the Commission, the amendment submitted by Jamaica, to delete article IX, was adopted by 19 votes to 8 with one abstention.

ARTICLE XI

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

"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."

102. The Commission considered article XI at its 915th meeting, held on 7 March 1967.

Amendments submitted

103. The representative of the Ukrainian Soviet Socialist Republic submitted an amendment (E/CN.4/L.893) proposing (i) the insertion of a comma after the word "group", and thereafter of the word "organization"; and (ii) replacement of the word "or" after "sovereignty" by a comma and the addition, at the end of the text, of the words "or the purposes and principles of the United Nations".

104. The representative of Chile submitted an amendment (E/CN.4/L.904) proposing deletion of the words "national sovereignty".

105. The representatives of Israel and Italy submitted an amendment (E/CN.4/L.905) proposing the deletion of article XI.

Issues discussed

106. Some members of the Commission, supporting the amendment of Israel and Italy thought that article XI was superfluous in the light of article XII, which would authorize States Parties to prescribe by law certain reasonable limitations upon the rights recognized in the convention. It was also said that the Sub-Commission's text might be inconsistent with article 4, paragraph 1, of the International Covenant on Civil and Political Rights, which provides that derogations made by the States Parties to their obligations under that instrument should not involve discrimination, in particular on ground of religion. Another view in favour of the deletion of article XI was that many of its provisions were so vague as to lend themselves to erroneous interpretation or even to arbitrary action on the part of the State.

107. A majority of representatives thought that article XI was necessary and that it did not duplicate article XII, which dealt with internal affairs. In contrast, the main purpose of article XI was to prevent certain groups, whose influence often extended beyond State boundaries, from undermining friendly relations between nations under the guise of religious activities. The need for avoiding such a risk was recognized by most members of the Commission, although some of them felt that sufficient guarantees would be given in that respect under article XII or under the formula proposed by the Ukrainian SSR concerning observance of the "purposes and principles of the United Nations".

108. Certain representatives expressed the fear that national sovereignty might be threatened as a result of the activities of such groups, especially when they tended to jeopardize friendly relations between States. In the view of those members, the newly-independent States in particular were justified in attaching great importance to that consideration. Several other representatives, supporting the amendment of Chile, thought that the term "national sovereignty", within the context of article XI, might too easily lend itself to misuse. In particular, certain States having an officially recognized national religion might invoke that clause wrongly to prevent religious minorities from exercising their rights under the convention. It was also said that the inclusion of those words would not be in harmony with the modern trend towards recognizing the need for certain limitations of sovereignty in the interest of protecting human rights.

Adoption of article XI

109. At its 915th meeting, the Commission voted on the text of article XI and the amendments submitted thereto.
110. The amendment of Israel and Italy (see para. 105), to delete the article, was rejected by 10 votes to 14, with 3 abstentions.
111. The first Ukrainian amendment (see para. 103) to insert a comma after the word "group" and follow it by the word "organization", was adopted by 15 votes to none, with 10 abstentions.
112. The Chilean amendment (see para. 104), to delete the words "national sovereignty", was adopted by 15 votes to 8, with 4 abstentions.
113. The second Ukrainian amendment (see para. 103), to replace the word "or" after "sovereignty" by a comma and to add at the end of the text the words "or the purposes and principles of the United Nations", was adopted by 18 votes to none, with 7 abstentions.
114. At the request of the representative of France, a separate vote was taken on the retention of the words "national security". These words were retained by 14 votes to 9, with 4 abstentions.
115. At the request of the representative of Dahomey, a separate vote was taken on the retention of the words, "friendly relations between nations". These words were retained by 14 votes to 5, with 8 abstentions.
116. The text of the article as a whole, as amended, was adopted by 16 votes to 7, with 5 abstentions.
117. The text of article XI, as adopted, reads as follows:

Nothing in this Convention shall be interpreted as giving to any person, group, organization or institution the right to engage in activities aimed at prejudicing national security, friendly relations between nations or the purposes and principles of the United Nations.

ARTICLE XII

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

"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."

119. The Commission considered the article at its 915th meeting, held on 7 March 1967. There was very little debate on the text of the article, which was adopted unanimously.

PROPOSAL BY INDIA FOR A NEW ARTICLE

120. The representative of India proposed the insertion of a new article between the text of articles XII and XIII submitted by the Sub-Commission. The text (E/CN.4/900) was as follows:

"This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens."

121. The representative of Pakistan moved an amendment (E/CN.4/L.909) to the proposed new article. The amendment proposed the insertion, after the words "preferences made" of the words "on the basis of other than religious considerations and in conformity with the Universal Declaration of Human Rights."

122. The Commission considered the proposal of the representative of India at its 915th meeting, held on 7 March 1967. At that meeting, after some discussion, the representative of India withdrew his amendment, reserving his right to re-introduce it at a later stage if he considered it necessary. The amendment of Pakistan to the proposed new article was therefore also withdrawn.

Issues discussed

123. The representative of India, introducing his proposal, said that he was submitting it in order to achieve consistency between the draft convention and the International Convention on the Elimination of All Forms of Racial Discrimination, where the same wording appeared in article I. In his view such a provision would usefully stress that all States had the primary duty to protect the rights of their own citizens under the convention, in particular against possible encroachments by non-citizens. In the absence of proper safeguards, there was a risk that the activities of religious groups composed of foreigners might be used by one State against another, and the latter State would have no protection against such a risk.

124. The representative of Pakistan said that the proposal of India might have the effect of condoning religious intolerance and discrimination on the ground of religion or belief against non-citizens. He therefore urged the Commission not to accept the proposal and said that it was only to reduce its undesirable effects that he was moving an amendment to it. A number of representatives also opposed the proposed new article as they considered that it would be highly undesirable to make any distinctions between citizens and non-citizens in a convention concerning freedom of conscience. They felt that articles XI and XII already contained all the necessary safeguards which the proposal by India purported to include.

PROPOSAL BY JAMAICA FOR A NEW ARTICLE

125. The representative of Jamaica proposed the insertion of a new article before article XIII submitted by the Sub-Commission. The text (E/CN.4/L.906) was as follows:

"No provision on this Convention shall be interpreted as to require or to authorize any derogation from any provision in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights."

There was an exchange of views concerning the Jamaican proposal at the 917th meeting of the Commission.

126. The representative of Jamaica explained that his aim was to facilitate interpretation of the convention by making it clear that, in any case of possible conflict between its provisions and those of the Covenants, the latter instruments should prevail. That did not mean that the Convention could not contain elaborations of the general rules laid down in the Covenants.

127. A number of representatives expressed the view that such a clause would be useful. Several representatives felt, however, that adoption of the proposal might raise delicate problems. Certain States might perhaps prefer not to ratify the convention if they felt that they were under an imperative obligation to become parties also to the Covenants and if the terms of the latter instruments were to prevail. A few members wondered whether, contrary to the proposal of Jamaica, the provisions of the convention, as lex specialis, should not be regarded as prevailing over those of the Covenants. A number of representatives suggested that the words "foregoing" or "substantive" should qualify the word "provision" in the Jamaican proposal, as, at the present time, the Commission had adopted only substantive articles of the draft convention. The representative of Jamaica declared himself prepared to revise his proposal accordingly.

128. In the light of all those considerations, the representative of Jamaica accepted that his proposal be transmitted to the General Assembly for further consideration (see para. 134 below).

ARTICLE XIII

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

"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".

130. At the 917th meeting of the Commission, held on 8 March 1967, there was an exchange of views on this text. The provisions of article XIII were considered to be measures of implementation of the convention, and the question was raised whether the Commission should consider that article in detail or merely transmit it, through the Economic and Social Council, to the General Assembly. Several representatives expressed regret that time did not permit the Commission to deal with the whole subject of implementation. It was considered undesirable for the Commission to undertake part of the work only, especially as the Third Committee of the General Assembly had a considerable amount of experience in matters relating to implementation. The representative of the Union of Soviet Socialist Republics proposed that the Commission should vote on whether or not to consider article XIII. The Commission decided, by 14 votes to 8, with 2 abstentions, not to consider the article.

ADOPTION OF DRAFT RESOLUTION

131. At the 917th meeting, held 8 March 1967, the Commission considered a draft resolution proposed by the representative of the United Kingdom (E/CN.4/L.910). The purpose of the draft resolution was to transmit to the General Assembly, through the Economic and Social Council, the text of the draft convention prepared by the Commission, certain other relevant documentation, including the proposal for an additional article which had been submitted to the Commission by the representative of Jamaica, and the preliminary draft of additional measures of implementation submitted by the Sub-Commission which the Commission had not considered owing to lack of time.

132. After preliminary discussion in the Commission, the proposal of the United Kingdom representative was revised to take account of various proposals and suggestions. The representatives of Costa Rica, Greece, Israel, Nigeria, the Philippines and Senegal became co-sponsors of the revised draft resolution (E/CN.4/L.910/Corr.1).

133. After further discussion at the 919th meeting, the Commission voted on the revised draft resolution. The preamble was adopted without objection, and the operative paragraphs were adopted unanimously. The revised draft resolution, as a whole, was adopted unanimously.

134. The resolution adopted by the Commission on Human Rights at its 919th meeting, on 9 March 1967, reads as follows:

3. (XXIII) Draft convention on the elimination of all forms of religious intolerance

The Commission on Human Rights

Noting General Assembly resolutions 1781 (XVII) and 2020 (XX) requesting, inter alia, the preparation of a draft international convention on the elimination of all forms of religious intolerance for early submission to the General Assembly,

Recalling General Assembly resolution 2081 (XX) in which it was decided to hasten the conclusion of inter alia the draft international convention on the elimination of all forms of religious intolerance so that it might be open for ratification and accession if possible before 1968,

Noting that the International Convention on the Elimination of All Forms of Racial Discrimination annexed to General Assembly resolution 2106A (XX) and the International Covenants on Human Rights annexed to General Assembly resolution 2200 (XXI) contain measures of implementation,

Considering that in Economic and Social Council resolution 1101 (XL) it is recommended that future United Nations conventions in the field of human rights should contain appropriate provisions for their implementation,

Recalling, further, Economic and Social Council resolution 1157 (XLI) in which the Council requested the Commission to do its utmost to complete its consideration of the international convention at its twenty-third session,

1. Transmits to the Economic and Social Council;

(a) a preamble and twelve articles of a draft international convention on the elimination of all forms of religious intolerance, adopted by the Commission and annexed to the present resolution;

(b) an additional draft article submitted by the delegation of Jamaica and draft article XIII proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which after some discussion, the Commission consider should be submitted to the Assembly;

(c) the preliminary draft of additional measures of implementation submitted by the Sub-Commission in its resolution 2 (XVII) which the Commission did not consider for lack of time.

2. Recommends to the Economic and Social Council that it transmit these documents to the General Assembly;

3. Expresses the hope that the General Assembly will decide upon suitable measures of implementation and final clauses of the draft convention.

ANNEX A

Preamble and twelve articles of the draft international convention on the elimination of all forms of religious intolerance adopted by the Commission at its twenty-first, twenty-second and twenty-third sessions

Preamble^{9/}

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

^{9/} Adopted by the Commission at its twenty-first session. See Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 8 (E/4024), paras. 46-102.

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 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 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^{10/}

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;

^{10/} Ibid., paras. 103-165.

(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^{11/}

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^{12/}

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;

11/ Ibid., paras. 166-188

12/ Ibid., paras. 189-311

(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 IV^{13/}

1. The States Parties undertake to respect the right of parents and, where applicable, legal guardians, to bring up in the religion or belief of their choice their children or wards who are as yet incapable of exercising the freedom of choice guaranteed under article III - 1 a.

2. The exercise of this right carries with it the duty of parents and legal guardians to inculcate in their children or wards tolerance for the religion or belief of others, and to protect them from any precepts or practices based on religious intolerance or discrimination on the ground of religion or belief.

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

4. In applying the provisions of this article, the best interests of the child shall be the guiding principle for those who are responsible for the upbringing and education of the child.

Article V^{14/}

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.

13/ Adopted by the Commission at its twenty-second session. See Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184), paras. 39-64.

14/ Adopted by the Commission at its twenty-first session. See Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 8 (E/4024), paras. 312-326.

Article VI^{15/}

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices as, for example, anti-Semitism and other manifestations which lead to religious intolerance and to discrimination on the ground of religion or belief, and to promoting and encouraging, in the interest of universal peace, understanding, tolerance, co-operation and friendship among nations, groups and individuals, irrespective of differences in religion or belief, in accordance with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and this Convention.

Article VII^{16/}

1. In compliance with the fundamental obligations laid down in article II, States Parties shall take effective measures to prevent and eliminate discrimination on the ground of religion or belief, including the enactment or abrogation of laws or regulations where necessary to prohibit such discrimination by any person, group or organization.

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

Article VIII^{17/}

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, religion or belief, and to equal protection of the law against any discrimination on the ground of religion or belief.

Article IX^{18/}

States Parties shall ensure equal protection of the law against promotion of or incitement to religious intolerance or discrimination on the ground of religion or belief. Any act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or incitement to hatred likely to result in acts of violence against any religion or belief or its adherents, shall be considered as offences punishable by law. Membership in an organization based on religion or belief does not remove the responsibility for the above-mentioned acts.

15/ Adopted by the Commission at its twenty-second session. See Official Records of the Economic and Social Council, Forty-first Session, Supplement No.8 (E/4184), paras. 69-102.

16/ Ibid., paras. 103-132.

17/ Ibid., paras. 133-140.

18/ Adopted by the Commission at its twenty-third session. See paras. 34-78 above.

Article X^{19/}

States Parties shall ensure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts, including acts of discrimination on the ground of religion or belief, which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such acts.

Article XI^{20/}

Nothing in this Convention shall be interpreted as giving to any person, group organization or institution the right to engage in activities aimed at prejudicing national security, friendly relations between nations or the purposes and principles of the United Nations.

Article XII^{21/}

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.

ANNEX B

Additional draft article submitted by the delegation of Jamaica at the twenty-third session of the Commission on Human Rights, which the Commission in its resolution 3 (XXIII) transmits to the Economic and Social Council 22/

Add the following new article before article XIII

"No provision of this Convention shall be interpreted as to require or to authorize any derogation from any provision in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights."

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- 19/ Adopted by the Commission at its twenty-second session. See Official Records of the Economic and Social Council, Forty-first session, Supplement No. 8 (E/4184), paras. 141-154.
- 20/ Adopted by the Commission at its twenty-third session. See paras. 101-117 above.
- 21/ Adopted by the Commission at its twenty-third session. See paras. 118 and 119 above.
- 22/ See paras. 125-128 above.

ANNEX C

Text of article XIII of the Preliminary draft international 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, which the Commission in its resolution 3 (XXIII) transmits to the Economic and Social Council

Article XIII^{23/}

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.

ANNEX D

Preliminary draft on additional measures of implementation transmitted to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities^{24/}

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.

^{23/} Adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its seventeenth session. See resolution 1 (XVII), annex of the Sub-Commission (E/CN.4/882, para. 321).

^{24/} These articles were transmitted by the Sub-Commission at its seventeenth session. See resolution 2 (XVII) of the Sub-Commission (E/CN.4/882, para. 329).

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 of the United Nations, on the recommendation of the Secretary-General, 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 of the United Nations.

Article XVII

When electing members of the Committee, the Economic and Social Council of the United Nations shall also designate, on the recommendation of the Secretary-General, 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. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF PERSONS WHO
HAVE COMMITTED CRIMES AGAINST HUMANITY

135. The question of the punishment of war criminals and of persons who have committed crimes against humanity was considered by the Commission at its twenty-first and twenty-second sessions and by the Economic and Social Council at its thirty-ninth and forty-first sessions.

136. Having considered a study by the Secretary-General on the question of the non-applicability of statutory limitation to war crimes and crimes against humanity (E/CN.4/906), the Commission at its twenty-second session made several recommendations, which were adopted by the Economic and Social Council in resolution 1158 (XLI). Under that resolution:

- (a) all States were urged to take any measures necessary to prevent the application of statutory limitation to war crimes and crimes against humanity, to continue their efforts to ensure the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity, and to make available to other States any documents in their possession relating to such crimes;
- (b) the Secretary-General was requested to report to the twenty-third session of the Commission on the measures taken by States Members of the United Nations or members of the specialized agencies in pursuance of the above-mentioned request;
- (c) the Commission was invited to prepare, at its twenty-third session, as a matter of priority, a draft convention to the effect that no statutory limitation shall apply to war crimes and crimes against humanity, the Secretary-General being requested to prepare a preliminary draft for such a convention;
- (d) the Commission was invited to make any further recommendations it believed desirable with a view to developing international co-operation in the prosecution and punishment of persons responsible for those crimes; and
- (e) the Secretary-General was requested to carry out a study as regards ensuring the arrest, extradition and punishment of persons responsible for such offences and the exchange of documentation relating thereto.

137. At its twenty-third session, the Commission had before it the study on the question of the non-applicability of statutory limitation to war crimes and crimes against humanity which had been submitted to it by the Secretary-General at its twenty-second session (E/CN.4/906), a note by the Secretary-General (E/CN.4/926), the report of the Secretary-General on measures taken by governments (E/CN.4/927 and Add.1-6), and a preliminary draft convention, prepared by the Secretary-General, on the non-applicability of statutory limitation to war crimes and crimes against humanity (E/CN.4/928). The Commission also had before it a communication dated 27 February 1967 addressed to the Chairman by the representative of Poland (E/CN.4/L.901), a communication dated 7 March 1967 addressed to the Chairman by the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States

of America (E/CN.4/L.921), and a letter dated 20 March 1967 from the representatives of Poland and the Union of Soviet Socialist Republics (E/CN.4/L.966) and a letter dated 20 March 1967 from the representative of Yugoslavia (E/CN.4/L.977).

138. The Commission considered this item at its 919th, 921st, 931st, 933rd, 934th and 935th meetings held on 9, 10, 17, 18 and 20 March respectively. At the 921st meeting the Observer for Czechoslovakia made a statement.

DRAFT CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS
TO WAR CRIMES AND CRIMES AGAINST HUMANITY

139. At its 919th and 921st meetings, the Commission held a brief general debate on the text of the preliminary draft convention prepared by the Secretary-General (E/CN.928) as a whole.

140. All speakers emphasized that the conscience of mankind demanded the prosecution and punishment of war criminals and of persons guilty of crimes against humanity, irrespective of the time when their crimes had been committed. Many representatives expressed the view that the proposed convention should cover crimes committed in the past as well as those which were being committed at present or might be committed in the future. An instrument prepared along these lines would, in their opinion, significantly contribute to the prevention of such offences, and thereby promote confidence among peoples and play a useful part in the maintenance of international peace and security.

141. All representatives who participated in the discussion commended the preliminary draft prepared by the Secretary-General.

142. Some representatives said that they would be prepared to accept article I of the Secretary-General's draft concerning the definition of the crimes to which prescription should not apply, provided that the provision in that draft which weakened the definition by reference to crimes of a grave nature should be deleted. They emphasized that the convention should give no escape to those who had committed or were committing war crimes against humanity.

143. Several representatives, noting that the definitions contained in article I of the Secretary-General's draft referred to other instruments, considered it preferable, for the sake of clarity, to spell out in the draft convention precise and self-contained definitions of the crimes to be covered.

144. In the opinion of certain representatives, article I of the Secretary-General's draft was too narrow in scope, as, by referring to the Charter of the International Tribunal of Nürnberg of 8 August 1945 the definition of "crimes against humanity" was closely linked with the preparation or carrying out of crimes against peace or of war crimes. They pointed out that, indeed, the Charter of the International Tribunal of Nürnberg had made crimes against humanity punishable by the Tribunal only inasmuch as they were committed in execution of or in connexion with the launching of the Second World War or war crimes committed during that particular war. These representatives, thought that the definition of crimes against humanity should now be revised to make such crimes punishable per se, whether or not they were prepared or carried out in connexion with any war.

145. Some representatives, referring to the commentary under article I of the Secretary-General's draft expressed the view that the definition of crimes against humanity in the draft convention should include such crimes as were the consequences of the policy of apartheid, in accordance with General Assembly resolution 2202 (XXI), and crimes committed in violation of the economic and political rights of indigenous populations, in accordance with General Assembly resolution 2184 (XXI). Some other representatives, while recognizing that the draft convention should be directed towards the future as well as cover events of the past, thought that the Commission had no mandate, under Council resolution 1158 (XLI), to define new crimes in international law. In their opinion, the purpose of the draft convention was solely to establish or confirm that certain serious crimes against international law, which were defined in existing instruments, should not go unpunished as a result of statutory limitation. They also felt that the concept of "crime against humanity" had already been developed, since the adoption of the Charter of the International Tribunal of Nürnberg, to make punishable offences which were not connected with crimes against peace or war crimes. They referred in that connexion to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and to some of the Geneva Conventions of 1949. Furthermore, in their view, each State had sufficient latitude to interpret and apply existing instruments of international law so as to punish various crimes against humanity unconnected with a state of war.

146. Several representatives considered that the draft convention should not remove from statutory limitation all the war crimes and crimes against humanity which were defined in existing instruments or which might be defined in the future, but only those among such crimes which assumed a certain degree of gravity. Article I (paragraph (a) of the Secretary-General's draft contained a proviso to that effect, but those members considered it as lacking in precision and they also felt that the gravity of the offence should be taken into account also in regard to crimes against humanity. The representative of Israel suggested replacement of the text of article I by a provision under which statutory limitation should be inapplicable only as regards "killing, carried out unlawfully and wantonly in the cause of military operations" and in respect of "killing, not in the course of military operations, directed against groups of persons because of their race, religion or belief, ethnic origin, nationality or political or other affiliation".

147. Some representatives, while generally agreeing that the gravity of crimes should be taken into account, felt that that proposal was too narrow. They expressed the view, in particular, that certain crimes against property, committed on a large scale, could indirectly endanger the lives of many peoples and statutory limitation should not apply to them.

148. A few representatives feared that, if the scope of article I was limited to certain crimes regarded as "grave", the convention might lose much of its deterrent effect. This consideration appeared to them especially important at the present time, because in their view there was a trend in certain countries to revive the doctrines which had given rise to the monstrous crimes of the Second World War.

149. The view was expressed by some speakers that, by using the word "assimilated", article II of the Secretary-General's draft did not make it sufficiently clear that conspiracy and other acts mentioned in that provision were to be removed from the scope of statutory limitation in exactly the same conditions as the crimes defined in article I.

150. One representative pointed out that there had hitherto been no instrument of international law referring to statutory limitation in respect of any crimes against international law. Even in municipal law, the institution of statutory limitation, which was of comparatively recent origin, was not by any means universally accepted. Hence, that institution could not, a fortiori, be presumed to exist in international law.

151. The representative of Greece introduced an amendment (E/CN.4/L.917) to add the following paragraph to article III of the Secretary-General's draft:

"2. If the crimes mentioned in articles I and II have already been amnestied or come under statutory limitation at the time of ratification of this Convention, in accordance with the domestic law of a Contracting Party, that Party shall, in virtue of paragraph I of this article, ensure the non-applicability of statutory limitation to any such crimes committed in the future".

152. One representative feared that the reservation clause contained in article VIII might give the impression of allowing interference in matters which were within the domestic jurisdiction of each State Party.

Establishment of a working group

153. At the 921st meeting held on 10 March 1967, the Commission decided that a Working Group should be established to consider the text of the draft convention prepared by the Secretary-General, with the comments, suggestions and proposals made during the debate, and to report to the Commission. The Working Group, composed, by decision of the Chairman, of the representatives of Dahomey, France, Israel, Nigeria, Peru, Philippines, Poland, Senegal, the USSR, the United Kingdom and the United States of America, held five meetings under the chairmanship of Mr. Hortencio J. Brillantes (Philippines).

Recommendations of the Working Group and debate thereon

154. The Working Group took the Secretary-General's draft as a basis for its discussions. It also considered the amendment which the representative of Greece had submitted to the Commission, as well as proposals and amendments submitted in the Working Group by Israel (E/CN.4/WG.1/L.1), Poland (E/CN.4/WG.1/L.2), Peru (E/CN.4/WG.1/L.3), Senegal (E/CN.4/WG.1/L.4), Israel (E/CN.4/WG.1/L.5), France (E/CN.4/WG.1/L.6), and the United States of America (E/CN.4/WG.1/L.7 and E/CN.4/WG.1/L.8).

155. At its 931st meeting, the Commission had before it the report of the working group (E/CN.4/L.943), which contained the following recommendations and information:

Preamble

"For lack of time, the Working Group decided not to consider the preamble of the draft convention prepared by the Secretary-General (E/CN.4/928).

Article I

"The working group adopted the following text as article I of the draft convention:

'War crimes and crimes against humanity, being crimes under international law, shall be prosecuted and punished irrespective of the date of their commission. The Contracting Parties undertake to adopt legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of such crimes and that, where they exist, such limitations shall be abolished'

Article II, paragraph 1

"The working group adopted the following text as paragraph 1 of article II:

'1. For the purpose of this convention, the expression "war crimes" means acts of a grave nature committed in violation of the laws or customs of war, particularly murder, torture and inhuman treatment, including enslavement and forced medical or scientific experimentation'

Article II, paragraph 2

"The following text received considerable support in the Working Group:

'2. For the purpose of this convention, "crimes against humanity" shall mean inhuman acts such as genocide, murder, extermination, enslavement, deportation or persecutions, including inhuman acts resulting from the policy of apartheid, committed in time of war or in peace time against the civil population or certain elements of that population on social, political, economic, racial, religious or cultural grounds by the authorities of the State or by private individuals acting at the instigation or with the toleration of such authorities'.

"Some members of the Working Group favoured an earlier text, which read as follows (E/CN.4/WG.1/L.10):

'For the purposes of the present convention, "crimes against humanity" shall mean inhuman acts such as murder, extermination, enslavement, deportation or persecutions, committed against any civilian population on social, political, racial, religious or cultural grounds by the authorities of a State or by private individuals acting at the instigation or with the toleration of such authorities. It is understood that violations of the economic and political rights of indigenous populations as are the consequences of the policy of apartheid are crimes against humanity'

"Some other members of the Working Group indicated their preference for the definition of 'crimes against humanity' contained in paragraph B of the following text proposed by the representative of the United States of America (E/CN.4/WG.1/L.8)

- 'A. War crimes: For the purposes of the present convention, any of the following shall be considered "war crimes" when committed in violation of the laws and customs of war: murder, torture or inhuman treatment (including forced medical or scientific experimentation, or enslavement).
- 'B Crimes against humanity: For the purposes of the present convention, any of the acts enumerated in paragraph A of this Article, when committed with intent to destroy in whole or in part a national, ethnical, racial or religious group, as such shall be considered "crimes against humanity", whether or not committed in time of war.'

Article II paragraph 3

"The following text was adopted as paragraph 3 of article II:

'3. Crimes within the meaning of this convention shall include the incitement, conspiracy or attempt to commit the same, or any complicity therein'

Proposal by the representative of Greece

"The representative of Greece, who had been invited by the working group to introduce his amendment (E/CN.4/L.917) to article III of the Secretary-General's draft, orally revised that proposal to read:

'Nothing in this convention shall be interpreted as imposing any obligation on a Contracting Party in respect of crimes to which limitations or prescriptions had already applied prior to the adoption of this convention by the General Assembly of the United Nations'

"The Working Group did not take any decision on the substance of that proposal, nor on the place where it might be included in the text of the draft convention. The representative of Greece reserved his right to make proposals on those matters to the Commission.

Articles IV, V, VI, VII, IX, IXa, X, XI and XII
of the Secretary-General's draft

"Due to lack of time, the Working Group did not consider these draft articles.

Article VIII of the Secretary-General's draft
concerning reservations

"The Working Group held a brief debate on that draft article, in the course of which the representative of Poland, supported by various members, orally suggested deletion of the article. The working group did not take any decision on Article VIII and decided to refer the matter to the Commission."

156. The Commission considered this report at its 931st, 933rd, 934th and 935th meetings.

Amendments submitted

157. At these meetings, several amendments were submitted to the Secretary-General's draft and to the texts submitted by the Working Group.

158. The Union of Soviet Socialist Republics submitted an amendment (E/CN.4/L.946), to insert the following new article after article III of the Secretary-General's draft:

"States undertake to adopt immediate and effective measures, including the enactment of legislation, for the arrest, extradition, bringing to trial and strict punishment in accordance with the law of persons who have committed war crimes and crimes against humanity."

159. The representative of the USSR submitted another amendment (E/CN.4/L.947), proposing to insert the following new article before article IV of the Secretary-General's draft:

"States undertake to adopt immediate measures in the field of public information, education and culture with a view to condemning persons who have committed war crimes and crimes against humanity and preventing the extolling of such crimes."

160. The representative of France submitted an amendment (E/CN.4/L.948) proposing that a new paragraph should be added between the second and third paragraphs of the preamble of the Secretary-General's draft, reading as follows:

"Noting that in none of the solemn declarations, instruments and conventions for the prosecution and punishment of war crimes and crimes against humanity has any time limitation been recognized;"

161. The representative of the Ukrainian Soviet Socialist Republic proposed (E/CN.4/L.957) that the preamble of the Secretary-General's draft should be amended as follows:

"1. After the third preambular paragraph, insert the following new paragraph:

Expressing their determination to take such further measures as may be necessary in order to prosecute and punish war crimes and crimes against humanity which have been committed in the past, are being committed at the present time or may be committed in the future."

"2. After the fourth preambular paragraph, insert the following new paragraph:

Expressing the conviction that the prosecution and punishment, without statutory limitation, of persons who have committed war crimes or crimes against humanity will further the achievement of one of the most important purposes of the United Nations - that of saving succeeding generations from the scourge of war,".

"3. Before the last preambular paragraph, insert the following new paragraph:

"Emphasizing that the prosecution and punishment of persons who have committed war crimes or crimes against humanity, irrespective of the time of their commission, are not only a sacred duty to the victims of those crimes but also a prerequisite for the protection of human rights, of fundamental freedoms and of the peace and security of all peoples,".

4. In the last preambular paragraph, replace the words "that it is necessary and timely to affirm, in international law, the principle" by the words: "that it is important to confirm the existing principle of international law".

162. The representative of the Ukrainian Soviet Socialist Republic also proposed the following amendments to the Secretary-General's draft: (E/CN.4/L.958)

"1. Delete the texts of articles IV, V and VI from the preliminary draft convention.

"2. Insert two new articles reading as follows:

Article IV

'1. This convention shall be open for signature by all States.

'2. This convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article V

'This Convention shall be open to accession by any State. Instruments of accession shall be deposited with the Secretary-General of the United Nations''

163. The representative of the Ukrainian SSR also submitted the following amendment (E/CN.4/L.959) to article X of the Secretary General's draft:

"Replace the words 'at the request of any of the' by the words 'with the agreement of all'."

164. The representative of the USSR submitted amendments (E/CN.4/L.962) to the draft articles submitted by the Working Group (see para.135) as follows:

"1. Insert the following words at the beginning of article I: 'The Contracting Parties undertake to prosecute and punish persons who have committed.' Replace the words 'being crimes under international law, shall be prosecuted and punished' in the first sentence of article I by the words 'which are crimes under international law.' Article I will then read as follows:

'The Contracting Parties undertake to prosecute and punish persons who have committed war crimes and crimes against humanity, which are crimes under international law, irrespective of the date of their commission. The Contracting Parties undertake to adopt legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of such crimes and that, where they exist, such limitations shall be abolished.'

"2. Add the following words at the end of article II, paragraph 1, submitted by the working group: 'as well as other acts deemed to be war crimes in the Charter of the International Military Tribunal of 8 August 1945, the Geneva Conventions of 1949 for the protection of the victims of war, and other international instruments.' Article II, paragraph 1, will then read as follows:

1.'For the purpose of this convention, the expression war crimes means acts of a grave nature committed in violation of the laws or customs of war, particularly murder, torture and inhuman treatment, including inhuman and forced medical or scientific experimentation, as well as other acts deemed to be war crimes under the Charter of the International Military Tribunal of 8 August 1945, the Geneva Conventions of 1949 for the protection of the victims of war, and other international instruments.'

"3. Redraft article II, paragraph 2, to read as follows:

'2. For the purposes of this Convention, "crimes against humanity" shall mean inhuman acts such as genocide, murder, extermination, enslavement, deportation or persecutions, including inhuman acts resulting from the policy of apartheid, committed in time of war or in peace time against the civil population or certain elements of that population on social, political, economic, racial, religious or cultural grounds by the authorities of the State or by private individuals acting at the instigation or with the toleration of such authorities. The expression "crimes against humanity" also means inhuman acts as defined in the Charter of the International Military Tribunal of 8 August 1945 and other inhuman acts deemed to be crimes under international law, including the extermination of peoples fighting for their freedom and independence against colonialism.'

165. The representative of Austria submitted the following amendments (E/CN.4/L.963) to the Secretary-General's draft and to the texts of the Working Group:

"Article II, paragraph 2 (E/CN.4/L.943)

"1. Insert in the second line of the text contained in the report of the Working Group, after the word 'deportation' a comma and the word 'expulsion'.

"2. Insert in the fifth line of the same text after the word 'religious' a comma and the word 'ethnic'.

"Preliminary draft convention (E/CN.4/928)

"3. Delete article VIII."

Issues discussed

166. At its 931st meeting, held on 17 March 1967, the Commission decided, by 8 votes to 7 with 9 abstentions, to consider first the substantive articles submitted by the Working Group. The debate centred mainly on draft article I of the text proposed by the Working Group, the original amendment by Greece (see para.151) and the amendment of Greece as orally revised and submitted to the Working Group (see para.155). The Greek amendment originally had been submitted as an amendment to article III of the Secretary-General's draft but, in view of the re-arrangement proposed by the Working Group, it was generally agreed that it should be considered in relation to the new article I proposed by the Working Group.

167. Several representatives thought that article I as drafted by the Working Group raised a major problem, by providing in unqualified terms that war crimes and crimes against humanity "shall be prosecuted and punished irrespective of the date of their commission". They expressed the view that this article would oblige the States Parties to prosecute and punish those crimes in respect of which the period of statutory limitation had expired at the time of ratification of the Convention. According to those members, such an obligation would not be acceptable to many States as it would be contrary to the principle of non-retroactivity of criminal law which was embodied in the constitutions of their countries. Furthermore, it was pointed out that this principle had been proclaimed in article II, paragraph 2 of the Universal Declaration of Human Rights.

168. Some representatives expressed the view that it would not be consonant with the general principles of equity and the rule of law which obtained in civilized countries to re-open prosecution against persons who, relying on statutory limitation, might have destroyed evidence in their favour. For all these reasons, several members of the Commission supported the idea underlying the amendment by Greece as orally revised in the Working Group. They thought that inclusion of such a clause in the convention would permit many States to ratify that instrument as far as future crimes were concerned - an intention which they sincerely entertained - without violating the important principle of non-retroactivity of criminal law.

169. Several other representatives declared themselves strongly opposed to the inclusion in the convention of a clause along the lines of the revised amendment submitted by Greece.

170. Some of those members expressed the view that the convention should merely declare or restate in detail a principle of international law which had existed in any event since the adoption of the post-war instruments; the non-applicability of statutory limitation to war crimes and crimes against humanity: In their view, this principle of international law had been prevalent in the past as it should be in the future, and domestic law applying statutory limitation to such crimes violated international law. Some other representatives stated that they did not consider the application of statutory limitation to war crimes as being already prohibited under international law. In their opinion, all that could be said was that the relevant existing instruments were completely silent on the matter of statutory limitation.

171. Several representatives who were opposed to the Greek amendment expressed the view that such a clause would make the convention self-contradictory and almost meaningless. It would be too easy for a State to circumvent the basic obligations laid down in the Convention by applying statutory limitation to all post war crimes and crimes against humanity just before ratifying that instrument. Some representatives objected to attempts to adapt the convention to the practice of a single State which did not fulfil its obligations concerning the punishment of war criminals. In the opinion of some members, the adoption of the amendment would constitute an insult to the memory of the martyrs who had been the victims of war crimes and crimes against humanity, and who would never have forgiven or forgotten those atrocities.

172. The view was also expressed that reliance on statutory limitation might not be considered as a human right. Statutory limitation was mainly a rule of criminal policy which might or might not apply according to the degree of gravity of the crimes concerned and various other considerations. Several specialists in criminal law considered also that the principle of non-retroactivity might apply in respect of substantive penal law but not necessarily as regards procedural law; and that statutory limitations were of a procedural character.

173. A number of representatives, including some who were opposed to the inclusion of the Greek amendment, felt that the difficulties mentioned in paragraph 167 above concerning the retroactive application of the convention might be solved through deletion of article VIII of the Secretary-General's draft concerning reservations. The amendment submitted by Austria (see para. 165) concerned that matter. Without such an article, each State Party to the convention would be free to make reservations.

174. Some other representatives did not favour the solution of deleting the reservations clause and referred in that connexion to the Advisory Opinion of the International Court of Justice concerning reservations to the Genocide Convention. They felt that, even in the absence of such a clause, the States which would make reservations for the reasons outlined in the Greek amendment might well encounter objections on the part of some States Parties. Those States Parties might indeed maintain that such reservations were incompatible with the purpose of the Convention. Under such conditions, there would be great uncertainty as regards the extent of the obligation of each State under the convention, and some undesirable tensions might develop between the reserving and the objecting States. These representatives therefore favoured the inclusion of a clause as proposed by Greece, as well as the adoption of a reservations clause along the lines of the one appearing in the Secretary-General's draft. Other representatives felt that a modified reservations clause could solve the problem.

175. As regards article I proposed by the Working Group, a few representatives also suggested that an explicit reference be made therein to the definition of war crimes and crimes against humanity contained in article II. Otherwise the erroneous impression could be gathered from the draft proposed for article I that all such crimes, irrespective of their gravity, were covered by the convention. Some other members did not consider such an explicit cross-reference necessary.

176. It was also pointed out that the words "being crimes in international law", in article I as proposed by the Working Group, were redundant, as such a reference appeared in the preamble of the Secretary-General's draft. On the other hand it was maintained that such a reference should be included both in the preamble and in article I, in order to stress the international character of such crimes which was one of the main reasons for removing them from the scope of statutory limitations.

177. As regards the alternative texts of article II, paragraph 2, submitted by the Working Group, some representatives said that they did not favour the definition of "crimes against humanity" contained in paragraph 7 of the Working Group's report. In their view this text, largely taken from the formulation of the International Law Commission, was vague and perhaps too extensive for inclusion in the convention. Some other representatives thought that such a draft article was acceptable and that the formulation of the International Law Commission, although never formally approved by the General Assembly, should be given due consideration.

178. Several members were strongly in favour of including inhuman acts flowing from the policy of apartheid within the scope of the convention, even in a separate sentence. A few representatives opposed such a reference as formulated in the draft of the Working Group (E/CN.4/L.943, paras. 7 and 8), stating that, in their view, the proposed text was too broad to avoid misinterpretation, and that it might give the impression of defining a new crime in international law, a task which was outside the mandate of the Commission. The definition already covered all crimes against humanity, whatever the motive or the policy which inspired them.

179. At the close of that discussion, several representatives expressed the view that the Commission had not had sufficient time to solve the problem of reconciling the principle of non-applicability of statutory limitations with that of non-retroactivity of criminal law, which was raised by various drafts. They thought it best to transmit that matter to the competent committees of the General Assembly, and proposed that governments should be given the opportunity to express their views on all the documents under consideration. Other representatives regretted that the Commission should take such a decision, and said that the Commission was under a moral obligation to complete its consideration of the item.

Consideration of draft resolution submitted by Argentina,
Costa Rica, Guatemala, Israel, Nigeria and the Philippines

180. At the 934th meeting held on 20 March 1967, after some discussion the Commission adopted, by 22 votes to none, with 8 abstentions, a draft resolution submitted by Argentina, Costa Rica, Guatemala, Israel, Nigeria and Philippines (E/CN.4/L.967), with the addition of a fourth paragraph proposed orally by the representative of Yugoslavia.

181. The resolution adopted by the Commission reads as follows:

4. (XXIII) Question of the punishment of war criminals and of persons who have committed crimes against humanity

The Commission on Human Rights,

Having considered the preliminary draft convention on the non-applicability of statutory limitation to war crimes and crimes against humanity prepared by the Secretary-General (E/CN.4/928),

Having also considered the report of the Working Group on this item (E/CN.4/L.943), containing draft texts for an article I, for paragraphs 1 and 3 of an article II, alternative texts for paragraph 2 of article II; and a draft text contained in paragraph 11 of the said report,

1. Expresses its regret that for lack of time it was not possible for the Commission to prepare a draft convention on the non-applicability of statutory limitations to war crimes and crimes against humanity;

2. Transmits to the Economic and Social Council the preliminary draft convention on the non-applicability of statutory limitation to war crimes and crimes against humanity prepared by the Secretary-General and the report of the Working Group together with all proposals submitted to the Commission (E/CN.4/L.917, E/CN.4/L.946, E/CN.4/L.947, E/CN.4/L.948, E/CN.4/L.957, E/CN.4/L.958, E/CN.4/L.959, E/CN.4/L.962, E/CN.4/L.963) and the records of discussions in the Commission on this item (E/CN.4/SR.919, 921, 931 and 933-935).

3. Requests the Economic and Social Council to transmit the above documents and records to the General Assembly with the request that they be taken into consideration in the preparation and adoption by the Assembly of a draft convention on the non-applicability of statutory limitation to war crimes and crimes against humanity;

4. Further requests the Economic and Social Council to request the Secretary-General to include in the provisional agenda of the General Assembly the question of punishment of war criminals and of persons who have committed crimes against humanity, as a new and separate item.

CONSIDERATION OF DRAFT RESOLUTION SUBMITTED BY POLAND

182. At the 935th meeting, after the Commission had adopted resolution 4 (XXIII), the representative of Poland submitted the following draft resolution (E/CN.4/L.965):

"The Commission on Human Rights

"Recalling General Assembly resolution 95 (I) of 11 December 1946,

"Noting the recommendations addressed to the Commission by the Economic and Social Council in resolution 1158 (XLI),

"1. Requests the Secretary-General to invite all States to express their views on the subject of the codification of the principles concerning the crimes in the international law and in particular on what matter should be considered in this field in addition to the convention on non-application of statutory limitations to war crimes and crimes against humanity and in what form that matter might be embodied (for instance: convention, declaration, etc.);

"2. Requests the Secretary-General to submit to the General Assembly at its twenty-second session a report on this matter."

183. In support of the proposal, some representatives expressed the view that the Commission should not confine itself to considering questions of the applicability of statutory limitation, important though those questions were. Pursuant to the broad provisions of paragraph 3 of Economic and Social Council resolution 1158 (XLI), the Commission should further endeavour to draft recommendations concerning all problems relating to the punishment of war criminals and of persons who have committed crimes against humanity. In paragraph 4 of that resolution the Council had requested the Secretary-General to carry out a study of those problems. These representatives deemed it important that States should be requested as soon as possible to express their views concerning the indispensable work of codification of the principles concerned. The Assembly would thus have before it, at its twenty-second session, data concerning the problem as a whole.

184. Several other members, however, expressed the view that the Polish proposal was couched in terms too vague to enable the United Nations to take any constructive action. Some pointed out that the codification referred to in the proposal was a very complex task and would require a great deal of time, and feared that the attention devoted to it might have an adverse effect on the urgent task of preparing a convention on the non-applicability of statutory limitations to war crimes and crimes against humanity. In their view, the adoption of that convention might be seriously jeopardized if that particular point was linked with the many highly complex problems mentioned in the Polish draft resolution.

185. At the conclusion of the discussion the representative of Poland expressed his willingness to accept a motion by the representative of the United States of America, under rule 45 of the rules of procedure, to adjourn the debate on his proposal.

IV. COMMUNICATION DATED 3 FEBRUARY 1967 FROM THE ACTING CHAIRMAN
OF THE GENERAL ASSEMBLY'S SPECIAL COMMITTEE ON THE POLICIES
OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA

186. In a note (E/CN.4/935), the Secretary-General drew the attention of the Commission to the following communication, dated 3 February 1967, received from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa:

"Sir,

"I have the honour, on behalf of the Special Committee, to request you to draw the urgent attention of the Commission on Human Rights to the continuing ill-treatment of prisoners, detainees and persons in police custody in the Republic of South Africa, particularly the numerous opponents of apartheid who have been imprisoned under arbitrary laws.

"The Special Committee has always been gravely concerned over this matter and has reported on it to the General Assembly and the Security Council. A number of documents of the Special Committee, a list of which is attached, contain alarming evidence of ill-treatment of such persons in prisons and police stations.

"In its reports of 30 November 1964, and 16 August 1965, the Special Committee suggested the establishment of an international commission composed of eminent jurists and prison officials to investigate the charges of torture and ill-treatment of prisoners in South Africa. The suggestion was not pressed in the General Assembly because it was hoped that the expression of international concern might persuade the South African Government to improve conditions so as to conform with civilized standards and the regulations in South Africa itself.

"However, evidence of the continuing ill-treatment of prisoners, detainees and persons in police custody is still being received. Those being subjected to this ill-treatment include not only acknowledged leaders of the people and opponents of apartheid who have been persecuted under legislation which violates the fundamental principles of human rights, but also thousands who have been imprisoned for the infringement of apartheid laws. As the Special Committee observed in its report of 21 October 1966, the ruthless measures of the South African Government seem to be increasingly designed to wreak vengeance against the opponents of apartheid. In the view of the Special Committee, such measures contravene international standards of behaviour and the Universal Declaration of Human Rights.

"The Special Committee, therefore hopes that the Commission on Human Rights will consider the matter urgently and take steps to secure an international investigation with a view to ameliorating the conditions of these victims.

"Accept, Sir, the assurances of my highest consideration."

187. In addition to the communication quoted above, the Commission had before it the following documents accompanying the communication as an enclosure: ^{25/}

Letter dated 3 March 1964 from Mr. George Houser, Executive Director, the American Committee on Africa, New York, enclosing copies of statements by South Africans detained under the Ninety-Day Detention Act;

Letter dated 12 May 1964 from Mrs. Ruth First, London, enclosing three sworn affidavits of former political prisoners on Robben Island;

Memorandum dated 30 September from the World Campaign for the Release of South African Political Prisoners, London, on the treatment of political prisoners and detainees in South Africa;

Letter dated 23 November 1964 from Mrs. Ruth First, London, enclosing affidavits by prisoners in South Africa concerning ill-treatment in prison;

Memorandum dated December 1964 from the World Campaign for the Release of South African Political Prisoners, London, on the treatment of political prisoners in South Africa;

Statement dated March 1965 from the World Campaign for the Release of South African Political Prisoners, London, enclosing an affidavit by Washington Bongco;

Letter dated 1 September 1966 from Mr. Dennis Brutus, East Twickenham, Middlesex, United Kingdom.

188. The Commission also had before it a communication dated 27 February 1967 from the Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa addressed to the Chairman of the Commission on Human Rights, transmitting the text of the statement made before the Special Committee on 27 February 1967 by a petitioner, Mr. Dennis Brutus, concerning the treatment of political prisoners in South Africa (E/CN.4/L.899).

189. The Commission also had before it the report of the Seminar on Apartheid, held at Brasilia from 23 August to 4 September 1966, which had been organized by the United Nations in co-operation with the Brazilian Government (ST/TAO/HR/27).

190. The Commission examined this question at its 900th, 902nd, 904th, 906th, 908th, 910th, 912th, 914th and 916th meetings, held from 23 February to 7 March 1967.

191. At its 904th, 906th and 910th meetings, the Commission heard statements by the Observer for the Republic of South Africa. On the proposal of the representative of the United Arab Republic, a film on the situation in the Republic of South Africa, brought out by a refugee from that country, was shown to the members of the Commission.

^{25/} These documents had already been circulated as documents of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, under the following symbols: A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123, A/AC.115/L.181.

Draft resolutions and amendments submitted

192. At the 904th meeting, the United Republic of Tanzania submitted the following draft resolution (E/CN.4/L.884):

"The Commission on Human Rights,

"Having considered the letter from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa contained in document E/CN.4/935,

"Gravely disturbed by the atrocities, mass terror and ill-treatment of political prisoners and persons who oppose the policy of apartheid and racism in the Republic of South Africa,

"Noting with appreciation the proclamation of the General Assembly in its resolution 2142 (XXI) of the annual commemoration of the massacre of Sharpeville, 21 March, as International Day for the Elimination of Racial Discrimination,

"1. Deplores the fact that the racist régime in that country relies upon the policy of mass terror, murder and brutalities to foster its criminal policy of apartheid and racism;

"2. Condemns the atrocities, mass terror and ill-treatment of political prisoners in the Republic of South Africa as flagrant violations of human rights, of the provisions of the United Nations Charter, the Universal Declaration of Human Rights, the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination;

"3. Endorses fully all the conclusions and recommendations of the Seminar on Apartheid held in Brazilia from 23 August to 4 September 1966 (ST/TAO/HR/27, para.138), and in particular, conclusion number 13 which appeals to all States to contribute to the United Nations Trust Fund for South Africa, the Defence and Aid Fund International, the United Nations Educational and Training Programme for South Africans, and the Anti-Apartheid Movement;

"4. Requests the Secretary-General, in the name of the Commission, to transmit an immediate appeal to the Government of the Republic of South Africa to put an immediate end to its policy of mass terror and ill-treatment of political prisoners and of persons opposing its policies of apartheid and racism;

"5. Requests the Secretary-General to establish as soon as possible, and in any case before the next session of the Commission, a highly authoritative committee of legal experts on the basis of the representation of different legal systems, to enquire further into the situation concerning the police brutalities and ill-treatment of opponents of the policy of apartheid and racism in the Republic of South Africa and submit its findings and recommendations to him;

"6. Recommends that the Secretary-General instruct the unit on the policies of apartheid in the Secretariat to collate and make immediately public and disseminate as widely as possible all of the documents available to him and the Special Committee on Apartheid revealing instances of the violations of human rights and ill-

treatment of political prisoners and opponents of apartheid in the Republic of South Africa, especially the statements of Nelson Mandela and Burt-Fisher in their recent court trials in South Africa;

"7. Recommends further that the Secretary-General instruct his representatives and United Nations information Centres around the world to give the maximum publicity to all documents available to him referred to in paragraph 6 above, and to open a Register in their offices for the receipt of contributions from all sources private and public for the victims of the policies of apartheid and racism in South Africa;

"8. Requests the Secretary-General to circulate this resolution immediately to the members of the Security Council and the other States Members of the United Nations;

"9. Requests further the Chairman of the Commission to contact the Secretary-General and report to the present session the steps taken concerning the measures mentioned in this resolution."

193. At the 904th meeting, the United Arab Republic, Iran and Nigeria submitted the following draft resolution (E/CN.4/L.885):

"The Commission on Human Rights

"Having considered and examined the communication to the Secretary-General from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935) together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and A/AC.115/L.181),

"Deeply disturbed by the evidence in those documents of continuing torture and ill-treatment of persons in the Republic of South Africa who have been detained by the police or imprisoned for opposition to, or infringement of, apartheid laws,

"Affirming that the situation in South African prisons is most grave and requires the most urgent attention in the most effective way possible,

"Strongly deploring the continued flagrant violation of the provisions of the Charter of the United Nations by the Government of the Republic of South Africa and the actions of that Government which are contrary to international law and international morality,

"Insisting on its firm determination to protect human rights and fundamental freedoms, and desirous of an urgent and immediate stop of violations of human rights and fundamental freedoms in the Republic of South Africa,

"1. Requests the Secretary-General to send an immediate telegram to the Government of the Republic of South Africa conveying the deep distress and serious concern of the Commission at this situation, and an urgent appeal on its behalf for the immediate cessation of the cruel and inhuman ill-treatment of prisoners;

"2. Further requests the Secretary-General to establish, at the earliest possible time, and in consultation with Member States of the United Nations, as appropriate, an international Commission composed of eminent jurists and prison officials to:

- "(a) investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa;
- "(b) receive communications and hear witnesses and use such modalities of procedure as it may deem appropriate;

"3. Further requests the Secretary-General to arrange, as a matter of urgency, for the immediate and widest publication of the substance of the contents of the documents A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and A/AC.115/L.181;

"4. Calls upon all Member States of the United Nations to give the widest publicity, through all available information media, to the substance of the contents of these documents;

"5. Draws the attention of all international humanitarian organizations to these documents and appeals to them to take, as a matter of urgency, any appropriate action in their power to help alleviate the inhuman situation described therein;

"6. Appeals to all States, governmental, non-governmental and private organizations, as well as private individuals, to support the United Nations Trust Fund for South Africa through financial and other aids;

"7. Requests the Secretary-General to circulate this resolution to the members of the Security Council;

"8. Further requests its Chairman to keep in regular contact with the Secretary-General and to report to the present session the progress of the implementation of this resolution;

"9. Decides to review the situation at its twenty-fourth session."

194. At the 904th meeting, Dahomey, Jamaica, the Philippines and Senegal submitted the following draft resolution (E/CN.4/L.888):

"The Commission on Human Rights,

"Having considered the communication transmitted by the Secretary-General from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935), together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and A/AC.115/L.181),

"Deeply disturbed by the evidence of continuing ill-treatment and torture of persons in the Republic of South Africa who have been detained by the police or imprisoned for opposition to, or infringement of, Apartheid laws,

"Having heard the statement of the Observer of the Republic of South Africa in connexion with this question,

"1. Condemns the practices described and complained of in the above-cited documents as constituting a double injury against the victims of the inhuman policies of apartheid of the Government of the Republic of South Africa, who are imprisoned or detained for opposing and violating those policies,

"2. Requests the Secretary-General immediately to address, on behalf of the Commission, an earnest appeal to the Government of the Republic of South Africa to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice,

"3. Recommends to the Economic and Social Council to establish, in consultation with the Chairman of the Special Committee and the Chairman of the Commission on Human Rights, an international commission composed of eminent jurists and prison officers to investigate the charge of torture and ill-treatment of prisoners in South Africa,

"4. Calls upon all Member States, international legal aid societies and humanitarian organizations to lend every possible assistance to the victims of Apartheid, in particular, persons who have been subjected to inhuman treatment and punishment for opposing the Apartheid policies of the Republic of South Africa,

"5. Requests the Secretary-General to give the widest possible publicity to the documents received from the Acting Chairman of the Special Committee containing the testimony of certain victims of torture and ill-treatment in the prisons of South Africa,

"6. Further requests the Secretary-General to convey to the Special Committee the desire of the Commission on Human Rights to maintain close and effective collaboration with it in achieving their common objectives."

195. At the 906th meeting, the Democratic Republic of the Congo, Dahomey, Iraq, Iran, Jamaica, Morocco, Nigeria, the Philippines, Senegal and the United Arab Republic submitted a draft resolution (E/CN.4/L.891) replacing two of the drafts which had been submitted at the 904th meeting (E/CN.4/L.885 and E/CN.4/888). The second revised version of this draft resolution, (E/CN.4/L.891/Rev.2) with two additional sponsors, India and Pakistan, read as follows:

"The Commission Human Rights,

"Having considered and examined the communication from the Secretary-General transmitting a letter from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935) together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and A/AC.115/L.181),

"Deeply disturbed by the evidence in those documents of continuing torture and ill-treatment of persons in the Republic of South Africa who have been detained by the Police or imprisoned for opposition to, or infringement of, apartheid laws,

"Strongly deploring the continued flagrant violation of the provisions of the Charter of the United Nations by the Government of the Republic of South Africa and the actions of that Government which are contrary to international law and international morality,

"Determined to protect human rights and fundamental freedoms, and desirous of an urgent and immediate stop of violations of human rights and fundamental freedoms in the Republic of South Africa,

"Having heard the statement of the Observer for the Republic of South Africa in connexion with this question,

"1. Condemns the practices described and complained of in the above-cited documents as constituting a double injury against the victims of the inhuman policies of apartheid of the Government of the Republic of South Africa, who are imprisoned or detained for opposing and violating those policies;

"2. Requests the Secretary-General immediately to address, on behalf of the Commission, a telegram to the Government of the Republic of South Africa conveying the deep distress and serious concern of the Commission at this situation and requesting that Government to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice;

"3. Decides to establish, in accordance with the relevant resolution of the Economic and Social Council, an ad hoc working group of experts composed of eminent jurists and prison officials to:

"(a) investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa;

"(b) receive communications and hear witnesses and use such modalities of procedure as it may deem appropriate;

"(c) recommend action to be taken in concrete cases;

"(d) report to the Commission on Human Rights at the earliest possible time;

"4. Calls upon the Government of the Republic of South Africa to co-operate with the ad hoc working group of experts, providing it with the necessary facilities for the discharge of its task within South Africa;

"5. Requests the Secretary-General to give the widest possible publicity, as soon as possible, to the documents received from the Acting Chairman of the Special Committee containing the testimony of certain victims of torture and ill-treatment in the prisons of South Africa;

"6. Calls upon all Member States of the United Nations to give the widest national publicity, through all available information media, to the substance of the contents of these documents;

"7. Draws attention of all international humanitarian organizations to these documents and appeals to them to take, as a matter of urgency, any appropriate action in their power to help alleviate the inhuman situation described therein;

"8. Appeals to all States, governmental, non-governmental and private organizations, as well as private individuals, to support the United Nations Trust Fund for South Africa through financial and other aids;

"9. Requests the Secretary-General to circulate this resolution to the members of the Security Council;

"10. Further requests the Secretary-General to convey to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa the desire of the Commission on Human Rights to maintain close collaboration with it in achieving their common objectives.

"11. Requests its Chairman to maintain contact with the Secretary-General and to report before the end of the present session the progress of the implementation of this resolution;

"12. Decides to review the situation at its twenty-fourth session."

196. The Secretary-General submitted a statement of financial implications (E/CN.4/L.902) relating to the revised twelve-Power draft resolution.

197. At the 914th meeting, the representative of the Secretary-General communicated orally to the Commission an opinion of the Office of Legal Affairs of the Secretariat on the competence of the Commission in regard to the establishment of the body proposed in the twelve-Power draft resolution.

198. The representative of the United Republic of Tanzania did not press for a vote on his draft resolution. He submitted an amendment (E/CN.4/L.892) to the revised twelve-Power draft resolution. The amendment was as follows:

"1. Add a new paragraph at the end of the preambular paragraphs reading as follows:

¹Noting with appreciation the proclamation of the General Assembly in its resolution 2142 (XXI) of the annual commemoration of the massacre of Sharpeville, 21 March, as International Day for the Elimination of Racial Discrimination,¹

"2. After operative paragraph 1, insert the following new operative paragraph:

¹Endorses fully all the conclusions and recommendations of the seminar on apartheid held in Brazilia from 23 August to 4 September 1966 (ST/TAO/HR/27, para.138), and in particular, conclusion number 13 which appeals to all States to contribute to the United Nations Trust Fund for South Africa, the Defence and Aid Fund International, the United Nations Educational and Training Programme for South Africans, and the Anti-Apartheid Movement;¹

"3. In the penultimate line of operative paragraph 5, add between 'certain' and 'victims' the words 'political prisoners.'

"4. At the end of operative paragraph 5, add the following: 'as well as the statements of Nelson Mandela and Abram Fischer in their recent court trials in South Africa.'

"5. Before operative paragraph 12, insert the following new operative paragraph:

'Recommends further that the Secretary-General instruct his representatives and United Nations Information Centres around the world to give the maximum publicity to all documents available to him referred to above, and to open a register in their offices for the receipt of contributions from all sources, private and public, for the victims of the policies of apartheid and racism in South Africa'."

199. The United Republic of Tanzania submitted a revised amendment (E/CN.4/L.892/Rev.1), retaining its amendment to the preamble and its two amendments to operative paragraph 5, but omitting the operative paragraph concerning the conclusions of the seminar in Brazilia. The sponsor said that he might submit that last proposal during the consideration of another agenda item. In his revised amendment, the representative of the United Republic of Tanzania proposed that the introductory phrase of operative paragraph 3 of the twelve-Power proposal should be replaced by the following text:

"Decides to establish an ad hoc working group of nine governmental experts on the basis of equitable geographical distribution to:"

He further proposed the insertion of the following new operative paragraphs before operative paragraph 12 of the twelve-Power draft resolution:

"Recommends that the Secretary-General in consultation with Member States, arrange to give the maximum publicity to all documents available to him and referred to above, and to provide facilities whereby registers for the receipt of contributions from all sources, private and public, for the victims of the policies of apartheid and racism in South Africa may be opened in each country;

"Requests the Secretary-General to report to the General Assembly the degree of co-operation he has received from the various Member States."

200. At the 914th meeting, the amendment of the United Republic of Tanzania, to insert the words "political prisoners" between the words "certain" and "victims" was revised orally by the deletion of the word "certain".

201. The Secretary-General submitted a statement (E/CN.4/L.903) of the financial implications of the revised amendments of the United Republic of Tanzania.

202. Austria submitted an amendment (E/CN.4/L.896) to the revised twelve-Power draft resolution, proposing the insertion of the following new paragraph before the first preambular paragraph of the draft resolution:

"Considering that the General Assembly by its resolution 2144 A (XXI), paragraph 12, invited the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur."

Austria subsequently submitted a revised version of its amendment (E/CN.4/L.896/Rev.1), proposing replacement of the word "evidence" by the word "allegations" in the second preambular paragraph of the twelve-Power draft resolution and of the words "this situation" by the words "these allegations" in operative paragraph 2. At the 914th meeting, the Austrian representative orally revised his amendment to the second preambular paragraph of the twelve-Power proposal by substituting the word "reports" for the word "allegations".

203. The United States of America submitted an amendment (E/CN.4/L.897) to the twelve-Power draft resolution, as follows:

"1. Operative paragraph 3. For the phrase 'in accordance with the resolutions of' insert the phrase 'subject to the approval of'.

"2. In operative paragraph 3, after sub-paragraph (b) insert the following new sub-paragraph before sub-paragraph (c):

'Study and report on legislation and practices in South Africa instituted to establish and maintain apartheid with particular reference to the effect of these on the rule of law in South Africa in such matters as arrest, detention and treatment of prisoners, right to counsel and fair trial.'

"3. In operative paragraph 8, in the first line insert after the word 'all the word 'Member'.

"4. Add as a new operative paragraph 13 the following:

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

"The Economic and Social Council,

"Noting the recommendation of the Human Rights Commission for the establishment of an International Commission of Experts, as recorded in resolution of that Commission, to study and examine certain conditions in the Republic of South Africa,

"Approves the establishment of the International Commission of Experts composed of eminent jurists and prison officials with terms of reference as recommended by the Commission,

"Requests the Secretary-General to appoint the members of the Commission in consultation with Member States,

"Calls upon the Government of the Republic of South Africa to co-operate with the International Commission of Experts, providing it with the necessary facilities for the discharge of its task within South Africa.'"

204. At the 914th meeting, the representative of Dahomey submitted an oral amendment to insert the words "who would be designated by the Chairman of the Commission" after the word "officials" in operative paragraph 3 of the twelve-Power draft resolution.

205. At the 914th meeting, the Philippine representative orally proposed that the words "the relevant resolution" in operative paragraph 3 of the twelve-Power draft resolution should be replaced by the words "Economic and Social Council resolution 9 (II) of 21 June 1946". This proposal was accepted by the sponsors of the draft resolution.

Issues discussed

206. Members of the Commission recognized and emphasized the seriousness and urgency of the question of the treatment of detainees and prisoners held in the Republic of South Africa for opposition to the policy of apartheid.

207. Many representatives felt that that particular question was closely linked to that of apartheid as a whole, a policy which the members of the Commission unanimously condemned as involving the systematic degradation of a whole people by a minority, in flagrant and persistent violation of the provisions of the United Nations Charter relating to human rights.

208. During the discussion the Observer for the Republic of South Africa, who had been granted a hearing by the Commission, made a number of statements. Certain members put questions to him, asking him in particular whether, in his opinion, apartheid was an unusual phenomenon in Africa; whether he considered that that policy infringed the human rights and the political rights of South African citizens, especially the 12.5 million African citizens in that country; whether racial discrimination was not an essential characteristic of the system; whether his Government would permit foreign lawyers to plead in the South African Republic in public hearings before representatives of the press; and whether the South African Government would be prepared to permit independent journalists and lawyers to enter South Africa and study the situation freely on the spot. The statements made by the Observer concerning the situation of political prisoners and the possibility of investigations on the spot by a United Nations body are summarized below (see paras.217 and 229).

209. In his general remarks, the Observer for the Republic of South Africa said that the apartheid policy was unique in the world and that his Government had no intention of exporting it to other countries. He denied that it was a policy of racial discrimination. On the contrary, the system represented an endeavour to ensure the separate development of different groups of the population on a footing of equality. His country was in no way sealed off.

210. Several representatives expressed their strong indignation on hearing apartheid described as a system of equality whereas it constituted the most indisputable example of racial discrimination and was based on the monstrous hypothesis of the absolute superiority of one race over others.

211. Before considering in detail the question of the treatment of political prisoners, the Commission held an exchange of views on the general development of the situation relating to the struggle against the apartheid policy and on the steps which should be taken to eliminate that atrocity. In the view of some representatives, the very numerous condemnations and recommendations on the subject by various United Nations organs had proved ineffective. Far from improving, the situation was steadily deteriorating, as was indicated by the communication from the Acting Chairman of the Special Committee. Several members thought that the essential reason for that situation was that some countries, disregarding the recommendations of the General Assembly, continued to maintain close diplomatic and commercial relations with the Republic of South Africa, and to sustain its economy and supply it with arms. Some representatives, who had expressed scepticism with regard to the various measures taken so far by the United Nations maintained that the only really effective way of eliminating apartheid was to reveal in detail to world opinion the economic or other ties which existed between certain countries and the Republic of South Africa, with a view to loosening those ties, and above all, to impose on South Africa the sanctions provided under Chapter VII of the Charter with respect to threats to international peace and security. Those representatives also recalled that the General Assembly had described apartheid as a crime against humanity.

212. Some representatives thought that a United Nations High Commissioner for Human Rights - an appointment under consideration - would play a very useful role in the struggle against apartheid. Others expressed the view that it was inconceivable that the South African Government would act on the advice of a High Commissioner inasmuch as it had totally ignored the recommendations of the United Nations as a whole.

213. Some other representatives suggested that the Commission should set up an ad hoc committee, or alternatively appoint a special rapporteur, to make practical recommendations for co-ordinating, concentrating and extending the activities of the United Nations in combating apartheid. Some representatives recalled the precedent of the reports of the Ad Hoc Committee on Forced Labour, the first of which had appeared in 1951, and how effective they had been.

214. Other representatives said that the Brasilia Seminar had done useful work in that connexion. Some, who supported the proposals of the United Republic of Tanzania on that subject (see para. 198), expressed the hope that the Commission would give its wholehearted approval to the conclusions and recommendations of the seminar (ST/TAO/HR/27, para. 138). Others however maintained that such approval could only be given after mature reflection, since some of the recommendations of the seminar - in particular those relating to sanctions - raised complex problems. The supporters of the amendment of the United Republic of Tanzania thought that such an attitude - like the reservations expressed by a number of participants at the Brasilia seminar - might reflect the desire of certain countries to maintain close relations with the South African Government. Some representatives pointed out that the stands taken by various participants at the seminar could not be interpreted as necessarily expressing the attitude of their respective Governments, since the participants were present only in a personal capacity. They also said that the doubts entertained by certain Governments, concerning the desirability or effectiveness of various measures, in no way meant that those Governments either approved of apartheid or were indifferent to it.

215. Without ignoring the link between the question of apartheid as a whole and the question of violations of human rights considered under agenda item 24, most members focused their attention on the latter, the urgency of which demanded the most rapid action.

216. The members of the Commission were disturbed to read the documents annexed to the letter from the Acting Chairman of the Special Committee, and other documents of similar purport mentioned by a number of representatives. Some recognized that the facts mentioned constituted very serious violations of human rights, revolting to the conscience of mankind. Some others said that that would be the case if the facts were proved. Some, who supported the Austrian amendment, would have preferred to speak of "allegations" or "reports", and they thought that to speak of documents giving "evidence" of tortures and of "condemning" certain practices - as the twelve-Power draft resolution proposed - was to prejudge the question. Several other representatives recalled that the Special Committee had submitted the documents in question as "evidence" and that, furthermore, the condemnation referred to the practices complained of and not, at the present stage, to the Government against which the complaints were made.

217. The Observer for the Republic of South Africa said that the conditions in South African prisons were comparable with those in civilized countries all over the world. Any judge had the right to visit and inspect any prison without giving advance notice, and the judiciary enjoyed a high reputation for integrity. The South African Republic

had, moreover, accepted the International Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955, and they were incorporated in its legislation. In conclusion, the Observer said that under Article 2, paragraph 7 of the Charter, the Republic of South Africa was not accountable to the United Nations for the conduct of its internal affairs and the information he had given was furnished solely in an effort to be of help to the Commission.

218. Most of the members of the Commission who expressed their views on that question said that the statement by the Observer for the Republic of South Africa had added nothing new, and contained many specious arguments. The reason why some of the affidavits before the Commission dated from 1964 was because getting them out of South Africa had meant avading strict police control. It had also been necessary to keep the names of complainants secret so as not to make the task of the relief organizations, through which the affidavits had been obtained, still more difficult. Even if it was agreed that the integrity of the judiciary in the Republic of South Africa was beyond question, the judge, who was bound to apply iniquitous laws and regulations, thereby became the instrument of an unjust system and the servant of those who had created it.

219. Several representatives raised the question whether, and to what extent, the Commission on Human Rights was competent to consider specific instances of the violation of human rights such as that presented under item 24, and to take action in the matter. It was generally agreed that Article 2, paragraph 7, of the Charter was not applicable to the case under consideration. Some members held that the protection of fundamental human rights, at least following the entry into force of the Charter and in view of numerous measures adopted by the United Nations, had ceased to be a question essentially within the domestic jurisdiction of States. It was pointed out that under the provisions of the Charter, and particularly of Articles 55 and 56, the Republic of South Africa had an obligation to co-operate with the United Nations in the field of human rights and that, in pursuance of those provisions, the other Member States had a duty to continue their efforts to remedy such situations. Other representatives expressed the view that Article 2, paragraph 7, was not applicable in the present instance because the situation as a whole came under Chapter VII of the Charter.

220. Some representatives expressed the view that when the Economic and Social Council had laid down the Commission's terms of reference in 1946, it had intended that the Commission should concern itself mainly, if not exclusively, with the preparation of studies and international instruments of a general nature. They expressed doubts regarding the steps which, in view of those terms of reference, the Commission could take under agenda item 24. They believed that, at most, it could submit recommendations to the Council and the General Assembly for approval. In particular the Commission should, they maintained, urge ratification of the international covenants on human rights and of the International Convention on the Elimination of All Forms of Racial Discrimination. Other representatives, however, took the view that Economic and Social Council resolution 9 (II) had empowered the Commission to set up ad hoc groups of experts.

221. Several other representatives considered that, although the Commission's terms of reference might originally have been limited, they had been considerably broadened by General Assembly resolution 2144 (XXI), paragraph 12 of which invited the Commission to "give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violation of human rights wherever they may occur". Although

some were inclined to believe that that resolution merely empowered the Commission to recommend measures to other bodies, several representatives were of the opinion that that text gave the Commission the necessary authority to adopt specific measures itself in the event of violations of human rights. It was recalled that the Commission had, on at least one occasion, at its twenty-second session, had before it a communication from a specialized agency alleging a violation of certain human rights in a particular country. The matter had not been included in the final agenda, but not because the Commission had considered itself incompetent to discuss it. Consideration of item 24 afforded a second opportunity for the Commission to affirm its competence. It could and should take specific steps in the matter. A recommendation limited to the problem of ratification of the covenants and of the International Convention on the Elimination of All Forms of Racial Discrimination would in the circumstances serve no useful purpose, since the Republic of South Africa could not be expected to become a party to any of those instruments in the near future.

222. Questions concerning the Commission's competence were raised more particularly with regard to an important element of the twelve-Power resolution: the proposed establishment of a body to investigate the charges with which item 24 was concerned and to submit a report and recommendations to the Commission. Some representatives doubted whether the Commission could itself set up an "international commission of experts" to carry out such investigations, as the twelve Powers had proposed. In their view, the Commission could only recommend such action to the Economic and Social Council; in any event, the Council's approval was necessary. In that connexion, they cited Economic and Social Council resolution 5 (I) concerning the establishment of sub-commissions. The United States amendment (see para. 203 above) reflected that view.

223. Most representatives considered, however, that the Commission had the necessary powers to deal with the matter and that at least there could be no doubt of its competence to set up an "ad hoc working group of experts", as proposed in the revised twelve-Power draft resolution. In that connexion, they pointed out that, under Economic and Social Council resolution 9 (II) of 21 June 1946, the Commission had been authorized to "call in ad hoc working groups of non-governmental experts in specialized fields or individual experts, without further reference to the Council, but with the approval of the President of the Council and the Secretary-General." In the opinion of those members, the establishment of such an investigating body by the Commission, a procedure which was unquestionably legal under Council resolution 9 (II), was greatly preferable to the solution proposed by the United States. However, some members considered that delays would be inevitable owing to the fact that, in their opinion, the approval of the President of the Council, required under resolution 9 (II), could not be obtained before the opening of the Council's forty-second session on 9 May 1967. The new rule 23 of the Council's rules of procedure provided in particular that if the Member of the United Nations of which the President was a representative ceased to be a member of the Council, a new President had to be elected. Under the terms of the new rule, the Council had no President until elections had been held in May 1967. Other representatives contested that interpretation, holding, in particular, that the new rules of procedure would not come into effect until the Council's forty-second session and that meanwhile the necessary approval could be given by the Vice-President. It was also pointed out that, even if the approval could not be obtained until May 1967, adoption of the twelve-Power draft resolution by the Commission would enable the Chairman of the Commission and the Secretariat to begin without delay useful preparatory work with regard to the composition of the ad hoc working group. On these points reference was also made to the opinion of the Office of Legal Affairs of the Secretariat (see para. 197 above).

224. Most of the representatives on the Commission agreed that there was every assurance that such a group of experts, made up of "eminent jurists and prison officials", would be competent, independent and impartial. Some representatives, supporting the amendment of the United Republic of Tanzania (see para. 199 above) would have preferred the group to be made up of "nine governmental experts appointed on the basis of equitable geographical distribution".

225. With regard to the terms of reference of the proposed group of experts some representatives, supporting the United States amendment, expressed the view that that group should not only investigate the charges to which item 24 referred but should also carry out a study of the legislation and the practices of apartheid of the Republic of South Africa, with particular reference to their effect on the principle of the rule of law in that country in such matters as arrest, detention and treatment of prisoners, right to counsel and fair trial. In the view of those representatives, in order fully to appreciate the seriousness of the problem raised under item 24, it was important to consider it in the context of the laws and inhuman practices of apartheid. However, most of the members of the Commission considered that the United Nations already had abundant information on that subject and that the preparation of such a study would duplicate and unduly slow down the work of the group of experts. It was pointed out that the Commission had received a specific request from the Special Committee calling for the organization of an "international investigation with a view to ameliorating the conditions of these victims" imprisoned for opposing the policies of apartheid.

226. The view was expressed by a number of representatives that in order to be in a position to carry out its investigation, the proposed group of experts should be expressly authorized to "receive communications and hear witnesses and use such modalities of procedure as it may deem appropriate". That was the tenor of one of the provisions, which they deemed essential, of the twelve-Power draft resolution. Many representatives pointed out that such a broad provision would enable the group of experts to hear and consider, on a footing of complete equality, not only the grievances of victims and any statements in support of their allegations, but also the rebuttals of the Government complained against and all pertinent evidence which that Government might regard as favourable to itself. In those circumstances, and since the impartiality of the group of experts would be guaranteed by its composition, the Government of the Republic of South Africa would have no valid reason to refuse to appear before the body in question or co-operate with it.

227. A number of representatives considered that in order to give the investigation the full scope desirable, it was important that the South African Government should allow the group of experts to enter its territory and should provide it with all the necessary facilities there, including the possibility of moving freely, visiting various places, particularly prisons and detention camps, receiving petitions and hearing petitioners, and interrogating prisoners and members of their families. That was the purpose of the request made in paragraph 4 of the twelve-Power proposal.

228. At the 904th and 906th meetings, with a view to elucidating the position of the Government of the Republic of South Africa on that vital point, several members asked the Observer for that country to reply to the following questions:

Would the Government of the Republic of South Africa agree to admit to its territory an investigating body set up by the Commission on Human Rights in order to facilitate the work of that organ? Would it allow that body to question in the territory of

the Republic of South Africa detainees and all other persons in a position to supply relevant information for the purpose of ascertaining whether the complaints concerning the treatment of prisoners who were victims of the apartheid policy had any foundation?

Would the Observer be prepared, if he had not already done so, to ask his Government for instructions on the matter, so that he could reply to the Commission within twenty-four hours?

Was the Government of the Republic of South Africa aware that, in making those requests, the Commission on Human Rights was seeking to establish the truth, and that consequently, if that Government was itself convinced that it was acting justly, an on-the-spot investigation would give it an opportunity to show world public opinion the falsity of the charges levelled against it?

Did the Government of the Republic of South Africa still maintain, as it had in the past, that in examining the policy of apartheid and particularly in requesting an on-the-spot investigation, the Commission was interfering in a matter which lay exclusively within the domestic jurisdiction of that Government, in violation of Article 2, paragraph 7, of the United Nations Charter?

229. On being invited to reply to these questions, the Observer for the Republic of South Africa stated at the 906th and 910th meetings that it would be an unprecedented occurrence for such an investigating body to be allowed to enter South African territory. Nevertheless, at the invitation of his Government, the Chairman and Vice-Chairman of a committee of inquiry had entered the territory of South West Africa. In 1964, the Government had allowed a delegation of the International Committee of the Red Cross to inspect its prisons and draw up a report. Three distinguished penologists had been invited in 1965 and 1966 to visit penal institutions, but had refused to accept the invitation. The Observer concluded by stating that it was wrong to say that his Government obstinately refused to co-operate with the United Nations. His Government nevertheless believed that Article 2, paragraph 7, of the United Nations Charter was applicable to item 24 of the agenda.

230. The majority of representatives on the Commission considered that the Observer for South Africa had not replied to the specific questions put to him. Other representatives said that the Observer's statement could only be interpreted as a completely negative reply to those questions, and expressed their regret and disappointment in strong terms. Some members wondered whether certain aspects of the Observer's statement might not help to pave the way for a dialogue between the Commission and the Government of the Republic of South Africa. One representative, however, expressed the view that such a dialogue was impossible under the circumstances, since the statement of the Observer had revealed the existence of an intellectual and moral universe to which that representative had no access. Noting that the Government of South Africa had invited a delegation of the International Committee of the Red Cross to visit its territory, one representative suggested that the Commission might consider requesting the International Committee to conduct an inquiry into the treatment of prisoners. Several other members considered that it would be completely unacceptable to entrust that function to a single person, even to an official of the Red Cross.

231. Some representatives stated that, since the South African Government's refusal to co-operate seemed to be a foregone conclusion, the setting up of an investigating body as proposed in the twelve-Power draft resolution would unfortunately no longer serve

any useful purpose. In those circumstances, the Commission must concentrate its attention on other measures, for example, on providing assistance to victims and giving the maximum publicity to complaints, while other United Nations organs, or the Commission itself under another agenda item, would take more radical measures to eliminate the policy of apartheid. Other representatives took the view that the group of experts could do useful work even if not allowed to enter South Africa. Indeed, the very existence of such a body would be useful, as it would demonstrate the Commission's desire to ascertain the truth with complete impartiality. It was stated that the refusal of the Government of South Africa to co-operate with the ad hoc working group in the performance of its task would further mobilize world public opinion and expose the inhuman practices of that Government. In those conditions, it would undoubtedly become increasingly difficult for the South African Government to refuse all co-operation.

232. The other measures proposed by the twelve Powers, as well as some of the measures proposed by the United Republic of Tanzania, met with the general approval of members of the Commission.

233. Many representatives attached great importance to the measures provided for in operative paragraphs 2, 5 and 6 of the twelve-Power proposal which were directed towards alerting world public opinion and making it fully aware of the gravity of the situation by giving it the maximum publicity. It was generally agreed that the publicity given to the statements by Nelson Mandela and Abram Fischer might be very effective in that regard.

234. Immediate aid to prisoners who were victims of the policy of apartheid, as referred to in paragraphs 7 and 8 of the twelve-Power draft resolution, was regarded as indispensable. The view was also expressed that the Tanzanian proposal, (see para. 198) that registers should be opened in every country for the receipt of contributions for the victims, would undoubtedly improve the organization of such a collection. Some Governments had already decided to make a substantial contribution for aid to prisoners and their families.

235. Finally, most considered it essential to stress the urgency of the measures to be taken and the gravity of the situation by requesting that a progress report on the implementation of the resolution should be submitted during the Commission's twenty-third session and by requesting the Secretary-General to inform the General Assembly of the degree of co-operation he had received from Member States.

Adoption of draft resolution

236. At the 914th meeting, on 6 March 1967, the Commission voted on the draft resolution submitted by the Democratic Republic of the Congo, Dahomey, India, Iran, Iraq, Jamaica, Morocco, Nigeria, Pakistan, Philippines, Senegal and the United Arab Republic (see para. 195 above), and on the amendments to that draft submitted by Austria (see para. 202 above), the United Republic of Tanzania (see paras. 198-200 above) and the United States of America (see para. 203 above).

Preamble

237. The first Austrian amendment, proposing the addition of a new paragraph before the first preambular paragraph of the twelve-Power draft resolution, was adopted by 26 votes to none, with 2 abstentions.

238. The first preambular paragraph as amended was adopted unanimously.

239. The second Austrian amendment, relating to the second preambular paragraph, was rejected by 16 votes to 8, with 4 abstentions.

240. The second preambular paragraph of the twelve-Power draft was adopted by 22 votes to none, with 7 abstentions.

241. The third, fourth and fifth preambular paragraphs were adopted unanimously.

242. The first amendment of the United Republic of Tanzania, proposing the addition of a new paragraph at the end of the preamble, was adopted by 13 votes to 1, with 15 abstentions.

Operative part

Paragraph 1

243. Paragraph 1 was adopted by 25 votes to none, with 5 abstentions.

Paragraph 2

244. The Austrian representative having withdrawn his amendment, paragraph 2 was adopted by 27 votes to none, with 3 abstentions.

Paragraph 3

245. The representative of the United Republic of Tanzania proposed that, by virtue of rule 61 of the rules of procedure, the Commission should postpone taking a decision on paragraph 3. The Commission rejected that motion by 20 votes to 2, with 8 abstentions.

246. The amendment of the United Republic of Tanzania, to replace the introductory phrase by another text, was rejected by 17 votes to 3, with 11 abstentions.

247. The first amendment of the United States of America to paragraph 3 was rejected by 17 votes to 8, with 5 abstentions. At the request of the United States representative, the vote was taken by roll call. The voting was as follows:

In favour: Argentina, Costa Rica, France, Guatemala, New Zealand, Sweden,
 United Republic of Tanzania, United States of America.

Against: Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Iraq, Israel, Jamaica, Morocco, Nigeria, Pakistan, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Abstaining: Austria, Chile, Italy, Peru, United Kingdom of Great Britain and Northern Ireland.

248. The second amendment of the United States of America to paragraph 3 was rejected by 12 votes to 9, with 10 abstentions.

249. The words "composed of eminent jurists and prison officials", on which a separate vote was requested by the representative of the United Republic of Tanzania, were adopted by 22 votes to 1, with 8 abstentions.

250. At the request of the representative of the United Republic of Tanzania, a vote was taken by roll call on the amendment submitted orally by the representative of Dahomey, to specify that the members of the ad hoc working group would be "appointed by the Chairman of the Commission." This amendment was adopted by 25 votes to 3, with 3 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Costa Rica, Dahomey, Greece, Guatemala, India, Iran, Iraq, Israel, Jamaica, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: New Zealand, United Republic of Tanzania, United States of America.

Abstaining: France, Italy, United Kingdom of Great Britain and Northern Ireland.

251. Paragraph 3 of the twelve-Power draft resolution, as amended, was adopted unanimously.

Paragraph 4

252. Paragraph 4 was adopted by 28 votes to none, with 3 abstentions.

Paragraph 5

253. At the request of the representative of Iraq, the representative of the United Republic of Tanzania introduced an oral sub-amendment to his first amendment to paragraph 5, to delete the word "certain" from the text. That amendment, as amended, was adopted by 22 votes to none, with 9 abstentions.

254. The second amendment of the United Republic of Tanzania to paragraph 5 was adopted by 12 votes to 1, with 16 abstentions. Paragraph 5, as amended, was adopted by 25 votes to none, with 5 abstentions.

Paragraph 6

255. Paragraph 6 was adopted by 25 votes to none, with 5 abstentions.

Paragraph 7

256. Paragraph 7 was adopted by 28 votes to none, with 2 abstentions.

Paragraph 8

257. The amendment of the United States of America, to add the word "Member" after the word "all", was adopted by 19 votes to 9, with 3 abstentions.

258. The words "non-governmental", on which a separate vote was requested by the representative of the United Republic of Tanzania, were adopted by 25 votes to 2, with 4 abstentions.

259. Paragraph 8, as amended, was adopted by 24 votes to none, with 7 abstentions.

Paragraph 9

260. Paragraph 9 was adopted by 29 votes to none, with 1 abstention.

Paragraph 10

261. Paragraph 10 was adopted by 30 votes to none, with 1 abstention.

Paragraph 11

262. Paragraph 11 was adopted by 30 votes to none, with 1 abstention.

New paragraphs

263. A separate vote was requested by the representative of Jamaica on the phrase, "to give the maximum publicity to all documents available to him and referred to above, and" contained in the text of a new paragraph to be added before paragraph 12 in an amendment submitted by the United Republic of Tanzania (see paragraph 199). These words were deleted by 10 votes to 1, with 18 abstentions.

264. The amendment of the United Republic of Tanzania, as amended, was adopted by 15 votes to none, with 15 abstentions.

265. The amendment of the United Republic of Tanzania to add a second new paragraph before paragraph 12 (see para. 199 above) was adopted by 14 votes to none, with 13 abstentions.

Paragraph 12

266. Paragraph 12 was adopted unanimously.

Draft resolution as a whole

267. The representative of the United States of America having withdrawn his amendment proposing the addition of a new paragraph, the revised draft resolution as a whole, as amended, was adopted by 25 votes to none, with 5 abstentions. At the request of the representative of the United Arab Republic, the vote was taken by roll call. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Costa Rica, Dahomey, Greece, Guatemala, India, Iran, Iraq, Israel, Jamaica, Morocco, Nigeria, Pakistan, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: France, Italy, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

268. The resolution adopted by the Commission at its 914th meeting, on 6 March 1967, reads as follows:

2 (XXIII). Communication dated 3 February 1967 from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa

The Commission on Human Rights,

Considering that the General Assembly by its resolution 2144 A (XXI), paragraph 12, invited the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

Having considered and examined the communication from the Secretary-General transmitting a letter from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935) together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and L/AC.115/L.181),

Deeply disturbed by the evidence in those documents of continuing torture and ill-treatment of persons in the Republic of South Africa who have been detained by the Police or imprisoned for opposition to, or infringement of, Apartheid laws,

Strongly deploring the continued flagrant violation of the provisions of the Charter of the United Nations by the Government of the Republic of South Africa and the actions of that Government which are contrary to international law and international morality,

Determined to protect human rights and fundamental freedoms, and desirous of an urgent and immediate stop of violations of human rights and fundamental freedoms in the Republic of South Africa,

Having heard the statement of the Observer for the Republic of South Africa in connexion with this question,

Noting with appreciation the proclamation of the General Assembly in its resolution 2142 (XXI) of the annual commemoration of the massacre of Sharpeville, 21 March, as International Day for the Elimination of Racial Discrimination,

1. Condemns the practices described and complained of in the above-cited documents as constituting a double injury against the victims of the inhuman policies of apartheid of the Government of the Republic of South Africa, who are imprisoned or detained for opposing and violating those policies;
2. Requests the Secretary-General immediately to address, on behalf of the Commission, a telegram to the Government of the Republic of South Africa conveying the deep distress and serious concern of the Commission at this situation and requesting that Government to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice;
3. Decides to establish, in accordance with resolution 9 (II) of 21 June 1946 of the Economic and Social Council, an Ad hoc Working Group of Experts composed of eminent jurists and prison officials to be appointed by the Chairman of the Commission to:
 - (a) Investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa;
 - (b) Receive communications and hear witnesses and use such modalities of procedure as it may deem appropriate;
 - (c) Recommend action to be taken in concrete cases;
 - (d) Report to the Commission on Human Rights at the earliest possible time;
4. Calls upon the Government of the Republic of South Africa to co-operate with the Ad hoc Working Group of Experts, providing it with the necessary facilities for the discharge of its task within South Africa;
5. Requests the Secretary-General to give the widest possible publicity, as soon as possible, to the documents received from the Acting Chairman of the Special Committee containing the testimony of political prisoners, victims of torture and ill-treatment in the prisons of South Africa, as well as the statements of Nelson Mandela and Abram Fischer in their recent court trials in South Africa;
6. Calls upon all Member States of the United Nations to give the widest national publicity, through all available information media, to the substance of the contents of these documents;

7. Draws attention of all international humanitarian organizations to these documents and appeals to them to take, as a matter of urgency, any appropriate action in their power to help alleviate the inhuman situation described therein;

8. Appeals to all Member States, governmental, non-governmental and private organizations, as well as private individuals, to support the United Nations Trust Fund for South Africa through financial and other aids;

9. Requests the Secretary-General to circulate this resolution to the members of the Security Council;

10. Further requests the Secretary-General to convey to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa the desire of the Commission on Human Rights to maintain close collaboration with it in achieving their common objectives.

11. Requests its Chairman to maintain contact with the Secretary-General and to report before the end of the present session on the progress of the implementation of this resolution;

12. Recommends that the Secretary-General in consultation with Member States, arrange to provide facilities whereby Registers for the receipt of contributions from all sources, private and public, for the victims of the policies of apartheid and racism in South Africa may be opened in each country;

13. Requests the Secretary-General to report to the General Assembly, the degree of co-operation he has received from the various Member States;

14. Decides to review the situation at its twenty-fourth session.

269. In accordance with paragraph 11 of resolution 2 (XXIII) of the Commission, the Chairman of the Commission and the representative of the Secretary-General submitted to the Commission a document (E/CN.4/L.932) containing information on the implementation of this resolution announcing, in particular, that on 8 March 1967, the Secretary-General had sent a telegram to the Minister for Foreign Affairs of the Republic of South Africa, pursuant to paragraph 2 of the resolution. The telegram read as follows:

"H.E. Dr. Hilgard Muller
Minister for Foreign Affairs
Pretoria
Republic of South Africa

"I have the honour to inform Your Excellency that the Commission on Human Rights meeting in Geneva, after considering a letter from the Acting Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935), together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123, A/AC.115/L.181), adopted resolution 4 (XXIII) on 6 March 1967, in which, inter alia, the Commission condemned practices described and complained of in these

documents and requested me on its behalf to convey to Your Excellency's Government the deep distress and serious concern of the Commission at this situation and to request Your Excellency's Government 'to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice'.

U Thant
Secretary-General"

The Secretary-General had also sent a telegram to the First Vice-President of the Economic and Social Council to obtain his approval for the setting up of the ad hoc Group of Experts established under paragraph 3 of the resolution. Other measures had already been taken, or would shortly be taken, for the implementation of paragraphs 5, 6, 7, 8, 12 and 13 of the resolution.

270. At the 941st meeting, on 22 March 1967, the Chairman of the Commission announced that the Working Group would be composed of Mr. Felix Ermacora (Austria), Mr. Luis Marchand Stens (Peru), Mr. Ibrahima Boye (Senegal), Mr. Waldo Emerson Waldron-Ramsey (United Republic of Tanzania), and Mr. Branimir Janković (Yugoslavia).

V. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

271. In resolution 2 (XXII) of 25 March 1966 on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories, the Commission instructed the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine all relevant United Nations materials, including the resolution of 18 June 1965 26/ of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the documents referred to in resolution 1102 (XL) of the Economic and Social Council, and to submit to the Commission at its twenty-third session such recommendations or comments as it considered appropriate. In Part B, paragraph 1 of the resolution, the Commission informed the Economic and Social Council that, in order to deal completely with the question of violations of human rights and fundamental freedoms in all countries, it would be necessary for the Commission to consider fully the means by which it might be more fully informed of violations of human rights, with a view to devising recommendations for measures to halt them, and decided to consider at its twenty-third session the question of its tasks and functions and its role in relation to violations of human rights in all countries, including appropriate assistance to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

272. The Economic and Social Council, in resolution 1164 (XLI) of 5 August 1966, inter alia welcomed the Commission's decision to consider at its twenty-third session the question of its tasks and functions and its role in relation to violations of human rights in all countries, and had concurred in the Commission's view that it would be necessary for the Commission to consider the means by which it might be kept more fully informed of violations of human rights, with a view to devising recommendations for measures to put a stop to those violations, and had recommended a draft resolution for adoption by the General Assembly.

273. The General Assembly, in resolution 2144 (XXI) of 26 October 1966, inter alia invited the Economic and Social Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur".

274. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolution 5 (XIX), inter alia requested the Commission on Human Rights, in considering the question of the Commission's tasks and functions and its role in connexion with

26/ See Official Records of the General Assembly, Twentieth Session, Annexes, addendum to agenda item 23, (A/6000/Rev.1) chap.II, para. 463.

violations of human rights in all countries, including the provision of the necessary assistance to the Special Committee in implementing, in so far as it relates to questions of human rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly decisions based on the Declaration, to take account of the Sub-Commission's special interest in the prevention and elimination of all forms of discrimination, especially racial discrimination, and the protection of minorities. The Sub-Commission had requested the Secretary-General to prepare for its twentieth session an analytical survey of the petitions and other materials on the basis of which the question of violations of human rights arose in the Special Committee and was brought to the attention of the bodies concerned with human rights in its resolution of 18 June 1965, with special reference to those phenomena which are regarded in the petitions and in the aforementioned materials as manifestations of discrimination and infringements of the rights of minorities.

275. In the same resolution the Sub-Commission had recommended to the Commission on Human Rights that it should prepare for consideration by the General Assembly a draft appeal by the United Nations to all countries, and in particular to colonial countries and countries which bear responsibilities for Non-Self-Governing Territories, to fully apply the provisions of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination and, where eligible, to ratify forthwith the Convention on the Elimination of all Forms of Racial Discrimination; that it should adopt an appropriate method for the gathering, collation and evaluation of relevant information on the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries; and that it should define the mandate of the Sub-Commission contained in its resolution 2 A (XXII), taking into account the decision of the Sub-Commission to complete by 1969 the special study on racial discrimination in the political, economic, social and cultural spheres. The Sub-Commission had, in addition, transmitted to the Commission, without approval or disapproval, a draft resolution (E/CN.4/930, resolution 5 (XIX), annex) which had been submitted to it by one of its members, Mr. Ferguson, as illustrative of a possible method, together with the summary records of the discussions of this question held in the Sub-Commission (E/CN.4/Sub.2/SR.500-502).

276. In considering agenda item 9, the Commission had before it, in addition to chapter VI and resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, a memorandum (E/CN.4/923 and Corr.1) reproducing the text of (or extracts from) decisions taken by United Nations organs between 1 July 1966 and 1 January 1967 containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories. The memorandum was the first annual supplement to a document (E/4226) submitted by the Secretary-General to the Economic and Social Council at its forty-first session in pursuance of paragraph 3 of Council resolution 1102 (XL). It included inter alia the text of General Assembly resolution 2144 (XXI) and of Economic and Social Council resolution 1164 (XLI). The Commission also had before it the draft resolution which the Sub-Commission on Prevention of Discrimination and Protection of Minorities had transmitted to it in resolution 5 (XIX), and the report of the United Nations seminar on apartheid, Brasilia, Brazil, 23 August - 4 September 1966 (ST/TAO/HR/27).

277. At the 916th meeting, the Commission heard a statement by the Observer for the Republic of South Africa, who pointed out that the policy of separate development followed by his Government implied differentiation but did not imply any belief in any inherent superiority of one group over another on account of skin colour or cultural background or any other characteristic. The policy, he pointed out, aimed at a vertical parallelism between equals looking each other in the eye, not a horizontal separation with one group looking down on any other. His Government was convinced that the policy of separate development offered the best means, in a country inhabited by different ethnic groups, of affording all of them the opportunity for self-expression and self-determination in whatever form they preferred, and for exercising their rights. Even in its present stage, that policy was ensuring for the Bantus the highest standard of living they had ever known. Moreover, South Africa's record in the field of education compared, in his opinion, most favourably with that of any other country in Africa. He observed that although the item under discussion had been drawn broadly to give it a universal scope and concern with human rights everywhere, almost all of the remarks delivered had been directed against his country. In that connexion he expressed the view that United Nations bodies should concern themselves with conditions in sovereign Member States only on the basis of a comparative analysis of conditions and problems in all Member States, and subject to co-operation and approval of the Member States concerned in preparing such analyses. To deal with conditions in a particular Member State, in isolation, without its co-operation, and without its approval, was, in the opinion of his Government, contrary to both the letter and the spirit of the Charter. With reference to this statement, several representatives expressed the view that the violation of human rights and fundamental freedoms, as represented by the policy of apartheid of the Government of the Republic of South Africa, could not be compared with any other kind of violations; that here it was a case of gross violation which had shocked the conscience of mankind and called for action by the United Nations. Their opinion was that South Africa had, as in the past, condemned itself by its arguments in favour of apartheid. In their view, men could never enjoy equal rights while living under a system of "separate but parallel development". Under such a system equality of opportunity was not possible, and the result was therefore the same as if the system had been based upon the fundamental idea, which no one could reasonably defend, that one race had been created to dominate the other. Moreover, the claim of South Africans to respect diversity of cultures was not in their opinion borne out by the facts; up to the present time the white population of South Africa had only attempted to superimpose, artificially, a European culture which remained alien to the African culture.

278. At the 922nd meeting, the Commission heard a statement by the representative of the International Labour Organisation (ILO), who renewed the long-standing pledge of the ILO to the fullest co-operation with the United Nations in the field of human rights and welcomed the unprecedented opportunity afforded by the adoption of the two International Covenants on Human Rights. He reviewed recent developments in the co-operation of the ILO with the United Nations for the promotion of human rights, and informed the Commission of the action contemplated for the future. On the subject of apartheid, in particular, he described the successive reports provided for in the programme originally approved by the International Labour Conference in 1964. The series developed a practical alternative of harmonious economic and social development based on equal opportunity, without which the present policies in South Africa must inevitably end in utter disaster. The third report, to be issued in the near future, would focus attention upon the responsibility of business operating on a world-wide scale to apply world standards of equal opportunity, world standards of recognition of trade union

rights, and world standards of social responsibility in its operations in or with South Africa, with a view to mobilizing the full potential of the South African economy for the benefit of all the people of South Africa as free and equal citizens. Within the context of the International Covenants on Human Rights, the ILO would continue to play its part in the task of founding the unity of mankind on the equality and brotherhood of man.

279. At the 916th meeting, the Commission heard a statement by the representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO), who described the measures taken by UNESCO pursuant to General Assembly resolutions requesting the specialized agencies to take all necessary measures for the elimination of all forms of racial discrimination. The UNESCO had used a variety of methods to combat racial prejudice and discrimination, including measures to improve school curricula, textbooks, and the training of teachers. It had circulated the United Nations Declaration on the Elimination of all Forms of Racial Discrimination to its national committees, international and national organizations, schools and libraries. It was also promoting original research and studies of racial prejudice, and giving their conclusions wide publicity. A group of experts convened in Moscow in 1964 had studied the biological aspects of the race questions, and at a further meeting to be held in 1967 a special study would be made of the philosophical, biological and sociological aspects of race and racial prejudice, with the view to the adoption of a declaration of race. Other meetings and research projects were to be organized on the harmful effects of colonialism and racialism in the economic and social life of countries and on the development of their education, science and culture. Progress was being made in the implementation of the UNESCO Convention Against Discrimination in Education, and the UNESCO General Conference had recently adopted two new instruments against racial discrimination: a Declaration of the Principles of International Cultural Co-operation and a Recommendation concerning the Status of Teachers which stipulated that there should be no form of racial discrimination in the training and employment of teachers.

280. The Commission considered the item at its 898th, 916th, 918th, 920th, 922nd, 923rd and 925th - 930th meetings, held from 22 February to 16 March 1967.

281. 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 record all the opinions expressed by various members of the Commission; a full account will be found in the summary records of the meetings (E/CN.4/SR.898, 916, 918, 920, 922, 923 and 925-930).

Proposal by Jamaica

282. The representative of Jamaica submitted a draft resolution (E/CN.4/L.889) which read as follows:

"The Commission on Human Rights,

"Bearing in mind its terms of reference as laid down in resolutions 5 (I) and 9 (II) of the Economic and Social Council, in which the Commission is expressly authorized to propose to the Council changes in its terms of reference and to make recommendations to the Council concerning any sub-commission which it considers should be established,

"Having considered resolution 1102 (XL) of the Economic and Social Council in which the Council requested that the Commission on Human Rights at its twenty-second session should consider, as a matter of importance and urgency, the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation,

"Recommends to the Economic and Social Council:

"1. That the terms of reference of the Commission on Human Rights should be extended to include the power to recommend and adopt general and specific measures to deal with violations of human rights;

"2. That a special Sub-Commission of this Commission consisting of eleven representatives of States members of this Commission should be established for action on apartheid and should be empowered to carry out a programme of action, within the competence of the Commission, aimed at combatting and eventually eliminating the policy and practice of apartheid, and to co-operate with other organs and agencies of the United Nations to this end;

"3. That the special Sub-Commission for action on apartheid should work under the general direction of the Commission on Human Rights;

"4. That the members of the Sub-Commission should be experts and should be appointed by the Commission on Human Rights for such periods as the Commission may determine."

283. At the 916th meeting of the Commission, the representative of Jamaica withdrew the draft resolution in the light of the Commission's debates on item 24 of its agenda (See chap. IV), during which it appeared that there was opposition to the establishment of an ad hoc body on apartheid on the ground that its functions might to some extent duplicate those of the General Assembly's Special Committee on the Policies of Apartheid of the Republic of South Africa.

Proposal by Nigeria

284. At the 916th meeting of the Commission, on 7 March 1967, the representative of Nigeria submitted a draft resolution (E/CN.4/L.907), which he subsequently revised. The revised draft resolution (E/CN.4/L.907/Rev.1) read as follows:

"The Commission on Human Rights,

"Considering resolution 1164 (XLI) of the Economic and Social Council and resolution 2144 A (XXI) of the General Assembly on the 'Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries with

particular reference to colonial and other dependent countries and territories', which were adopted after the Commission had considered and adopted its resolution 2 (XXII) of 25 March 1966,

"Noting also resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant chapter of the report of the Sub-Commission which were adopted by the Sub-Commission following its examination of the above-mentioned question upon the request of the Commission (E/CN.4/930, chap.VI),

"Disturbed at the still too numerous instances of racial discrimination where the dignity of human beings is grossly sullied and violated, civilization degraded and the high principles of the United Nations Charter outrageously violated,

"Gravely concerned in particular at the aggravation of the inhuman situation in the Republic of South Africa as a result of the continued implementation of the policies of apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the General Assembly and the Security Council,

"Alarmed at the fact that in spite of United Nations efforts the scope of application of that abominable policy has been increasing,

"Firmly supporting all those who are opposing the policies of apartheid, and particularly those who are combatting such policies in South Africa,

"Endorsing the conclusions and recommendations of the United Nations seminar on apartheid held in Brasilia in August - September 1966 (ST/TAO/HR/27, para. 138) aimed at the eradication of the evil policy of apartheid, and the statements of appreciation for the work performed in the seminar which was expressed in General Assembly resolutions 2202 and 2144 A (XXI),

"Believing that advantage should be taken of International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights,

"Recalling its resolution 2 (XXII) in which the Commission noted that the materials, procedures and time available to it were inadequate for complying in full with the mandate given in Economic and Social Council resolution 1102 (XL),

"Noting in particular the invitation addressed to the Commission by the General Assembly to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

A

"1. Notes with special satisfaction the strong and explicit condemnation by the General Assembly in resolution 2144 A (XXI) and the Economic and Social Council in resolution 1164 (XLI) of violations of human rights and fundamental freedoms wherever they occur;

"2. Notes in particular the stress laid in the above-mentioned resolutions on the urgency of eradicating policies and practices of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent territories;

"3. Recommends to the Economic and Social Council to call on the General Assembly to urge once more on behalf of the United Nations all countries, and in particular colonial powers and countries which bear responsibilities for non-self-governing territories, to apply fully the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"4. Expresses its satisfaction at the signing by fifty-three States of the International Convention on the Elimination of All Forms of Racial Discrimination and the ratification or accession by seven Member States to that Convention, and expresses its confident hope that a sufficient number of States will soon become parties to that Convention in order that the Convention may come into force and exercise fully its beneficial effects;

"5. Requests the Economic and Social Council to recommend to the General Assembly that it continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and all other conventions and protocols which aim at protecting human rights and fundamental freedoms;

"6. Notes with interest the initiation by the Sub-Commission of an analytical survey of petitions and other materials on the basis of which the question of the violations of human rights arose in the Special Committee and was brought to the attention of the bodies concerned with human rights in its resolution of 18 June 1965, with special reference to those phenomena which are regarded in the petitions and in the afore-mentioned materials as manifestations of discrimination and infringements of the rights of minorities;

"7. Recommends to the Economic and Social Council to establish, as a matter of priority, regional committees on human rights whose functions shall, inter alia, include:

- "(a) Receiving information concerning gross violations of human rights and fundamental freedoms, such as policies of racial discrimination and segregation, and of apartheid in all countries within these regions with particular reference to colonial and other dependent countries and territories;
- "(b) Collation and evaluation of such violations and their nature;
- "(c) Preparation of periodic reports on all aspects of such violations reported, consisting of the original information gathered and recommendations, including an evaluation as to how to put an effective stop to the particular violations reported;
- "(d) Annual examination and evaluation of all such cases of violations reported during the year, and preparation of annual reports on all these cases of violations reported, consisting of conclusions as to the origin of such violations and how they occurred, and recommendations on how to put an effective stop to them;
- "(e) To request such information and reports on violations of human rights from Member States, regional inter-governmental organizations, specialized agencies, and non-governmental organizations having consultative status with the Economic and Social Council:

"8. Requests the General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, to transmit to the appropriate regional committee on human rights for the purposes set out in operative paragraph 1 of this resolution, all cases reported to them of violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories;

"9. Requests the Secretary-General to provide all facilities and services to the regional committees on human rights and to submit to them, as appropriate, all such cases of violations reported to him;

"10. Instructs the regional committees on human rights to submit their reports described in operative paragraph 1 of this resolution to the Commission on Human Rights to constitute an item on its annual agenda which shall receive the highest priority;

"11. Calls upon all Member States, in accordance with Article 56 of the United Nations Charter, and all specialized agencies, regional intergovernmental organizations and non-governmental organizations having consultative status with the Economic and Social Council to co-operate and assist the regional committees on human rights in the performance of their tasks.

B

"1. Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practice of apartheid, to study legislation and practices in South Africa instituted to establish and maintain apartheid in South Africa including such matters as arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the Commission for the implementation of the relevant resolutions of the General Assembly as they may affect the Commission's responsibilities;

"2. Decides to give the highest priority at its twenty-fourth session to the consideration of the report and the recommendations of the Special Rapporteur, with a view to submitting the report of the Rapporteur and its own recommendations in time for consideration by the 1968 International Conference on Human Rights;

"3. Authorizes the Special Rapporteur to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and requests the Sub-Commission to give all possible assistance to the Special Rapporteur if he so requests in the fulfilment of his tasks under this resolution;

"4. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on Apartheid established under General Assembly resolution 2144 A (XXI);

"5. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

"6. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to apprise the Special Rapporteur of the relevant information coming to its attention and of its discussions and action on questions of violation of human rights in the Republic of South Africa;

"7. Appeals to all Member States of the United Nations to devote a section of their national information services to the publicising of the evils of apartheid within their territories."

Amendments submitted

285. At the 920th meeting, held on 9 March 1967, amendments to the Nigerian draft resolution were submitted by Argentina, Chile, Costa Rica, Guatemala, and Peru (E/CN.4/L.914), the United Republic of Tanzania (E/CN.4/L.915), and the Union of Soviet Socialist Republics (E/CN.4/L.916).

286. The amendments submitted by Argentina, Chile, Costa Rica, Guatemala and Peru (E/CN.4/L.914) proposed to replace the opening sentence in part A, paragraph 7, of the Nigerian draft resolution by the following:

"Welcomes the existence of regional commissions on human rights and recommends the Economic and Social Council to promote the establishment, as a matter of priority, of regional committees on human rights in regions in which there are no commissions, whose functions shall inter alia include ..."

287. In addition, the five-Power amendments proposed that the words "Commission(s) and" should be inserted between the words "regional" and "Committee(s)" in paragraphs 8, 9, 10 and 11 of part A of the Nigerian draft resolution.

288. The amendments submitted by the United Republic of Tanzania (E/CN.4/L.915) proposed the following:

- (i) the insertion, in paragraph 7, of the word "fully" after the word "Endorsing";
- (ii) the addition, at the end of operative paragraph 2, of the following:
"especially in the rebellious colony of Southern Rhodesia, Mozambique, Angola, so-called Portuguese Guinea, in the mandated territory of South West Africa, and in the territory of the Republic of South Africa;
- (iii) the addition, between operative paragraphs 2 and 3, of a new operative paragraph reading: "Affirms that the grave situations obtaining in the rebellious colony of Southern Rhodesia, the Portuguese colonies in Africa, the mandated territory of South West Africa and in the Republic of South Africa, constitute a threat to international peace and security";
- (iv) the addition of the words, "South West Africa and the rebellious colony of Southern Rhodesia" after the words, "South Africa" in two places in paragraph 1 of part B.

289. The amendments submitted by the Union of Soviet Socialist Republics (E/CN.4/L.916) proposed the addition of the following new paragraphs before paragraph 3 in operative part A of the Nigerian draft resolution:

"3. Reaffirms that the policy of apartheid and racism in the Republic of South Africa, South West Africa, Southern Rhodesia and the Portuguese colonies is a crime against mankind and a threat to peace and security, and declares that persons guilty of that crime must be brought to justice;

"4. Condemns the actions of States which, by political, commercial, economic and military co-operation with the racist and colonial régimes in South Africa and Portugal, and with the illegal racist régime in Southern Rhodesia, are encouraging those régimes to pursue their racist policy further, and calls for the immediate cessation of such actions;

"5. Calls upon all States strictly to carry out the decisions of the United Nations regarding sanctions against the régimes which are pursuing the criminal policy of racism and apartheid."

A sub-amendment by Sweden (E/CN.4/L.931), to the new paragraph 5 proposed by the USSR, proposed replacement of the words "United Nations" by the words "Security Council".

290. The amendments of the Union of Soviet Socialist Republics were at a later stage submitted as amendments to a revised joint draft resolution submitted by Dahomey, Nigeria, Pakistan, Senegal and the United Republic of Tanzania (E/CN.4/L.918/Rev.1), (see para.302 below).

Proposal by Costa Rica, Dahomey, Philippines, Senegal and Sweden

291. At the 920th meeting, held on 9 March 1967, the representatives of Costa Rica, Dahomey, Philippines, Senegal and Sweden submitted a draft resolution (E/CN.4/L.911) which read as follows:

"The Commission on Human Rights

"Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 D (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights 'to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur',

"Noting the report of the seminar on apartheid held in Brasilia from 23 August to 4 September 1966 (ST/TAO/HR/27), in particular, its conclusions and recommendations concerning measures to combat apartheid,

"Having considered the relevant portion of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, including its resolution 5 (XIX),

"Alarmed by the continuing disregard for the dignity of the human person and other violations of human rights and fundamental freedoms, in particular, the deteriorating situation in the Republic of South Africa as a result of the relentless enforcement of the apartheid policies of that government,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations,

"1. Decides to give annual consideration to the question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories;

"2. Requests the Sub-Commission to prepare for the use of the Commission in its examination of violations of human rights, a report containing information from the following sources:

- "(a) Governments of States Members of the United Nations or of the specialized agencies, including inter alia information provided in accordance with Economic and Social Council resolution 1074 C (XXXIX) and other relevant resolutions,
- "(b) The Secretary-General,
- "(c) The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,
- "(d) The Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa,
- "(e) The specialized agencies, provided in accordance with Economic and Social Council resolution 1074 C (XXXIX) and other relevant resolutions,
- "(f) Regional inter-governmental organizations, provided in accordance with Economic and Social Council resolution 1159 (XLI),
- "(g) Non-governmental organizations, provided in accordance with Economic and Social Council resolution 1074 C (XXXIX),
- "(h) Observation or investigation upon the request of the Government whose territory is concerned,
- "(i) The writings of recognized scholars and scientists, as authorized for human rights studies under resolution 3 (XVIII) of the Commission on Human Rights and subsequent resolutions;

"3. Requests the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing its task;

"4. Requests the Economic and Social Council to authorize the Commission and the Sub-Commission to examine information contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);

"5. Further requests authority, in appropriate cases, and after careful consideration of the information thus made available to it, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report with recommendations thereon to the Economic and Social Council;

"6. Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, including policies of racial discrimination, segregation and apartheid, in any country, with particular reference to colonial and other dependent territories;

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

'The Economic and Social Council,

'Having considered resolution _____ (XXIII) of the Commission on Human Rights,

'Sharing the concern of the Commission over the violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories,

'Endorsing the desire of the Commission to co-operate in the United Nations effort to put a stop to such violations,

'1. Approves the requests and recommendations of the Commission contained in its above-mentioned resolution;

'2. Authorizes the Commission and the Sub-Commission to examine information contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);

'3. Further authorizes the Commission, in appropriate cases, and after careful consideration of the information made available to it, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights;

'4. Invites the Commission to submit an annual report on the question of violations of human rights and fundamental freedoms, together with such comments, observations and recommendations as it may consider appropriate, based on the information made available to it.'

Amendments submitted

292. Amendments to the draft resolution submitted by Costa Rica, Dahomey, Philippines, Senegal and Sweden were submitted by the United Republic of Tanzania (E/CN.4/L.912) and by the Ukrainian SSR (E/CN.4/L.942).

293. The amendments submitted by the United Republic of Tanzania proposed:

- (i) to add, after the sixth preambular paragraph, a new paragraph as follows:
"Alarmed further by the continually deteriorating situation in the rebellious colony of Southern Rhodesia, due to the relentless and barbaric practice of apartheid and racial discrimination enforced in Southern Rhodesia against the African people by the outlaw and illegal regime of the Ian Smith rebels;"
- (ii) to add the words "and the mandated territory of South West Africa" after "South Africa" in the penultimate preambular paragraph in the third line of the English text;
- (iii) to add, at the end of operative paragraph 1, the following text: "especially those occurring in the rebellious colony of Southern Rhodesia, Mozambique, Angola, and so-called Portuguese Guinea, the mandated territory of South West Africa and the Republic of South Africa;"
- (iv) (a) to delete the words, "the following" before "sources" at the end of operative paragraph 2, and insert the words "all available;" and (b) to delete the remainder of the paragraph.

294. The amendments submitted by the Ukrainian SSR proposed:

- (i) the replacement of the word "available" by the word "official";
- (ii) the deletion, in operative paragraph 4, of the words, "contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);"
- (iii) the deletion, in operative paragraph 5, of the words, "to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and ...";
- (iv) the deletion, in operative paragraph 6, of the words, "any country, with particular reference to ...".

295. The representatives of Costa Rica, Dahomey, Philippines, Senegal and Sweden subsequently submitted a revised draft resolution (E/CN.4/L.911/Rev.1), which read as follows:

"The Commission on Human Rights

"Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and

fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur",

"Having considered the relevant portion of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, including its resolution 5 (XIX),

"Alarmed by the continuing disregard for the dignity of the human person and other violations of human rights and fundamental freedoms, in particular, the deteriorating situation resulting from relentless enforcement of the apartheid policies of the Republic of South Africa,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations,

"1. Decides to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

"2. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare, for the use of the Commission in its examination of this question, a report containing information on violations of human rights and fundamental freedoms from all available sources;

"3. Requests the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing its task;

"4. Requests the Economic and Social Council to authorize the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);

"5. Further requests authority, in appropriate cases, and after careful consideration of the information thus made available to it, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report with recommendations thereon to the Economic and Social Council;

"6. Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, including policies of racial discrimination, segregation and apartheid, in any country, with particular reference to colonial and other dependent territories."

Amendments submitted

296. Amendments to the revised draft resolution submitted by Costa Rica, Dahomey, Philippines, Senegal and Sweden were submitted by the representative of the United Arab Republic (E/CN.4/L.945). The amendments proposed:

- (i) The addition, in operative paragraph 4, of the words, "in conformity with the provisions of operative paragraph 1 above" after the words "the Sub-Commission;" and
- (ii) the addition, in operative paragraph 5, of the words, "in conformity with the provisions of operative paragraph 1 above." after the words "made available to it".

Proposal by Dahomey, Nigeria, Pakistan,
Senegal and United Republic of Tanzania

297. At the 922nd meeting of the Commission, on 10 March 1967, Dahomey, Nigeria, Pakistan, Senegal and the United Republic of Tanzania, bearing in mind the discussion which had taken place in the Commission, submitted a joint draft resolution (E/CN.4/L.918 and Corr.1, 3 and 4) representing a fusion of the draft resolutions which had been presented separately by Nigeria (see para. 284) and by Costa Rica, Dahomey, Philippines, Senegal and Sweden (see para. 292). The original Nigerian proposal as well as the proposal which had been submitted by Costa Rica, Dahomey, Philippines, Senegal and Sweden were withdrawn in favour of the joint proposal. The joint draft resolution read as follows:

"The Commission on Human Rights

"Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to 'violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories', and concurred in the Commission's view 'that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them',

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights 'to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur',

"Noting also resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant chapter of the report of the Sub-Commission which were adopted by the Sub-Commission following its examination of the above-mentioned question upon the request of the Commission (E/CN.4/930, chap. VI),

"Disturbed at the numerous instances of racial discrimination which outrage the dignity of the human being, degrade civilization and violate the high principles of the United Nations Charter,

"Recalling its resolution 2 (XXII) in which the Commission noted that the materials, procedures and time available to it were inadequate for complying in full with the mandate given in Economic and Social Council resolution 1102 (XL),

"Alarmed further by the continually deteriorating situation in the rebellious colony of Southern Rhodesia, due to the relentless and barbaric practice of apartheid and racial discrimination enforced in Southern Rhodesia against the African people by the outlaw and illegal regime of the Ian Smith rebels,

"Gravely concerned in particular at the aggravation of the inhuman situation in the Republic of South Africa as a result of the continued implementation of the policies of Apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the General Assembly and the Security Council,

"Firmly supporting all those who are opposing the policies of apartheid, and particularly those who are combatting such policies in South Africa,

"Believing that advantage should be taken of International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights.

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations,

A

"1. Endorses the conclusions and recommendations of the United Nations Seminar on Apartheid held in Brasilia in August/September 1966 (ST/TAO/HR/27, para. 138), especially those aiming at the combatting and eradication of the evil policy of apartheid, and the statements of appreciation for the work performed in the Seminar which are expressed in General Assembly resolutions 2202 and 2144 (XXI);

"2. Expresses special satisfaction at the strong and explicit condemnation by the General Assembly in resolution 2144 A (XXI) and the Economic and Social Council in resolution 1164 (XLI) of violations of human rights and fundamental freedoms wherever they occur;

"3. Welcomes in particular the stress laid in the above-mentioned resolutions on the urgency of eradicating policies and practices of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent territories; especially in the rebellious colony of Southern Rhodesia and the mandated territory of South West Africa, Mozambique, Angola, Guinea Bissau and the Republic of South Africa;

"4. Affirms that the grave situations obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in the mandated territory of South West Africa and the Republic of South Africa constitute a threat to peace and security;

"5. Expresses its satisfaction at the signing by fifty-four States of the International Convention on the Elimination of All Forms of Racial Discrimination and the ratification or accession by seven Member States to that Convention, and expresses its confident hope that a sufficient number of States will soon become parties to that Convention in order that the Convention may come into force and exercise fully its beneficial effects;

"6. Requests the Economic and Social Council to recommend to the General Assembly that it continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and all other conventions and protocols which aim at protecting human rights and fundamental freedoms;

"7. Decides to establish an ad hoc Study Group of nine of its members to study the proposal to establish Regional Commissions on Human Rights within the United Nations family in all its aspects and to report to the twenty-fourth session of the Commission to constitute an item of priority;

"8. Instructs the Study Group to consider the following terms of reference for the proposed regional commissions when studying the matter:

- "(a) Receiving information concerning gross violations of human rights and fundamental freedoms, such as denials of the right of self-determination, policies of racial discrimination and segregation, and of apartheid in all countries within these regions with particular reference to colonial and other dependent countries and territories;
- "(b) Collation and evaluation of such violations and their nature;
- "(c) Preparation of periodic reports on all aspects of such violations reported, consisting of the original information gathered and recommendations, including an evaluation as to how to put an effective stop to the particular violations reported;
- "(d) Annual examination and evaluation of all such cases of violations reported during the year, and preparation of annual reports on all these cases of violations reported, consisting of conclusions as to the origin of such violations and how they occurred, and recommendations on how to put an effective stop to them;
- "(e) Requesting such information and reports on violations of human rights from Member States, regional inter-governmental organizations, specialized agencies, and recognized national and regional non-governmental organizations;
- "(f) Submission of reports described in sub-paragraphs (c) and (d) above to the Commission on Human Rights, to constitute an item on its annual agenda which shall receive the highest priority;

"9. Authorizes the Study Group to consult existing regional intergovernmental commissions interested in this field with a view to co-ordinating United Nations responsibilities in the field of human rights and fundamental freedoms;

"10. Further authorizes the Working Group to consult the Chairman of the Commission on the Status of Women;

"11. Requests the Secretary-General to provide the Working Group with all necessary assistance and facilities for the discharge of its task;

B

"1. Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislations and the practices in South Africa, South West Africa and Southern Rhodesia, instituted to establish and maintain apartheid in all its forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the Commission for the implementation of the relevant resolutions of the General Assembly as they may affect the Commission's responsibilities;

"2. Decides to give the highest priority at its twenty-fourth session to the consideration of the report and the recommendations of the Special Rapporteur, with a view to submitting the report of the Rapporteur and its own recommendations in time for consideration by the 1968 International Conference on Human Rights;

"3. Authorizes the Special Rapporteur to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and requests the Sub-Commission to give all possible assistance to the Special Rapporteur if he so requests in the fulfilment of his tasks under this resolution;

"4. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on Apartheid established under General Assembly resolution 2144 A (XXI);

"5. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

"6. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to apprise the Special Rapporteur of the relevant information coming to their attention and of their discussions and actions on questions of gross violations of human rights in the Republic of South Africa, South West Africa and Southern Rhodesia;

"7. Appeals to all Member States of the United Nations to consider devoting a section of their national information services to the publicizing of the evils of apartheid within their territories."

C

"1. Endorses the initiation by the Sub-Commission of an analytical survey of petitions and other materials on the basis of which the question of the violations of human rights arose in the Special Committee and was brought to the attention of the bodies concerned with human rights in its resolution of 18 June 1965, with special reference to those phenomena which are regarded in the petitions and in the aforementioned materials as manifestations of discrimination and infringements of the rights of minorities;

"2. Decides to give annual consideration to the question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories;

"3. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare, for the use of the Commission in its examination of this question, a report containing information on violations of human rights and fundamental freedoms from all available sources;

"4. Requests the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing its task;

"5. Requests the Economic and Social Council to authorize the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);

"6. Further requests authority, in appropriate cases, and after careful consideration of the information thus made available to it, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report with recommendations thereon to the Economic and Social Council;

"7. Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, including policies of racial discrimination, segregation and apartheid, in any country, with particular reference to colonial and other dependent territories."

Amendments submitted

298. Amendments to the proposal of Dahomey, Nigeria, Pakistan, Senegal and the United Republic of Tanzania were submitted by Argentina, Chile, Costa Rica, Guatemala and Peru (E/CN.4/L.922), by the Philippines (E/CN.4/L.927), and by the Ukrainian SSR (E/CN.3/L.925).

299. The amendments submitted by Argentina, Chile, Costa Rica, Guatemala and Peru (E/CN.4/L.922) proposed to replace the text of paragraphs 9, 10 and 11 in part A of the five-Power proposal by the following:

"9. Requests the Economic and Social Council to enter into negotiations with the regional inter-governmental bodies responsible for the existing regional commissions in order that those Commissions may adjust their functions as necessary to include the duties envisaged for the regional committees on human rights as set out in paragraphs 7 and 8 of this resolution;

"10. Recommends that in cases where the bodies responsible for already existing regional commissions on human rights agree to adjust their functions to include the duties and responsibilities envisaged in paragraphs 7 and 8, no new regional committee should be created in the areas concerned;

"11. Invites the existing regional commissions to co-operate with the United Nations in the performance of its tasks under the Charter in order to co-ordinate their activities in promoting universal respect for an observance of human rights and fundamental freedoms".

300. The amendment submitted by the Philippines (E/CN.4/L.927) proposed the following:

(i) The insertion, as a new penultimate paragraph of the preamble, of the following: "Noting that two regional inter-governmental commissions on human rights have been established for many years, and believing that it is timely to give encouragement to the formation of other regional commissions on human rights within the United Nations system;"

(ii) the replacement of paragraphs 6 - 12 of part A by the following:

"B

"1. Decides to set up an ad hoc Study Group of nine of its members to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family, in the light of the discussions held on this question during the present session, and report to the twenty-fourth session of the Commission;

"2. Requests the Study Group to pay particular attention to the following:

- (a) the basis on which regional commissions on human rights might be established in those areas where such bodies do not exist;
- (b) the terms of reference of such Commissions and method of appointment of their members;
- (c) the relationship between the Commission on Human Rights, on the one hand, and the existing regional commissions and those that may subsequently be established, on the other."

(iii) the insertion, as operative paragraphs 3, 4 and 5 of part B, of the following:

"Authorizes the Working Group to consult the Chairman of the Commission on the Status of Women as well as the two existing regional commissions on human rights or other international organizations from which they receive their powers;

"Requests the Secretary-General to provide the Working Group with all necessary assistance and facilities for the discharge of its task;

"Decides further to consider the report of the Working Group at the twenty-fourth session of the Commission."

301. The amendments submitted by the Ukrainian SSR (E/CN.4/L.925) proposed the following:

- (i) replacement, in operative paragraph (a) of part C, of the words "violations of human rights and fundamental freedoms, including policies of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories" by the words "of policies of racialism and apartheid and violation of human rights in colonial countries and territories";
- (ii) replacement, in operative paragraph 3 of part C, of the words, "violations of human rights and fundamental freedoms from all available sources", by the words "policies of racialism and apartheid and violation of human rights in colonial countries and territories";
- (iii) replacement, in operative paragraph 5 of part C, of the words, "to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII)" by "to policies of racialism and apartheid and violation of human rights in colonial countries and territories";
- (iv) replacement, in operative paragraph 6 of part C, of the words "situations which reveal a constant pattern of violations of human rights" by the words, "policies of racialism and apartheid and violation of human rights in colonial countries and territories"; and
- (v) replacement, in operative paragraph 7 of part C, of the words, "which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, including policies of racial discrimination, segregation and apartheid, in any country, with particular reference to colonial and other dependent territories", by the words "concerning further development as to policies of racialism and apartheid and violation of human rights in colonial countries and territories".

Revised proposal by Dahomey, Nigeria, Pakistan,
Senegal and United Republic of Tanzania

302. At the 927th meeting of the Commission, on 15 March 1967, Dahomey, Nigeria, Pakistan, Senegal and the United Republic of Tanzania submitted to the Commission a revised version (E/CN.4/L.918/Rev.1) of their draft resolution. This joint draft resolution, as amended by the sponsors to include the USSR amendment (E/CN.4/L.916) and paragraph 2 of the Philippine amendment (E/CN.4/L.927) as integral parts of the text and to take into account other changes which had been accepted by the sponsors, read as follows:

"The Commission on Human Rights,

"Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur",

"Noting also resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant chapter of the report of the Sub-Commission which were adopted by the Sub-Commission following its examination of the above-mentioned question upon the request of the Commission (E/CN.4/930, chap. VI),

"Recalling its resolution 2 (XXII) in which the Commission noted that the materials, procedures and time available to it were inadequate for complying in full with the mandate given in Economic and Social Council resolution 1102 (XL),

"Disturbed at the numerous instances of racial discrimination which outrage the dignity of the human being, degrade civilization and violate the high principles of the United Nations Charter,

"Alarmed further by the continually deteriorating situation in the rebellious colony of Southern Rhodesia, due to the relentless and barbaric practice of segregation and racial discrimination enforced in Southern Rhodesia against the African people by the outlaw and illegal regime of the Ian Smith rebels,

"Gravely concerned in particular at the aggravation of the inhuman situation in the Republic of South Africa as a result of the continued implementation of the policies of Apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the General Assembly and the Security Council,

"Firmly supporting all those who are opposing the policies of apartheid, and particularly those who are combatting such policies in South Africa,

"Believing that advantage should be taken of International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights,

"Noting that two regional intergovernmental commissions on human rights have been established for many years, and believing that it is timely to give encouragement to the formation of other regional commissions on human rights within the United Nations system,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights,

A

"1. Endorses the conclusions and recommendations of the United Nations Seminar on Apartheid held in Brasilia in August/September 1966 (ST/TAO/HR/27, para. 138) especially those aiming at the combatting and eradication of the evil policy of apartheid, and the statements of appreciation for the work performed at the Seminar which are expressed in General Assembly resolutions 2202 and 2144 A (XXI),

"2. Expresses special satisfaction at the strong and explicit condemnation by the General Assembly in resolution 2144 A (XXI) and the Economic and Social Council in resolution 1164 (XLI) of violations of human rights and fundamental freedoms wherever they occur;

"3. Reaffirms that the policy of apartheid and racism in the Republic of South Africa, South West Africa, Southern Rhodesia and the Portuguese colonies is a crime against mankind and a threat to peace and security, and declares that persons guilty of that crime must be brought to justice;

"4. Condemns the actions of States which, by political, commercial, economic and military co-operation with the racist and colonial regimes in South Africa and Portugal, and with the illegal racist regime in Southern Rhodesia, are encouraging those regimes to pursue their racist policy further, and calls for the immediate cessation of such actions;

"5. Calls upon all States strictly to carry out the decisions of the United Nations regarding sanctions against the regimes which are pursuing the criminal policy of racism and apartheid;

"6. Welcomes in particular the stress laid in the above-mentioned resolutions on the urgency of eradicating policies and practices of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent territories; especially in the rebellious colony of Southern Rhodesia and the mandated territory of South West Africa, Mozambique, Angola, Guinea Bissau and the Republic of South Africa;

"7. Affirms that the grave situations obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in the mandated territory of South West Africa and the Republic of South Africa constitute a threat to peace and security;

"8. Expresses its satisfaction at the signing by fifty-four States of the International Convention on the Elimination of All Forms of Racial Discrimination and the ratification or accession by seven Member States to that Convention, and expresses its confident hope that a sufficient number of States will soon become parties to that Convention in order that the Convention may come into force and exercise fully its beneficial effects;

"9. Requests the Economic and Social Council to recommend to the General Assembly that it continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and all other conventions and protocols which aim at protecting human rights and fundamental freedoms;

B

"1. Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislations and the practices in South Africa, South West Africa and Southern Rhodesia, instituted to establish and maintain apartheid in all its forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the Commission for the implementation of the relevant resolutions of the General Assembly as they may affect the Commission's responsibilities;

"2. Decides to give the highest priority at its twenty-fourth session to the consideration of the report and the recommendations of the Special Rapporteur, with a view to submitting the report of the Rapporteur and its own recommendations in time for consideration by the 1968 International Conference on Human Rights;

"3. Authorizes the Special Rapporteur to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and requests the Sub-Commission to give all possible assistance to the Special Rapporteur if he so requests in the fulfilment of his tasks under this resolution;

"4. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on Apartheid established under General Assembly resolution 2144 A (XXI);

"5. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

"6. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to apprise the Special Rapporteur of the relevant information coming to their attention and of their discussions and actions on questions of gross violations of human rights in the Republic of South Africa, South West Africa and Southern Rhodesia;

"7. Appeals to all Member States of the United Nations to devote a section of their national information services to the publicizing of the evils of apartheid within their territories.

C

"1. Decides to set up an ad hoc Study Group of nine of its members, selected on the basis of equitable geographical distribution, to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family, in the light of the discussions held on this question during the present session, and report to the twenty-fourth session of the Commission;

"2. Requests the Study Group to pay particular attention to the following:

"(a) the basis on which regional commissions on human rights might be established in those areas where such bodies do not exist;

"(b) the terms of reference of such Commissions and method of appointment of their members;

"(c) the relationship between the Commission on Human Rights, on the one hand, and the existing regional commissions and those that may subsequently be established, on the other.

"3. Authorizes the Working Group to consult the Chairman of the Commission on the Status of Women as well as the two existing regional commissions on human rights and the international organizations in which they take part.

"4. Requests the Secretary-General to provide the Working Group with all necessary assistance and facilities for the discharge of its task.

"5. Decides further to consider the report of the Working Group at the twenty-fourth session of the Commission.

D

"1. Endorses the initiation by the Sub-Commission of an analytical survey of petitions and other materials on the basis of which the question of the violations of human rights arose in the Special Committee and was brought to the attention of the bodies concerned with human rights in its resolution of 18 June 1965, with special reference to those phenomena which are regarded in the petitions and in the aforementioned materials as manifestations of discrimination and infringements of the rights of minorities;

"2. Decides to give annual consideration to the item entitled 'Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories' without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

"3. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare, for the use of the Commission in its examination of this question, a report containing information on violations of human rights and fundamental freedoms from all available sources;

"4. Requests the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing its task;

"5. Requests the Economic and Social Council to authorize the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII), without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

"6. Further requests authority, in appropriate cases, and after careful consideration of the information thus made available to it, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report with recommendations thereon to the Economic and Social Council;

"7. Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, including policies of racial discrimination, segregation and apartheid, in any country, with particular reference to colonial and other dependent territories."

Amendments submitted

303. Amendments to the revised joint draft resolution proposed by Dahomey, Nigeria, Pakistan, Senegal and the United Republic of Tanzania were submitted by Sweden (E/CN.4/L.931), Chile (E/CN.4/L.933), the United Arab Republic (E/CN.4/L.935) and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.938).

304. Sweden proposed (E/CN.4/L.931)

- (i) advancement of the last paragraph of the preamble to follow immediately after the paragraph starting "Having regard ...";
- (ii) the replacement, in paragraph 1 of part A, of the word "Endorses" by the words "Takes note of ...";
- (iii) the replacement of the words "United Nations" in paragraph 5 of part A by the words, "Security Council"; and
- (iv) amendment of the text of paragraph 7 of part A to read:

Expresses its deep concern at the grave situations obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in the mandated territory of South West Africa and in the Republic of South Africa".

305. Chile proposed (E/CN.4/L.933) the insertion, in operative paragraph 1 of part B, of the words "and discrimination and racial segregation in general" after the words "practices of apartheid in all its forms and manifestations".

306. The United Arab Republic proposed (E/CN.4/L.935):

- (i) the deletion, in the penultimate paragraph of the preamble, of the words "within the United Nations system";
- (ii) the deletion of the words "from all available sources" at the end of operative paragraph 3 of part D;
- (iii) the addition, at the end of operative paragraph 5 of part D, of the following: "and without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms"; and
- (iv) the addition of the same words at the end of operative paragraph 6.

307. The United Kingdom proposed (E/CN.4/L.938):

- (i) the insertion of the words "and racial discrimination" after the words "instituted to establish and maintain apartheid" in paragraph 1 of part B; and

- (ii) the substitution, in the same paragraph, of the words "in all their forms" for the words "in all its forms".

308. At the 929th meeting of the Commission, the sponsors announced that they withdrew the revised draft resolution.

Draft resolutions I, II and III, submitted by the Democratic Republic of the Congo, Dahomey, Nigeria, Senegal and United Republic of Tanzania

309. At the 929th meeting, on 16 March 1967, the Democratic Republic of Congo, Dahomey, Nigeria, Senegal, and the United Republic of Tanzania submitted to the Commission three draft resolutions number I, II and III (E/CN.4/L.939, E/CN.4/L.940 and E/CN.4/L.941 respectively) to replace the joint draft resolution which the sponsors had withdrawn.

310. Draft resolution I (E/CN.4/L.939), of which India, Iraq, Iran, Morocco, Pakistan and the United Arab Republic became co-sponsors, read as follows:

"The Commission on Human Rights,

"Considering resolution 1164 (XLI) of the Economic and Social Council and resolution 2144 A (XXI) of the General Assembly on the 'Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries with particular reference to colonial and other dependent countries and territories', which were adopted after the Commission had considered and adopted its resolution 2 (XXII) of 25 March 1966.

"Reaffirming its belief that recognition of the inherent dignity and worth of the human person and his right to enjoy his full human rights and fundamental freedoms is the foundation for a just, peaceful and prosperous world.

"Convinced that gross violations of human rights and fundamental freedoms continue to occur in certain countries, especially in colonial and dependent territories;

"Gravely concerned in particular at the aggravation of the inhuman situation in the Republic of South Africa as a result of the continued implementation of the policies of apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the General Assembly and the Security Council,

"Alarmed further by the continually deteriorating situation in the rebellious colony of Southern Rhodesia, due to the relentless and barbaric practice of segregation and racial discrimination enforced in Southern Rhodesia against the African people by the outlaw and illegal régime of the Ian Smith rebels,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights;

"1. Endorses the conclusions and recommendations of the United Nations seminar on apartheid held in Brasilia in August/September 1966 (ST/TAO/HR/27, para.138) especially those aiming at the combating and eradication of the evil policy of apartheid, and the statements of appreciation for the work performed in the Seminar which are expressed in General Assembly resolutions 2202 and 2144 A (XXI),

"2. Expresses special satisfaction at the strong and explicit condemnation by the General Assembly in resolution 2144 A (XXI) and the Economic and Social Council in resolution 1164 (XLI) of violations of human rights and fundamental freedoms wherever they occur;

"3. Welcomes in particular the stress laid in the above-mentioned resolutions on the urgency of eradicating policies and practices of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent territories; especially in the rebellious colony of Southern Rhodesia and the mandated territory of South West Africa, Mozambique, Angola, Guinea Bissau and the Republic of South Africa;

"4. Expresses its satisfaction at the signing by fifty-five States of the International Convention on the Elimination of All Forms of Racial Discrimination and the ratification or accession by seven Member States to that Convention, and expresses its confident hope that a sufficient number of States will soon become parties to that Convention in order that the Convention may come into force and exercise fully its beneficial effects;

"5. Affirms that the grave situations obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in the mandated territory of South West Africa and the Republic of South Africa constitute a threat to peace and security.

"6. Condemns the actions of States which, by political, commercial economic and military co-operation with the racist and colonial régimes in South Africa and Portugal, and with the illegal racist régime in Southern Rhodesia, are encouraging those régimes to pursue their racist policy further, and calls for the immediate cessation of such actions;

"7. Calls upon all States strictly to carry out the decisions of the United Nations regarding sanctions against the régimes which are pursuing the criminal policy of racism and apartheid."

"8. Requests the Economic and Social Council to recommend to the General Assembly that it continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and all other conventions and protocols which aim at protecting human rights and fundamental freedoms."

311. Draft resolution II (E/CN.4/L.940) of which the Philippines became a co-sponsor read as follows:

"The Commission on Human Rights,

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to 'violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories', and concurred in the Commission's view 'that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them',

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur',

"Noting also resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant chapter of the report of the Sub-Commission which were adopted by the Sub-Commission following its examination of the above-mentioned question upon the request of the Commission (E/CN.4/930, chap. VI),

"Recalling its resolution 2 (XXII) in which the Commission noted that the materials, procedures and time available to it were inadequate for complying in full with the mandate given in Economic and Social Council resolution 1102 (XL),

"Believing that advantage should be taken of International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights,

"Noting that two regional intergovernmental commissions on human rights have been established for many years, and believing that it is timely to give encouragement to the formation of other regional commissions on human rights within the United Nations system,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of Human Rights;

"1. Decides to set up an ad hoc Study Group of nine of its members to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family, in the light of the discussions held on this question during the present session, and report to the twenty-fourth session of the Commission;

"2. Requests the Study Group to pay particular attention to the following:

- (a) the basis on which regional commissions on human rights might be established in those areas where such bodies do not exist;

- (b) the terms of reference of such Commissions and method of appointment of their members;
- (c) the relationship between the Commission on Human Rights, on the one hand and the existing regional commissions and those that may subsequently be established, on the other.

"3. Authorizes the Working Group to consult the Chairman of the Commission on the Status of Women as well as the two existing regional commissions on human rights and the international organizations from which they receive their powers.

"4. Requests the Secretary-General to provide the Working Group with all necessary assistance and facilities for the discharge of its task.

"5. Decides further to consider the report of the Working Group at the twenty-fourth session of the Commission."

312. Draft resolution III (E/CN.4/L.941) of which India, Iraq, Iran, Morocco, Pakistan and the United Arab Republic became co-sponsors, read as follows:

"The Commission on Human Rights,

"Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights 'to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur',

"Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to 'violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories' and concurred in the Commission's view 'that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them',

"Disturbed at the numerous instances of racial discrimination which outrage the dignity of the human being, degrade civilization and violate the high principles of the United Nations Charter.

"Firmly supporting all those who are opposing the policies of apartheid, and particularly those who are combating such policies in South Africa,

"Believing that advantage should be taken of the International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights,

"Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights;

"1. Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislation and practices in South Africa, South West Africa and Southern Rhodesia, instituted to establish and maintain apartheid in all its forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the Commission for the implementation of the relevant resolutions of the General Assembly as they may affect the Commission's responsibilities,

"2. Decides to give the highest priority at its twenty-fourth session to the consideration of the report and the recommendations of the Special Rapporteur, with a view to submitting the report of the Rapporteur and its own recommendations in time for consideration by the 1968 International Conference on Human Rights;

"3. Authorizes the Special Rapporteur to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and requests the Sub-Commission to give all possible assistance to the Special Rapporteur if he so requests in the fulfilment of his tasks under this resolution;

"4. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on apartheid established under General Assembly resolution 2144 A (XXI);

"5. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

"6. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to appraise the Special Rapporteur of the relevant information coming to their attention and of their discussions and actions on questions of gross violations of human rights in the Republic of South Africa, South West Africa and Southern Rhodesia;

"7. Appeals to all Member States of the United Nations to devote a section of their national information services to the publicizing of the evils of apartheid within their territories."

Proposal by Austria, Italy, Jamaica and Morocco

313. At the 922nd meeting of the Commission, on 10 March 1967, the representatives of Italy, Jamaica, and Morocco submitted a draft resolution (E/CN.4/L.923). The draft resolution was subsequently revised by the sponsors, who were joined by Austria as a co-sponsor, and was submitted to the Commission at its 929th meeting, on 16 March 1967. The revised draft resolution (E/CN.4/L.923/Rev.1) read as follows:

"The Commission on Human Rights

"Bearing in mind the Commission's terms of reference as laid down in resolutions 5 (I) and 9 (II) of the Economic and Social Council and especially that the Commission is authorized to propose to the Council changes in its terms of reference and to make recommendations to the Council concerning any sub-commission which it considers should be established;

"Noting General Assembly resolution 2144 (XXI) of 26 October 1966 in which the General Assembly invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

"Recalling resolution 1102 (XL) of the Economic and Social Council and having considered Economic and Social Council resolution 1154 (XLI) of 5 August, 1966 in which the Council welcomed the decision of the Commission made by resolution 2 B (XXII);

"Noting that two regional intergovernmental commissions on human rights have been established for many years with Member States of the United Nations participating in the activities of those bodies;

"Believing that the promotion of universal respect for and universal observance of human rights would be enhanced by the establishment, in other regions, of regional commissions on human rights within the United Nations system;

"Having given preliminary consideration to means of improving the capacity of the United Nations to deal with violations of human rights;

"Recognizing the need to give further study to this question,

"1. Recommends that the Economic and Social Council should confirm the inclusion in the terms of reference of this Commission of 'the power to recommend and adopt general and specific measures to deal with violation of human rights' without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

"2. Decides to establish a Working Group of nine of its members to be designated by the Chairman, which should meet at United Nations Headquarters in New York, or in Geneva, and should study in all its aspects the question of the ways and means by which the Commission might be enabled or assisted to discharge functions in relation to violations of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions;

"3. Requests the Study Group to pay particular attention to the following:

- (a) the question whether additional sub-Commissions should be brought into being, and the terms of reference of such sub-Commissions;
- (b) the basis on which regional commissions on Human Rights might be established in those areas where such bodies do not exist, the functions which might be entrusted to such Commissions, and possible relationship between the Commission on Human Rights on the one hand and the new or existing Regional Commissions on the other;

"4. Authorizes the Working Group to consult the Chairman of the Commission on the Status of Women as well as the two existing regional commissions on human rights and the international organizations of which they are a part;

"5. Requests the Secretary-General to provide the Working Group with all necessary assistance and facilities for the discharge of its task;

"6. Decides further to consider the report of the Working Group at the twenty-fourth session of the Commission."

Issues discussed

314. The discussion of the item was linked to the discussion which had taken place on agenda item 24 (see chap.IV), in the course of which the draft resolution proposed by Jamaica had been submitted to the Commission. In both cases the competence of the Commission to deal with the matters under consideration was raised.

315. Members of the Commission were unanimous in their condemnation of all violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories. They expressed their satisfaction at the strong and explicit condemnation of such violations, wherever they occurred, by the Economic and Social Council in resolution 1164 (XLI) of 5 August 1966 and by the General Assembly in resolution 2144 (XXI) of 26 October 1966; and welcomed the stress which those resolutions had laid upon the urgency of eradicating policies of racial discrimination, segregation and apartheid in all countries. Several representatives expressed the view that the policy of apartheid was the most serious form of violation of human rights in the modern world. They deeply regretted that the Commission had never taken any practical effective action to ensure respect for the human rights and fundamental freedoms of the victims of apartheid, particularly inasmuch as its terms of reference laid down that its work should be directed towards submitting proposals, recommendations and reports to the Council regarding the prevention of discrimination on grounds of race, sex, language and religion. One representative drew the attention of the Commission to the draft resolution on the subject which had been submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by one of its members, and transmitted to the Commission in resolution 5 (XIX) of the Sub-Commission.

316. There was a difference of opinion, however, as regards the exact scope of the Commission's competence with regard to such violations, and as to the nature of the General Assembly's invitation to the Commission, in resolution 2144 (XXI), to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Some representatives, while agreeing in principle that the Commission undoubtedly was competent to deal with violations of human rights and fundamental freedoms, expressed the view that its action should be confined to measures within the competence of the Economic and Social Council, of which it was a subsidiary body. Such measures included inter alia the preparation of legislation, the mobilization of public opinion to exert moral pressure upon those who were responsible for violations of human rights and fundamental freedoms, the establishment of practical programmes designed to induce Member States to fulfil their obligations under international instruments or municipal law, and the provision of advisory services in the field of human rights to Governments upon request. They did not, however, include activities of a purely political nature, which could only be undertaken by the competent political organs of the United Nations, or judicial or semi-judicial measures, which the Commission was not equipped to take.

317. In the opinion of other representatives, however, resolution 2144 (XXI) of the General Assembly had clearly opened the way for the Commission to consider ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Under this resolution it was clear that the Commission was not confined to making recommendations as regards its own capacity, but as regards

the capacity of the United Nations as a whole. They felt strongly that the time had come for the Commission to adopt a new and vigorous approach to the problem of violations of human rights and fundamental freedoms, and that it should not fail to seize the opportunity provided in the General Assembly's invitation to put forward practical measures of a far-reaching nature designed to put a stop to such violations wherever they might occur.

318. A number of representatives drew attention to the situations existing in Southern Rhodesia, Mozambique, Angola, Guinea Bissau, and in South West Africa, which, in their estimation, involved violations of human rights and fundamental freedoms of so serious a nature that they constituted a threat to peace and security. They called for the immediate cessation of the political, commercial, economic and military co-operation of States Members of the United Nations with Portugal, South Africa, and Southern Rhodesia, as such co-operation had in the past encouraged the authorities of those countries to pursue their policies of racial discrimination, segregation and apartheid. Other representatives, while expressing their concern at the grave situations obtaining in those countries and territories, did not feel that it was appropriate for the Commission to describe them as constituting a threat to peace and security.

319. The majority of representatives expressed the view that the Commission should give its full endorsement to the conclusions and recommendations of the United Nations seminar on apartheid which had been held in Brasilia in August/September 1966 (ST/TAO/HR.27, para.138). Other representatives, however, declared that it was not possible for their Governments to endorse the conclusions and recommendations, which they had not examined in detail, particularly as many of the recommendations dealt with aspects of the matter which, according to Chapter VII of the Charter, were exclusively within the competence of the Security Council. They suggested that the Commission should either take note of the conclusions of the seminar, as the General Assembly had already done in resolution 2144 (XXI), or take no action on the matter. Several representatives expressed reservations in particular in respect of conclusion XXIV of the seminar, calling for international agreements to provide transit corridors for Basutoland. One representative, while maintaining this reservation, said that he nevertheless supported the paragraph in the draft resolution endorsing the conclusions and recommendations of the seminar since his reservation in respect of conclusion XXIV did not relate to anything it said about apartheid.

320. The proposal of Nigeria (see para. 284) that a recommendation should be addressed to the Economic and Social Council for the establishment of regional committees on human rights, the functions of which would include the receipt of information concerning gross violations of human rights and fundamental freedoms and the collation and evaluation of such information, gave rise to considerable discussion in the Commission. Several members pointed out that it was not possible, in their opinion, to combat apartheid on a regional level. They recalled that two regional inter-governmental commissions on human rights existed outside the United Nations system: the Commission on Human Rights of the Council of Europe and the Inter-American Commission on Human Rights. Many problems of possible overlapping of functions or duplication of activities would arise if the Economic and Social Council were to decide to establish regional commissions on human rights within the United Nations system. One major difficulty would be in defining the regions in which such commissions should be established; another would be in determining who should take part in the work of regional commissions. There were also serious problems to be considered as regards the terms of reference of any regional human rights commissions which the United Nations might undertake to establish,

and their relationship to the United Nations Commission on Human Rights, to the existing regional commissions on human rights, to commissions on human rights which Governments of countries in a region might establish on their own initiative in the future. Moreover, it was for the Governments of countries in regions where no such commissions existed to take the initiative in establishing them, bearing in mind the requirements of the region.

321. Other representatives heartily endorsed the proposal and strongly favoured regional action to protect human rights, but only provided that it was an integral part of the general international system for the protection of those rights.

322. Another proposal of Nigeria that the Commission should appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practice of apartheid and to report and make recommendations to the Commission on appropriate measures which might be taken for the implementation of the General Assembly resolution 2144 (XXI) as they may affect the Commission's responsibilities, also gave rise to some discussion. While the proposal was widely supported, several questions were raised as to the functions to be assigned to the Special Rapporteur, and as to his relationship to the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out the special study of racial discrimination in the political, economic, social and cultural spheres.

323. With regard to the Special Rapporteur's functions, some representatives felt that his recommendations should be confined to matters on which the Commission was competent to take action as a functional commission of the Economic and Social Council. Others, however, maintained that he should be authorized to recommend any action to combat racial discrimination and the policies of apartheid and segregation which fell within the broader powers of the General Assembly, particularly in view of the Assembly's call, in resolution 2144 (XXI), for improvement in "the capacity of the United Nations" to put a stop to violations of human rights wherever they may occur.

324. Some representatives opposed certain functions proposed for the Special Rapporteur on the ground that a number of United Nations organs had already studied the legislation and practices of South Africa.

325. With regard to a possible conflict between the functions of the Commission's Special Rapporteur and the Special Rapporteur appointed by the Sub-Commission, the representative of Nigeria pointed out that the Sub-Commission's Special Rapporteur was engaged in a full-scale study of racial discrimination which would be conducted on a world-wide basis, covering all States Members of the United Nations and members of the specialized agencies, and would require several years to complete. The task entrusted to the Commission's Special Rapporteur, on the other hand, would be limited to a survey of past action by the United Nations in its efforts to eliminate the policies and practices of apartheid, together with a study of the legislation and practices of South Africa, South West Africa, and Southern Rhodesia instituted to establish or maintain apartheid and racial discrimination. The Commission's Special Rapporteur, moreover, would be able to consult with the Sub-Commission or its Special Rapporteur on any problems which might occur in the course of his work, and the Sub-Commission would be expected to give him its full co-operation and assistance. One representative expressed the view that a United Nations High Commissioner for Human Rights could fulfil the function provided for in the draft resolution.

326. In the light of the discussion the representative of Nigeria announced the withdrawal of the draft resolution (E/CN.4/L.918/Rev.1), the substance of which was presented in three separate draft resolutions (E/CN.4/L.939, E/CN.4/L.940 and E/CN.4/L.941). On these draft resolutions there was little discussion in the Commission.

327. There was wide support in the Commission for the proposal of Costa Rica, Dahomey, Philippines, Senegal and Sweden (see para. 291) that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be requested to prepare, for the use of the Commission, a report on violations of human rights and fundamental freedoms. Two questions were raised however with regard to this proposal: first, as to the scope of the Sub-Commission's report and secondly, as to the sources to be used by the Sub-Commission in preparing the report. The sponsors of the proposal suggested that the Sub-Commission should secure information from Governments of Member States, the Secretary-General, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the specialized agencies, regional intergovernmental organizations, non-governmental organizations, the writings of recognized scholars and scientists and "observation or investigation upon the request of the Government whose territory is concerned". Some representatives expressed the view that the Sub-Commission's report should be based exclusively on official sources, while others felt that even the comprehensive list of sources enumerated by the sponsors was too limitative. The view was strongly expressed that no limitations whatsoever should be placed upon the sources to be used by the Sub-Commission in the preparation of its report on violations of human rights and fundamental freedoms.

328. With regard to the action to be taken by the Commission on information available to it relating to gross violations of human rights and fundamental freedoms, there was wide agreement that the Economic and Social Council should be requested to authorize the Commission to examine information on this subject contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F(XXVIII), to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report and submit recommendations thereon to the Council. It was further agreed that the Commission should, in future, give consideration annually to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". With respect to these decisions the reservation was made that any action envisaged by the Commission could only be undertaken if it did not prejudice in any way the functions and powers of organs already in existence or which might be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms.

329. With regard to the proposal of Austria, Italy, Jamaica and Morocco (see para. 313) that the Economic and Social Council should confirm the inclusion in the terms of reference of the Commission of "the power to recommend and adopt general and specific measures to deal with violations of human rights", it was contended that the draft resolution was out of order as properly it fell under agenda item 11 (Review of the Commission's procedures and methods of work with a view to expediting the consideration of the items on its agenda). However, the view was also expressed that the draft resolution had an equal claim for consideration in connexion with item 9, as it related to methods of dealing with violations of human rights.

330. With regard to paragraph 2 of the draft resolution, suggesting the creation of a working group to study how the Commission might discharge its functions in relation to violations of human rights and fundamental freedoms while maintaining and fulfilling its other functions, there was strong opposition in the Commission to the creation of a working group especially for that purpose, and it was accordingly suggested that the Study Group which had been established in an earlier decision might be given this additional responsibility.

331. In the light of the voting which took place in the Commission and the acceptance of draft resolution II, the representative of Jamaica, who had been requested by the representative of the Philippines to withdraw the four-Power draft resolution, modified its text substantially (see para.396).

Voting on the draft resolutions

332. At the 929th and 930th meetings, held on 16 March 1967, the Commission voted on the proposals in the order in which they had been submitted. The order of voting was as follows: (1) draft resolution I submitted by the Democratic Republic of Congo, Dahomey, India, Iraq, Iran, Morocco, Nigeria, Pakistan, Senegal, the United Arab Republic and the United Republic of Tanzania (see para. 310); (2) draft resolution II, submitted by the Democratic Republic of Congo, Dahomey, Nigeria, Philippines, Senegal and the United Republic of Tanzania (see para. 311); (3) draft resolution III, submitted by the Democratic Republic of Congo, Dahomey, India, Iraq, Iran, Morocco, Nigeria, Pakistan, Philippines, Senegal, the United Arab Republic and the United Republic of Tanzania (see para. 312); (4) the draft resolution submitted by Costa Rica, Dahomey, Philippines, Senegal and Sweden (see para. 296); and (5) the draft resolution submitted by Austria, Italy, Jamaica and Morocco (see para. 313).

Draft resolution I

333. The Commission voted on draft resolution I, and amendments submitted by Sweden (E/CN.4/L.931) at the 929th meeting, as follows:

334. After the sponsors had accepted the first Swedish amendment, to advance the last paragraph of the preamble to follow immediately after the paragraph beginning, "Having regard," the preamble, as amended, was adopted by 24 votes to none, with 4 abstentions.

335. The second amendment submitted by Sweden, to replace the word "Endorses", in paragraph 1 of part A, having received 13 votes in favour and 13 against, with 1 abstention was not adopted.

336. Paragraph 1 was adopted by 17 votes to 1, with 11 abstentions. At the request of the representatives of Nigeria and Senegal, the vote on operative paragraph 1 was taken by roll call. The voting was as follows:

<u>In favour:</u>	Chile, Congo (Democratic Republic of), Greece, India, Iran, Iraq, Israel, Morocco, Nigeria, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.
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Against: Italy

Abstaining: Argentina, Austria, Costa Rica, France, Guatemala, Jamaica, New Zealand, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

337. Paragraph 2 was adopted by 29 votes to none, with 1 abstention.

338. Paragraph 3 was adopted by 25 votes to none, with 4 abstentions.

339. Paragraph 4 was adopted by 28 votes to 1.

340. The third amendment proposed by Sweden, to replace the words "United Nations" in paragraph 5 of Part A by the words "Security Council," was rejected by 15 votes to 10, with 4 abstentions. At the request of the representative of the United Republic of Tanzania, the vote was taken by roll call. The voting was as follows:

In favour: Argentina, Costa Rica, France, Guatemala, Italy, Jamaica, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Chile, Congo (Democratic Republic of); Greece, India, Iran, Iraq, Morocco, Nigeria, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Austria, Israel, Peru, Philippines.

341. At the request of the representative of Chile, a separate vote was taken on the words, "in Mozambique, in Angola, in Guinea Bissau" in paragraph 5. By 19 votes to none, with 10 abstentions, the Commission voted to retain those words.

342. Paragraph 5 as a whole was adopted by 17 votes to 3, with 10 abstentions. At the request of the representatives of Nigeria and Senegal, the vote was taken by roll call. The voting was as follows:

In favour: Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Iraq, Israel, Morocco, Nigeria, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: France, New Zealand, United States of America.

Abstaining: Argentina, Austria, Chile, Costa Rica, Guatemala, Italy, Jamaica, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland.

343. Paragraph 6 was adopted by 18 votes to none, with 10 abstentions.

344. The fourth amendment proposed by Sweden, to amend the text of paragraph 7 of part A to read: "Expresses its deep concern at the grave situation obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in the mandated territory of South West Africa and in the Republic of South Africa," was rejected by 15 votes to 11, with 4 abstentions.

345. Paragraph 7 was adopted by 21 votes to none, with 9 abstentions.

346. At the request of the representative of the Ukrainian SSR, a separate vote was taken on the exclusion of the word "eligible" before the word "States" in the second line of paragraph 8. The word "eligible" was retained in the text by 19 votes to 6, with 1 abstention.

347. At the request of the representative of Jamaica, a separate vote was taken on the retention of the latter part of paragraph 8 reading, "and all other conventions and protocols which aim at protecting human rights and fundamental freedoms". These words were retained by 25 votes to 1, with 4 abstentions.

348. Paragraph 8 as a whole was adopted unanimously.

349. Draft resolution I, as a whole, was adopted by 22 votes to none, with 8 abstentions. At the request of the representative of Nigeria, the vote was taken by roll call. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Costa Rica, Dahomey, Greece, Guatemala, India, Iran, Iraq, Israel, Jamaica, Morocco, Nigeria, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Argentina, Austria, France, Italy, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

350. The resolution adopted by the Commission at its 929th meeting, held on 16 March 1967, reads as follows:

5 (XXIII) Question of the violation of human rights and fundamental freedoms: including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories

The Commission on Human Rights,

Considering resolution 1164 (XLI) of the Economic and Social Council and resolution 2144 A (XXI) of the General Assembly on the "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries with particular reference to colonial and other dependent countries and territories", which were adopted after the Commission had considered and adopted its resolution 2 (XXII) of 25 March 1966.

Reaffirming its belief that recognition of the inherent dignity and worth of the human person and his right to enjoy his full human rights and fundamental freedoms is the foundation for a just, peaceful and prosperous world.

Convinced that gross violations of human rights and fundamental freedoms continue to occur in certain countries, especially in colonial and dependent territories;

Gravely concerned in particular at the aggravation of the inhuman situation in the Republic of South Africa as a result of the continued implementation of the policies of apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the General Assembly and the Security Council,

Alarmed further by the continually deteriorating situation in the rebellious colony of Southern Rhodesia, due to the relentless and barbaric practice of segregation and racial discrimination enforced in Southern Rhodesia against the African people by the outlaw and illegal régime of the Ian Smith rebels,

Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights;

1. Endorses the conclusions and recommendations of the United Nations seminar on apartheid held in Brasilia in August/September 1966 (ST/TAO/HR/27, para. 138) especially those aiming at the combating and eradication of the evil policy of apartheid, and the statements of appreciation for the work performed in the Seminar which are expressed in General Assembly resolutions 2202 and 2144 A (XXI),
2. Expresses special satisfaction at the strong and explicit condemnation by the General Assembly in resolution 2144 A (XXI) and the Economic and Social Council in resolution 1164 (XLI) of violations of human rights and fundamental freedoms wherever they occur;
3. Welcomes in particular the stress laid in the above-mentioned resolutions on the urgency of eradicating policies and practices of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent territories; especially in the rebellious colony of Southern Rhodesia and in South West Africa, Mozambique, Angola, Guinea Bissau and the Republic of South Africa;
4. Expresses its satisfaction at the signing by fifty-five States of the International Convention on the Elimination of All Forms of Racial Discrimination and the ratification or accession by seven Member States to that Convention, and expresses its confident hope that a sufficient number of States will soon become parties to that Convention in order that the Convention may come into force and exercise fully its beneficial effects;
5. Affirms that the grave situations obtaining in the rebellious colony of Southern Rhodesia, in Mozambique, in Angola, in Guinea Bissau, in South West Africa and the Republic of South Africa constitute a threat to peace and security;
6. Condemns the actions of States which, by political, commercial, economic and military co-operation with the racist and colonial régimes in South Africa and Portugal, and with the illegal racist régime in Southern Rhodesia, are encouraging those régimes to pursue their racist policy further, and calls for the immediate cessation of such actions;

7. Calls upon all States strictly to carry out the decisions of the United Nations regarding sanctions against the régimes which are pursuing the criminal policy of racism and apartheid."

8. Requests the Economic and Social Council to recommend to the General Assembly that it continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and all other conventions and protocols which aim at protecting human rights and fundamental freedoms.

Draft resolution II

351. The Commission voted on draft resolution II at the 930th meeting, held on 16 March 1967, as follows:

352. The first preambular paragraph was adopted by 29 votes to none, with 2 abstentions.

353. The second preambular paragraph was adopted unanimously.

354. The sponsors accepted the suggestion of the representative of Sweden that the seventh preambular paragraph should be placed before the third preambular paragraph. The new third preambular paragraph was adopted unanimously.

355. The fourth preambular paragraph was adopted by 28 votes to 1, with 1 abstention.

356. The fifth preambular paragraph was adopted by 21 votes to 1, with 1 abstention.

357. The sixth preambular paragraph was adopted unanimously.

358. A separate vote was taken on the inclusion in the seventh preambular paragraph of the words "believing that it is timely to give encouragement to the formation of other regional commissions on human rights within the United Nations system". These words were retained by 19 votes to 5, with 3 abstentions.

359. The representative of the United Arab Republic proposed orally to add the words "or outside" between the word "between" and the words "the United Nations system". The words "or outside" were added by 19 votes to 6, with 6 abstentions.

360. The sponsors deleted the word "other" from the text of the paragraph.

361. The seventh preambular paragraph as a whole was adopted by 25 votes to none, with 6 abstentions.

362. The sponsors accepted a suggestion to revise paragraph 1 by adding the words "bearing in mind equitable geographical distribution" between the words "members" and the words "to study". Paragraph 1, as revised, was adopted by 24 votes to none, with 7 abstentions.

363. Paragraph 2 was adopted by 27 votes to none, with 4 abstentions.

364. Paragraph 4 was adopted unanimously.

365. Paragraph 5 was adopted by 30 votes to none, with 1 abstention.

366. Draft resolution II, as a whole, was adopted by 28 votes to none, with 3 abstentions. At the request of the representative of Nigeria, the vote was taken by roll call. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Costa Rica, Dahomey, France, Greece, Guatemala, Iran, Iraq, Israel, Italy, Jamaica, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia.

Abstaining: India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

367. At the 939th meeting, held on 22 March 1967, the representative of Jamaica proposed that the ad hoc Study Group which the Commission had decided to establish in resolution 6 (XXIII) should be expanded from nine to eleven members in order to ensure adequate geographical representation and in view of the additional task which had been placed upon the Group. The Commission accepted that proposal and further decided, on the proposal of the representatives of Jamaica and the Philippines, to revise paragraph 1 of the resolution which it had adopted at its 930th meeting by substituting the word "eleven" for the word "nine".

368. The resolution adopted by the Commission at its 930th meeting, on 16 March 1967, and amended at its 939th meeting, on 22 March 1967, reads as follows:

6 (XXIII). Study of the establishment of regional commissions on human rights

The Commission on Human Rights,

Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur",

Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights,

Noting also resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant chapter of the report of the Sub-Commission which were adopted by the Sub-Commission following its examination of the above-mentioned question upon the request of the Commission (E/CN.4/930, chap.VI),

Recalling its resolution 2 (XXII) in which the Commission noted that the materials, procedures and time available to it were inadequate for complying in full with the mandate given in Economic and Social Council resolution 1102 (XL),

Believing that advantage should be taken of International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights,

Noting that two regional intergovernmental commissions on human rights have been established for many years, and believing that it is timely to give encouragement to the formation of regional commissions on human rights within or outside the United Nations system,

1. Decides to set up an ad hoc Study Group of eleven of its members, bearing in mind equitable geographical distribution, to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family, in the light of the discussions held on this question during the present session, and report to the twenty-fourth session of the Commission;
2. Requests the Study Group to pay particular attention to the following:
 - (a) the basis on which regional commissions on human rights might be established in those areas where such bodies do not exist;
 - (b) the terms of reference of such Commissions and method of appointment of their members;

(c) the relationship between the Commission on Human Rights, on the one hand, and the existing regional commissions and those that may subsequently be established, on the other.

3. Authorises the Study Group to consult the Chairman of the Commission on the Status of Women as well as the two existing regional commissions on human rights and/or the inter-governmental organizations from which they receive their powers.

4. Requests the Secretary-General to provide the Study Group with all necessary assistance and facilities for the discharge of its task.

5. Decides further to consider the report of the Study Group at the twenty-fourth session of the Commission.

369. At the 939th meeting, held on 22 March 1967, the Chairman, after consultation with members of the Commission, appointed the following as members of the ad hoc Study Group: Chile, Democratic Republic of the Congo, Iraq, Jamaica, Nigeria, Philippines, Poland, Sweden or Greece, Union of Soviet Socialist Republics, United Arab Republic and United States of America, on the understanding that the choice as to whether Sweden or Greece would be a member of the Study Group would be made at a later date by the two States concerned.

Draft resolution III

370. The Commission voted on draft resolution III at the 930th meeting, held on 16 March 1967, as follows:

371. The sponsors accepted the suggestion of the representative of Sweden that the last preambular paragraph be placed after the fourth preambular paragraph. The preamble, as amended, was adopted unanimously.

372. The sponsors revised the text of paragraph 1 by accepting the amendment which had been proposed by the representative of the United Kingdom (E/CN.4/L.938) to insert after the words "instituted to establish and maintain apartheid" the words "and racial discrimination", and to substitute for the words "in all its forms" the words "in all their forms". The sponsors further revised the text by substituting, for the words "Commission for the implementation of the relevant resolutions of the General Assembly as they may affect the Commission's responsibilities", after the "General Assembly effectively to combat racial discrimination and the policies of apartheid and segregation". Paragraph 1, as amended, was adopted by 28 votes to 2, with 2 abstentions.

373. Paragraphs 2 to 6 were adopted by 28 votes to none, with 2 abstentions.

374. An amendment to paragraph 7, proposed by the representative of Sweden, to delete the words "to devote" and substitute the words "to consider devoting", was adopted by 14 votes to 12, with 5 abstentions. The sponsors agreed to a suggestion made by the representative of the Philippines, to place the words "within their territories" immediately after the word "publicizing". Paragraph 7, as a whole, as amended, was adopted by 28 votes to none, with 2 abstentions.

375. The draft resolution, as a whole, as amended, was adopted by 28 votes to none, with 2 abstentions.

376. The resolution adopted by the Commission at its 930th meeting, held on 16 March 1967, reads as follows:

7 (XXIII). Action effectively to combat racial discrimination and the policies of apartheid and segregation

The Commission on Human Rights,

Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur",

Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 B (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

Disturbed at the numerous instances of racial discrimination which outrage the dignity of the human being, degrade civilization and violate the high principles of the United Nations Charter,

Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations of human rights,

Firmly supporting all those who are opposing the policies of apartheid, and particularly those who are combating such policies in South Africa,

Believing that advantage should be taken of the International Year for Human Rights and the 1968 International Conference on Human Rights to mobilize public opinion and bring about concrete programmes of action by the United Nations and by international organizations concerned with the protection and promotion of human rights;

1. Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislation and practices in South Africa, South West Africa and Southern Rhodesia, instituted to establish and maintain apartheid and racial discrimination in all their forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the General Assembly effectively to combat racial discrimination and the policies of apartheid and segregation;

2. Decides to give the highest priority at its twenty-fourth session to the consideration of the report and the recommendations of the Special Rapporteur, with a view to submitting the report of the Rapporteur and its own recommendations in time for consideration by the 1968 International Conference on Human Rights;

3. Authorizes the Special Rapporteur to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and requests the Sub-Commission to give all possible assistance to the Special Rapporteur if he so requests in the fulfilment of his tasks under this resolution;

4. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on Apartheid established under General Assembly resolution 2144 A (XXI);

5. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

6. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to apprise the Special Rapporteur of the relevant information coming to their attention and of their discussions and actions on questions of gross violations of human rights in the Republic of South Africa, South West Africa and Southern Rhodesia;

7. Appeals to all Member States of the United Nations to consider devoting a section of their national information services to the publicizing within their territories of the evils of apartheid.

Appointment of the Special Rapporteur

377. At the 939th meeting held on 22 March 1967, the representatives of Guatemala, Iraq, Jamaica, Nigeria, Pakistan, Senegal and Yugoslavia proposed the appointment of Mr. Manoucher Ganji (Iran) as the Commission's Special Rapporteur in connexion with the study called for in resolution 7 (XXIII) of the Commission. As there was no objection, Mr. Ganji was appointed as Special Rapporteur.

Voting on the draft resolution submitted by
Costa Rica, Dahomey, Philippines, Senegal and Sweden

378. At the 930th meeting held on 16 March 1967, the Commission voted on the draft resolution submitted by Costa Rica, Dahomey, Philippines, Senegal and Sweden (see para. 295) as follows:

379. The preamble was adopted by 27 votes to none, with 2 abstentions.

380. Paragraph 1 was adopted by 28 votes to none, with 1 abstention.

381. An amendment to paragraph 2, proposed by the representative of the Ukrainian SSR (E/CN.4/L.942) to replace the word "available" by the word "official", was rejected by 15 votes to 7, with 8 abstentions. Paragraph 2 was adopted by 24 votes to 3, with 4 abstentions.

382. Paragraph 3 was adopted by 29 votes to 1.

383. An amendment to paragraph 4, proposed orally by the representative of the United Arab Republic, to add the words "in conformity with the provisions of operative paragraph 1 above" after the word "Sub-Commission", was adopted by 20 votes to 1, with 7 abstentions.

384. The representative of the Ukrainian SSR withdrew his amendment to paragraph 4 (E/CN.4/L.942), to delete the words "contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII)".

385. Paragraph 4, as amended, was adopted by 30 votes to none, with 1 abstention.

386. The sponsors accepted an amendment to paragraph 5, proposed orally by the representative of the United Arab Republic, to add the words "in conformity with the provisions of operative paragraph 1 above", before the words "to make a thorough study".

387. The representative of the Ukrainian SSR withdrew his amendment to paragraph 5 (E/CN.4/L.942), to delete the words "to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights".

388. At the request of the representative of Israel, a separate vote was taken on the words, "and after careful consideration of the information thus made available to it". The words were retained by 21 votes to 4, with 5 abstentions.

389. A separate vote was taken on the words "and investigation". The words were retained by 12 votes to 11, with 6 abstentions.

390. Paragraph 5, as amended, was adopted by 25 votes to 3, with 3 abstentions.

391. The representative of the Ukrainian SSR withdrew his amendment to paragraph 6 (E/CN.4/L.942), to delete the words "any country, with particular reference".

392. Paragraph 6 was adopted by 28 votes to none, with 2 abstentions.

393. The draft resolution, as a whole, as amended, was adopted by 27 votes to none, with 3 abstentions.

394. The resolution adopted by the Commission at its 930th meeting, held on 16 March 1967, reads as follows:

8 (XXIII). Study and investigation of situations which reveal a consistent pattern of violation of human rights

The Commission on Human Rights

Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Bearing in mind Economic and Social Council resolution 1164 (XLI) of 5 August 1966 in which the Council welcomed the decision of the Commission in its resolution 2 D (XXII), to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to "violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", and concurred in the Commission's view "that it will be necessary for it to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them",

Having regard to General Assembly resolution 2144 (XXI) of 26 October 1966, in which the Assembly invited the Council and the Commission on Human Rights "to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur",

Having considered the relevant portion of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, including its resolution 5 (XIX),

Alarmed by the continuing disregard for the dignity of the human person and other violations of human rights and fundamental freedoms, in particular, the deteriorating situation resulting from relentless enforcement of the apartheid policies of the Republic of South Africa,

Welcoming the invitation of the General Assembly to co-operate in the United Nations effort to put a stop to these violations,

1. Decides to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

2. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare, for the use of the Commission in its examination of this question, a report containing information on violations of human rights and fundamental freedoms from all available sources;

3. Requests the Secretary-General to provide assistance and facilities to the Sub-Commission in accomplishing its task;

4. Requests the Economic and Social Council to authorize the Commission and the Sub-Commission in conformity with the provisions of operative paragraph 1 above, to examine information relevant to gross violations of human rights and fundamental freedoms, such as apartheid in all its forms and manifestations, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII);

5. Further requests authority, in appropriate cases, and after careful consideration of the information thus made available to it, in conformity with the provisions of operative paragraph 1 above, to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights, and to report with recommendations thereon to the Economic and Social Council;

6. Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

Voting on the draft resolution submitted by Austria,
Italy, Jamaica and Morocco

395. At the 930th meeting, held on 16 March 1967, the Commission voted on the draft resolution submitted by Austria, Italy, Jamaica and Morocco (see para.313) as follows:

396. The sponsors withdrew the fourth and fifth preambular paragraphs and paragraphs 3(b) and 4-6. In paragraph 2, they substituted the words, "Instructs the ad hoc Study Group established under the provisions of resolution 6 (XXIII) of the Commission to" for the words "Decides to establish a Working Group of nine of its members to be designated by the Chairman, which should meet at the United Nations Headquarters in New York or in Geneva, and should ...". In paragraph 3, they deleted the words, "the following: (a)".

397. The first, second and third preambular paragraphs were adopted by 20 votes to none, with 8 abstentions.

398. A proposal made by the representative of the United Republic of Tanzania, to delete the sixth preambular paragraph, was rejected by 17 votes to 6, with 5 abstentions.

399. The seventh preambular paragraph was adopted by 24 votes to 1, with 2 abstentions.

400. Paragraph 1 was adopted by 19 votes to 3, with 8 abstentions.

401. Paragraph 2 was adopted by 20 votes to none, with 8 abstentions.

402. A proposal made by the representative of the United Republic of Tanzania, to delete paragraph 3, was rejected by 17 votes to 6, with 7 abstentions.

403. The draft resolution, as a whole, as amended, was adopted by 21 votes in favour and none against, with 9 abstentions.

404. The resolution adopted by the Commission at its 930th meeting, on 16 March 1967, reads as follows:

- 9 (XXIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories

The Commission on Human Rights

Bearing in mind the Commission's terms of reference as laid down in resolutions 5 (I) and 9 (II) of the Economic and Social Council and especially that the Commission is authorized to propose to the Council changes in its terms of reference and to make recommendations to the Council concerning any sub-commission which it considers should be established;

Noting General Assembly Resolution 2144 (XXI) of 26 October 1966 in which the General Assembly invited the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations on Human Rights wherever they may occur;

Recalling resolution 1102 (XL) of the Economic and Social Council and having considered Economic and Social Council resolution 1164 (XLI) of 5 August 1966, in which the Council welcomed the decision of the Commission made by resolution 2 B (XXII);

Having given preliminary consideration to means of improving the capacity of the United Nations to deal with violations of human rights;

Recognizing the need to give further study to this question,

1. Recommends that the Economic and Social Council should confirm the inclusion in the terms of reference of this Commission of "the power to recommend and adopt general and specific measures to deal with violation of human rights" without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;

2. Instructs the ad hoc Study Group established under the provisions of Commission resolution 6 (XXIII) to study in all its aspects the question of the ways and means by which the Commission might be enabled or assisted to discharge functions in relation to violations of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions;

3. Requests the Study Group to pay particular attention to the question whether additional sub-commissions should be brought into being, and the terms of reference of such sub-commissions.

VI. MEASURES FOR THE SPEEDY IMPLEMENTATION OF THE UNITED NATIONS
DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION

405. The United Nations Declaration on the Elimination of All Forms of Racial Discrimination was adopted and proclaimed by the General Assembly in resolution 1904 (XVIII) of 20 November 1963. In resolution 1905 (XVIII) of the same date, the Assembly requested that all States should undertake all necessary measures in order to implement fully, faithfully and without delay, the principles contained in the Declaration. Governments of States and non-governmental organizations were requested to publicize the text of the Declaration as widely as possible, using every means at their disposal, including all the appropriate media of communication. Furthermore, the Governments of Member States, the specialized agencies, and the non-governmental organizations concerned were invited to inform the Secretary-General of action taken by them in compliance with the Declaration. The Secretary-General was requested to submit reports on the matter to the General Assembly.

406. The General Assembly, in resolution 2142 (XXI) of 26 October 1966, after noting the information in the latest report of the Secretary-General 27/ E/4174 and Add. 1-2, Add. 2/Corr. 1 and Add. 3-9, inter alia condemned, wherever they exist, all policies and practices of apartheid, racial discrimination and segregation, including the practices of discrimination inherent in colonialism, and reiterated that such policies and practices on the part of any Member State were incompatible with the obligations assumed by it under the Charter of the United Nations. The Assembly called again upon all States in which racial discrimination or apartheid was practised to comply speedily and faithfully with the Declaration on the Elimination of All Forms of Racial Discrimination, and with other relevant resolutions, and called upon all eligible States without delay to sign and ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination. Further, the Assembly proclaimed 21 March as International Day for the Elimination of Racial Discrimination.

407. At its 921st, 922nd, 928th, 931st and 935th meetings, held on 10, 15, 17 and 20 March 1967, the Commission considered item 8 of its agenda, "Measures for the speedy implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination". The Commission had before it, in addition to resolution 2142 (XXI) of the General Assembly, a note by the Secretary-General (E/CN.4/929), and the report of the seminar on apartheid, Brasilia, Brazil, 23 August - 4 September 1966 (ST/TAO/HR/27).

408. During the discussion of the item reference was made to resolution 5(XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in paragraph 4 of which the Sub-Commission had recommended to the Commission that it should prepare for consideration by the General Assembly a draft appeal by the United Nations to all countries and in particular to colonial countries and countries which bear responsibilities for Non-Self-Governing Territories to apply fully the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and, where eligible, to ratify forthwith the Convention on the Elimination of All Forms of Racial Discrimination.

409. Draft resolutions were submitted to the Commission by the representatives of the Democratic Republic of the Congo, the Ukrainian SSR, the United Arab Republic, and the United Republic of Tanzania (E/CN.4/L.894 and Rev.1 and 2), Poland (E/CN.4/L.920) and Poland and the Ukrainian SSR (E/CN.4/L.929).

Proposal submitted by the Democratic Republic of the Congo,
the Ukrainian SSR, the United Arab Republic and the
United Republic of Tanzania

410. The revised draft resolution submitted by the representatives of the Democratic Republic of Congo, the Ukrainian SSR, the United Arab Republic, and the United Republic of Tanzania, as revised by the sponsors (E/CN.4/L.894/Rev.1) read as follows:

"The Commission on Human Rights

"Bearing in mind the fact that General Assembly Resolution 2142 (XXI) of 26 October 1966 proclaimed 21 March as International Day for the Elimination of Racial Discrimination.

"Recalling that apartheid and racial discrimination continue to exist in some countries and territories despite the decisive and repeated condemnation of them by the United Nations,

"Considering that observing the International Day for the Elimination of Racial Discrimination should promote complete eradication of all forms of racial discrimination,

"1. Calls upon all States to observe annually the International Day for the Elimination of Racial Discrimination;

"2. Appeals to all Governments and nations, international governmental and non-governmental organizations, all social bodies and private individuals to observe 21 March 1967 in full solidarity with nations, fighting against the policy of apartheid and racialism, against racial discrimination and all forms of inequality;

"3. Calls upon the Governments of all States to use the International Day for the Elimination of Racial Discrimination for taking effective measures with a view to implementing all provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination as well as to take steps with a view to condemning racialism and rendering political, moral and material support for all organizations and individuals fighting for the implementation of the United Nations decisions directed against the policy of apartheid, segregation and racial discrimination;

"4. Appeals to all States where apartheid and racial discrimination still exist to eradicate these disgraceful violations of human rights and fundamental freedoms;

"5. Requests the Secretary-General to bring this resolution to the attention of all States Members of the United Nations and invite them to submit annual information on observing the International Day for the Elimination of Racial Discrimination."

411. The draft resolution was considered, as an urgent matter, at the 921st meeting of the Commission, held on 10 March 1967.

412. While there was general agreement that the Commission should take a decision on the matter as soon as possible so as to allow time to prepare for the observance of the International Day on 21 March, one representative questioned the meaning of certain terms used in the draft resolution, in particular the reference, in paragraph 2, to "all social bodies", and the appeal to all Governments to observe 21 March 1967 "in full solidarity with nations fighting against the policy of apartheid and racialism."

413. The sponsors submitted a newly revised text of their draft resolution (E/CN.4/L.894/Rev.2), which was considered by the Commission at its 922nd meeting held on 10 March 1967 (see para.415). The sponsors accepted several further drafting changes proposed by the representative of the United Kingdom, in particular the addition of the word "against" before the words "racial discrimination" in paragraph 2, the replacement of the word "rendering" by the word "giving" in paragraph 3, and the replacement of the word "Appeals" by the words "Calls upon" in paragraph 4. In addition, they accepted an amendment proposed orally by the representatives of France and the United Arab Republic, to add, at the end of paragraph 3, the words "and towards the promotion of equality of human beings."

414. The revised draft resolution (E/CN.4/L.894/Rev.2), as amended, was adopted unanimously.

415. The resolution adopted by the Commission on Human Rights at its 922nd meeting, on 10 March 1967, reads as follows:

10 (XXIII) International Day for the elimination of racial discrimination

The Commission on Human Rights

Bearing in mind the fact that General Assembly Resolution 2142 (XXI) of 26 October 1966 proclaimed 21 March as International Day for the Elimination of Racial Discrimination,

Recalling that apartheid and racial discrimination continue to exist in some countries and territories despite the decisive and repeated condemnation of them by the United Nations,

Considering that observing the International Day for the Elimination of Racial Discrimination should promote complete eradication of all forms of racial discrimination,

1. Calls upon all States to observe annually the International Day for the Elimination of Racial Discrimination;

2. Appeals to all Governments, nations, international governmental and non-governmental organizations and private individuals to observe 21 March 1967 in full solidarity with peoples struggling against the policy of apartheid and against racial discrimination;

3. Calls upon the Governments of all States to use the International Day for the Elimination of Racial Discrimination for taking effective measures with a view to implementing all provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination as well as to take effective steps with a view to condemning racialism and giving political, moral and material support for the implementation of the United Nations decisions directed against the policy of apartheid, segregation and racial discrimination and towards promotion of equality of human beings,

4. Calls upon all States where apartheid and racial discrimination still exist to eradicate these disgraceful violations of human rights and fundamental freedoms;

5. Requests the Secretary-General to bring this resolution to the attention of all States Members of the United Nations and invite them to submit annually information as to their observance of the International Day for the Elimination of Racial Discrimination."

416. The Chairman of the Commission requested the representative of the Secretary-General to arrange for the widest possible dissemination of the text of the resolution, using all available media of information.

Special meeting of the Commission

417. On 21 March 1967 the Commission held a special meeting, on the occasion of the first International Day for the Elimination of Racial Discrimination, at the Office of the United Nations, Geneva. On this occasion the Commission was addressed by its Chairman, the President of the Conseil d'Etat of Geneva, the representative of the Secretary-General, and the representatives of France, Iran, the United States of America, Costa Rica, Senegal, the Union of Soviet Socialist Republics, and the United Arab Republic. A statement by the Secretary-General was read out. The Commission observed a minute of silence in memory of the peaceful demonstrators against racial discrimination who were fired upon and killed in Sharpeville, South Africa, on 21 March 1960.

Proposal submitted by Poland

418. The representative of Poland submitted a draft resolution (E/CN.4/L.920), which read as follows:

"The Commission on Human Rights

"Recommends to the Economic and Social Council that it invite the General Assembly to consider the following draft resolution:

"The General Assembly

"Considering the fact that in the Charter of the United Nations the nations expressed their determination to affirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

"Expressing deep concern in connexion with the revival of nazi forces menacing the democratic freedoms and peace throughout the world,

"Confirming that nazism and activities of neo-nazi organizations are incompatible with the provisions of the United Nations Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration and Convention on the Elimination of All Forms of Racial Discrimination, and other international instruments,

"Recognizing the pressing need of taking urgent measures to halt the activities of neo-nazi organizations and to stop nazism,

"1. Resolutely condemns every sign of nazism, neo-nazi propaganda and activities as a gross violation of democratic freedoms and human rights, a violation of principles and purposes of the United Nations Charter and as constituting a threat to the peace and security of nations;

"2. Urgently demands the prohibition of neo-nazi organizations or propaganda as well as punishment for persons engaged in neo-nazi activities;

"3. Urges all States to take immediate and effective measures directed at halting neo-nazi activities or propaganda and prohibition of neo-nazi organizations;

"4. Resolves to consider the question of implementing this resolution at its twenty-third session;

"5. Requests the Secretary-General to present a report on the implementation of this resolution."

Issues discussed

419. In introducing his proposal, the representative of Poland pointed out that Member States had been unanimous in condemning nazism, in the General Assembly, as one of the world's most dangerous phenomena. Poland, which had suffered from nazism, considered that it had a moral duty to warn the world against its rebirth, either in its original or in new forms. Recent events had proved that the danger of such a rebirth existed.

420. Several representatives, in supporting the Polish draft resolution, recalled that nazism and facism had caused the people of their own countries enormous suffering, and pointed out these ideologies were not confined to a particular region of the world.

421. Some representatives, while supporting the condemnation of nazism which appeared in the draft resolution, expressed the view that it was not necessary to repeat statements which had already been adopted by the General Assembly, and suggested that the Commission should confine itself to (a) requesting the Secretary-General to obtain further information on the implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and (b) deciding to consider this question further at its twenty-fourth session. It was also suggested that no decision should be taken on the draft resolution. Other representatives, however, maintained that no harm could come from a reaffirmation by the Commission of principles already proclaimed by the General Assembly.

422. It was suggested that, in future, the title of the relevant agenda item should refer to the International Convention on the Elimination of All Forms of Racial Discrimination as well as to the Declaration on this subject.

Amendments submitted

423. Amendments (E/CN.4/L.936 and Corr.1), to the draft resolution submitted by the representative of Poland were submitted by the representatives of France, the United Kingdom and the United States of America, proposing:

- (i) substitution of the word "reaffirm" for the word "affirm" in the first preambular paragraph;
- (ii) substitution of the following text for the second preambular paragraph: "Noting that concern has been expressed regarding recent manifestations of racial intolerance, including the revival of certain groups and organizations professing totalitarian ideologies which may embitter relations between peoples and groups;
- (iii) in preambular paragraph 3 the substitution of the word "is" for the words "and activities of neo-nazi organizations are;" and the replacement of the word "provisions" by the word "objectives".
- (iv) the substitution of the following for the final preambular paragraph: "Recognizing that measures should be taken to halt nazi activities wherever they occur";
- (v) the substitution of the following for the first operative paragraph: "Resolutely condemns any ideology, including nazism, which is based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of the principles and purposes of the United Nations Charter"; and
- (vi) substitution of the following for the second to the fifth operative paragraphs: "Calls upon all States to take immediate and effective measures against any such manifestations of racial intolerance".

424. The draft resolution and amendments thereto were considered by the Commission at its 931st meeting held on 17 March 1967.

425. The representative of Poland accepted the amendments proposed by the representatives of France, the United Kingdom and the United States of America with two minor changes. He proposed that the words "such as nazism" be inserted after the words "totalitarian ideologies" in the text which had been suggested for the second preambular paragraph, and that the words "nazism and" be inserted after the words "manifestations of" in the text they had suggested for operative paragraphs 2 - 5. The sponsors of the amendments accepted these sub-amendments.

426. The draft resolution submitted by the representative of Poland, as amended, was adopted unanimously.

427. The resolution adopted by the Commission at its 931st meeting, on 17 March 1967, reads as follows:

11 (XXIII) Measures to be taken against nazism
and racial intolerance

The Commission on Human Rights,

Recommends to the Economic and Social Council that it invite the General Assembly to consider the following draft resolution:

/For the text of the draft resolution, see Chapter XVII, draft resolution I/

Proposal submitted by Poland and the Ukrainian SSR

428. The draft resolution submitted by the representatives of Poland and the Ukrainian SSR (E/CN.4/L.929) reads as follows:

"The Commission on Human Rights

"Recalling General Assembly resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

"Deeply concerned that the provisions of the Declaration and International Convention on the elimination of all forms of racial discrimination are being grossly violated in some parts of the world,

"Stressing the over-all importance of speedy elimination of all forms of racial discrimination, for safeguarding human rights and promoting world peace,

"Considering the necessity of further measures to put into practice the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination, in order to put an end to racism,

"1. Urges all governments which have not yet done so to sign, ratify and implement without delay the International Convention on the Elimination of All Forms of Racial Discrimination,

"2. Urges Governments of States where racial discrimination in any form is taking place, immediately to take effective measures including legislative measures to discontinue and eradicate racial discrimination and racialist propaganda;

"3. Requests the Secretary-General to take further measures to disseminate widely, through the facilities available, the provisions of the Declaration and International Convention on the elimination of all forms of racial discrimination;

"4. Requests the Secretary-General to publish a popular brochure about the Declaration and the International Convention on the elimination of all forms of racial discrimination;

"5. Requests the Secretary-General and the specialized agencies to submit reports to the International Conference on Human Rights concerning the elimination of all forms of racial discrimination;

"6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to complete without further delay the study of racial discrimination in the political, economic and cultural spheres;

"7. Decides to consider further the question of measures for the speedy implementation of the United Nations Declaration on the elimination of all forms of racial discrimination as a priority item of the agenda of its twenty-fourth session;

"8. Requests the Economic and Social Council to recommend to the General Assembly at its twenty-second session the following draft resolution:

The General Assembly

Recalling its resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

Expressing its profound indignation that racial discrimination in the forms of criminal governmental policies of racism and apartheid, systems of segregation and racialist propaganda continues to violate fundamental human rights and principles of the United Nations Charter,

Recognizing with deep concern that the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world,

Noting that some States have not yet signed and ratified the International Convention on the elimination of all forms of racial discrimination,

1. Urges all governments which have not yet done so to sign, ratify and implement without delay the International Convention on the Elimination of All Forms of Racial Discrimination;

'2. Urges governments of States where racial discrimination in any form is practised to adopt effective measures, including legislative measures, to combat and eradicate racist policy, systems of segregation in the spheres of political, civil, economic, social and cultural rights,

'3. Invites all governments to submit to the Secretary-General information concerning the elimination of all forms of racial discrimination and their policy and practice to safeguard equal rights irrespective of race, colour or ethnic origin;

'4. Requests the Secretary-General, specialized agencies and all organizations concerned to adopt further measures to propagate through the appropriate channels, principles and norms set forth in the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination;

'5. Requests the International Conference on Human Rights to consider questions of putting into practice the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination;

'6. Decides to consider the question of the elimination of all forms of racial discrimination as a priority item at its twenty-third session."

429. Amendments (E/CN.4/L.937) to the draft resolution were submitted by the representative of France, proposing:

- (i) the addition, at the end of operative paragraph 5, of the following:
"and concerning the implementation of the conventions directed against discrimination in employment, placement and training in so far as they relate to racial discrimination;" and
- (ii) the addition of the following at the end of operative paragraph 1 of the draft resolution for adoption by the General Assembly: "as well as the other conventions directed against discrimination in employment, placement and training."

430. A revised draft resolution (E/CN.4/L.929/Rev.1), embodying the substance of the French amendments, was submitted to the Commission by the representatives of Poland and the Ukrainian SSR. It read as follows:

"The Commission on Human Rights

"Recalling General Assembly resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

"Deeply concerned that the principles of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world,

"Stressing the over-all importance of speedy elimination of all forms of racial discrimination, for safeguarding human rights and promoting world peace,

"Considering the necessity of further measures to give effect to the provisions of the Declaration and International Convention on the Elimination of All Forms of racial discrimination.

"1. Requests the Secretary-General to take further measures to disseminate widely, through the facilities available, the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination;

"2. Requests the Secretary-General to publish a popular brochure about the Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination;

"3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to complete as rapidly as possible the study of racial discrimination in the political, economic, social and cultural spheres;

"4. Decides to consider further the question of the elimination of all forms of racial discrimination at its twenty-fourth session;

"5. Requests the Economic and Social Council to recommend to the General Assembly at its twenty-second session the following draft resolution:

'The General Assembly

'Recalling its resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

'Expressing its profound concern that many governments continue to violate fundamental human rights and the principles of the United Nations Charter through policies of apartheid, segregation and other forms of racial discrimination,

'Concerned also that the principles of the Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world,

'Noting that many States have not yet signed and ratified the International Convention on the elimination of all forms of racial discrimination,

'1. Urges all governments which have not yet done so to sign, ratify and implement without delay the International Convention on the Elimination of All forms of racial discrimination, as well as the other Conventions directed against discrimination in employment, placement and training;

'2. Requests the Secretary-General to make available to the Commission on Human Rights at its regular sessions the information submitted by Governments of Member States on measures taken for speedy implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination;

'3. Requests the Secretary-General, specialized agencies and all organizations concerned to adopt further measures to propagate through their appropriate channels the principles and norms set forth in the Declaration and in the International Convention on the Elimination of All Forms of Racial Discrimination;

14. Requests the International Conference on Human Rights to consider the questions of giving effect to the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination and concerning the implementation of the Conventions directed against discrimination in employment, placement and training in so far as they relate to racial discrimination;

15. Recommends to the Commission on Human Rights that it should prepare for consideration by the General Assembly a draft appeal by the United Nations for all countries to apply fully the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and where eligible to ratify forthwith the Convention on the Elimination of All Forms of Racial Discrimination;

16. Decides to consider the question of the elimination of all forms of racial discrimination at its twenty-third session."

431. The revised draft resolution was considered at the 935th meeting of the Commission held on 20 March 1967.

432. The representative of Sweden proposed the deletion of the second operative paragraph of the draft resolution. He further proposed the insertion of the word "eligible" between the words "Urges all" and the word "governments," in the first operative paragraph of the draft resolution for adoption by the General Assembly; the substitution of the words "as well as conventions directed against discrimination in employment and occupation and in education" for the words "as well as the other Conventions directed against discrimination in employment, placement and training" at the end of that paragraph; and the replacement of the words "adopt further" by the word "continue" in the third operative paragraph.

433. The sponsors of the draft resolution accepted all the amendments put forward by the representative of Sweden except the proposal to add the word "eligible" between the words "Urges all" and the word "governments" in the first operative paragraph. This amendment, when put to the vote, was adopted by 16 votes in favour and 4 against, with 6 abstentions.

434. The draft resolution submitted by the representatives of Poland and the Ukrainian SSR (see para. 430), as amended, was adopted unanimously.

435. The resolution adopted by the Commission at its 935th meeting, held on 20 March 1967, reads as follows:

12 (XXIII) Measures for the speedy implementation of international instruments against racial discrimination

The Commission on Human Rights

Recalling General Assembly resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

Deeply concerned that the principles of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world,

Stressing the over-all importance of speedy elimination of all forms of racial discrimination, for safeguarding human rights and promoting world peace,

Considering the necessity of further measures to give effect to the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination,

1. Requests the Secretary-General to take further measures to disseminate widely, through the facilities available, the provisions of the Declaration and International Convention on the elimination of all forms of racial discrimination;

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to complete as rapidly as possible the study of racial discrimination in the political, economic, social and cultural spheres;

3. Decides to consider further the question of the elimination of all forms of racial discrimination at its twenty-fourth session;

4. Requests the Economic and Social Council to recommend to the General Assembly at its twenty-second session the following draft resolution:

For the text of the draft resolution, see chapter XVII, draft resolution II

VII. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

436. In its resolution 1126 (XLI) of 26 July 1966, the Economic and Social Council decided inter alia to refer to the Commission on Human Rights "the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism". The Council requested the Commission to submit, not later than at the forty-third session of the Council, a report on the question, containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations.

437. The Commission considered item 6 of its agenda, (Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism), at its 932nd, 935th-937th meetings, held on 20 and 21 March 1967.

438. The Commission had before it the report of the Special Rapporteur on Slavery (E/4168/Rev.1) which had been submitted to the Economic and Social Council at its forty-first session in 1966 by Mr. Mohammed Awad, the Special Rapporteur on Slavery appointed by the Secretary-General pursuant to Council resolution 960 (XXXVI). The report contained information received from the Governments of seventy-five Member States and from interested non-governmental organizations in reply to a questionnaire on slavery which had been formulated by the Secretary-General in consultation with the Special Rapporteur. It also had before it additional replies to the questionnaire received from the Congo (Brazzaville) and Israel, and supplementary information furnished by Bulgaria (E/CN.4/921, annex II).

439. At the 938th meeting, on 21 March 1967, the Commission heard a statement by the Observer for the Republic of South Africa, objecting to the description of apartheid as a slavery-like practice.

440. At the 935th meeting, on 20 March 1967, the Commission heard a statement by the representative of the Commission on the Status of Women.

Proposal by the United Arab Republic and the United States of America

441. At the 932nd meeting of the Commission, on 16 March 1967, the representatives of the United Arab Republic and the United States of America submitted a draft resolution (E/CN.4/L.926) which reads as follows:

"The Commission on Human Rights

"Noting the request of the Economic and Social Council in its resolution 1126 (XLI) to consider the question of slavery and to submit specific proposals to put an end to slavery,

"Encouraged by the determination of all Members of the United Nations to stamp out slavery,

"Appreciating the value of the study and recommendations prepared for the Economic and Social Council by its Special Rapporteur, Mr. Mohammed Awad (E/4168 and Add.1-5),

"Recognizing that progress in elimination of slavery in its present-day forms will depend in great measure on action by and within Member States, to identify practices resembling slavery and slave trade, to improve enforcement of domestic law, and to enhance international co-operation,

"Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, taking into account the study and recommendations prepared by the Council's Special Rapporteur and such other material as it believes pertinent, including reports from Member States upon the implementation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956);

"Requests the Secretary-General to prepare an analysis of technical assistance or other resources in the United Nations system which may be useful to Member States in eliminating all vestiges of slavery, including relevant experience in enforcing prohibitions on clandestine trade in narcotics, and to make this analysis available to the Sub-Commission.

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

'The Economic and Social Council

'Noting the recommendations of the Commission on Human Rights, in its resolution _____, on the urgent importance of dealing with situations involving or giving rise to slavery and to practices akin to slavery,

'Calls the attention of the Commission on Social Development and the Commission on the Status of Women to the report of the Council's Special Rapporteur on Slavery and especially to his recommendations in E/4168/Add.3, and suggests that they take these into account in developing their work programmes,

'Invites the specialized agencies, especially the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to give similar attention to the problems involved and means for their solution.'"

Amendments submitted

442. The representative of France submitted an amendment (E/CN.4/L.934) to the proposal of the United Arab Republic and the United States of America, proposing the replacement, in the first operative paragraph, of everything after the words "as it believes pertinent" by the following:

"To invite Member States to submit reports upon the implementation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956);

"To report to the Commission, attaching recommendations on measures designed to hold the States concerned in dealing with problems of slavery and the slave trade."

443. The representative of Yugoslavia submitted orally an amendment to the draft resolution submitted by the United Arab Republic and the United States of America, as follows:

"Calls again upon all States Members of the United Nations and of the specialized agencies which have not yet done so to become parties as soon as possible to the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

444. The representative of Yugoslavia did not press that amendment to the vote.

445. The representative of the United Republic of Tanzania submitted a sub-amendment (E/CN.4/L.956, para. 6) to the French amendment, proposing:

- (i) the insertion of the words "and the United Nations" after the words "to help the States concerned"; and
- (ii) the addition, at the end of the French amendment, of the following: "and the slavery-like practices of apartheid and colonialism".

446. The representative of the United Republic of Tanzania also submitted a series of amendments (E/CN.4/L.956, paras. 1-5) to the proposal of the United Arab Republic and the United States of America, proposing:

- (i) the insertion of the words "exemplified by apartheid and colonialism" in the fourth preambular paragraph of the draft resolution after the words "in its present-day form";
- (ii) the addition of the following new preambular paragraphs:
 - "Affirming that the racist policies of apartheid and colonialism constitute slavery-like practices, and should be eradicated completely and immediately;
 - "Recognizing that both the 1926 Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) should be reconsidered to embrace the contemporary manifestations of slavery exemplified by apartheid and colonialism;"
- (iii) the insertion of the words "especially the forms of apartheid and colonialism" after the words "in all its forms" in the first operative paragraph;

- (iv) the insertion of the words, "and slavery-like practices of apartheid and colonialism" after the words "elimination of vestiges of slavery" in the second operative paragraph; and
- (v) the insertion, in the text of the draft resolution recommended for consideration by the Economic and Social Council, of the following operative paragraphs:

"Calls upon the Government of South Africa to put an end immediately to the slavery-like practice of apartheid in the Republic of South Africa and mandated territory of South West Africa;

"Calls upon the Governments of the United Kingdom, Portugal, and all other colonial powers to put an end immediately to the slavery-like practices of colonialism in Southern Rhodesia and the Portuguese colonies in Africa and elsewhere".

447. Amendments (E/CN.4/L.954) to the proposal of the United Arab Republic and the United States of America were also submitted by the representatives of Greece and Iran proposing:

- (i) the replacement of the first preambular paragraph by the following:

"Recalling that the Economic and Social Council, in resolution 1126 (XLI) of 26 July 1966, referred to it the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and requested it to submit, not later than at the forty-third session of the Council, a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations,"

- (ii) the deletion of the third preambular paragraph and the insertion of the following paragraphs before the fourth preambular paragraph:

"Recalling also General Assembly resolution 1841 (XVII) of 19 December 1962 and Economic and Social Council resolutions 772 D (XXX) of 25 July 1960, 826 E (XXXII) of 27 July 1961, 890 (XXXIV) of 24 July 1962, and 1077 (XXXIX) of 28 July 1965, on slavery,

Having considered with appreciation the report of the Council's Special Rapporteur on Slavery (E/4168/Rev.1),

Believing that slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, should be eradicated as soon as possible,

Believing further that the participation of all States Members of the United Nations and of the specialized agencies in, and the full implementation by them of, the International Slavery Convention of 1926 and the Supplementary Convention of 1956 would constitute an important advance towards the achievement of this end,

Convinced that seminars on the question of the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, organized under the programme of advisory services in the field of human rights, would contribute to a better understanding of the question and to the preparation of effective measures for the final and total eradication of slavery and the slave trade,

Regretting that it is unable, because of lack of time at its twenty-third session, to submit a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations, to the Council at its forty-third session as requested in Council resolution 1126 (XLI),".

- (iii) the insertion of the following operative paragraph before the operative paragraph 1:

"Condemns slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;"

- (iv) the replacement of the opening phrase of operative paragraph 1 by "Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to ...";

- (v) the addition of the following operative paragraph after operative paragraph 2:

"Decides to retain the item 'Slavery' on the agenda of the Commission at its twenty-fourth session"; and

- (vi) the replacement of operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council by the following:

"1. Once again calls upon all States Members of the United Nations or members of the specialized agencies and the International Atomic Energy Agency, which are not yet parties, to become parties, as soon as possible, to the International Slavery Convention of 1926 and to the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Practices similar to Slavery;

448. At the 932nd meeting of the Commission, the representatives of the United Arab Republic and the United States of America accepted the French amendment to operative paragraph 1 of their proposal, and also added the words "which so request" after the words "the States concerned". At the 935th meeting, the representatives of the United Arab Republic and the United States of America submitted a revised draft resolution (E/CN.4/L.926/Rev.1) taking into account the amendments which had been submitted by France and jointly by Greece and Iran. Greece and Iran joined the United Arab Republic and the United States of America as co-sponsors of the amalgamated draft resolution.

449. The revised draft resolution read as follows:

"The Commission on Human Rights

"Noting the request of the Economic and Social Council in its resolution 1126 (XLI) to consider the question of slavery and to submit specific proposals to put an end to slavery,

"Encouraged by the determination of all Members of the United Nations to stamp out slavery,

"Appreciating the value of the study and recommendations prepared for the Economic and Social Council by its Special Rapporteur, Mr. Mohammed Awad (E/4168 and Add.1-5),

"Recognizing that progress in elimination of slavery in its present-day forms will depend in great measure on action by and within Member States, to identify practices resembling slavery and slave trade, to improve enforcement of domestic law, and to enhance international co-operation,

"1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, taking into account the study and recommendations prepared by the Council's special rapporteur and such other material as it believes pertinent, to consider information submitted by the States Parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956) in accordance with Article 8 of that Convention, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so accept in dealing with problems of slavery and the slave trade;

"2. Requests the Secretary-General to prepare an analysis of technical assistance or other resources in the United Nations system which may be useful to Member States in eliminating all vestiges of slavery, including relevant experience in enforcing prohibitions on clandestine trade in narcotics, and to make this analysis available to the Sub-Commission.

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

'The Economic and Social Council

'Noting the recommendations of the Commission on Human Rights, in its resolution _____, on the urgent importance of dealing with situations involving or giving rise to slavery and to practices akin to slavery,

'Recalling its resolution 1126 (XLI) which invites once more all Member States of the United Nations system which are not yet parties, to become parties, as soon as possible, to the International Slavery Convention of 1926 and to the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery,

'Calls the attention of the Commission on Social Development and the Commission on the Status of Women to the report of the Council's Special Rapporteur on Slavery and especially to his recommendations in E/4168/Add.3, and suggests that they take these into account in developing their work programmes,

'Invites the specialized agencies, especially the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to give similar attention to the problems involved and means for their solution."

450. In the light of the new text proposed in the revised draft resolution, the representative of the United Republic of Tanzania withdrew his amendments to the first and second operative paragraphs of the original draft resolution and his first sub-amendment to the French amendment. However, he submitted the remaining amendments as amendments to the revised draft resolution. In his amendments to the revised draft resolution (E/CN.4/L.972) he proposed:

- (i) the insertion, in the last preambular paragraph, of the words "exemplified by apartheid and colonialism" after the words, "in its present-day forms";
- (ii) the insertion, in operative paragraph 2, of the words, "including the slavery-like practices of apartheid and colonialism" after the words "in all its forms";
- (iii) the addition, at the end of the second operative paragraph, of the words, "in all their practices and manifestations including the slavery-like practices of apartheid and colonialism";
- (iv) the insertion, in operative paragraph 3, of the words, "and the slavery-like practices of apartheid and colonialism" after the words "all vestiges of slavery";

- (v) the insertion, after the first preambular paragraph of the resolution recommended for consideration by the Economic and Social Council, of the following paragraphs:

"Affirming that the racist policies of apartheid and colonialism constitute slavery-like practices, and should be eradicated completely and immediately,

"Recognizing that both the 1926 Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) should be reconsidered to embrace the contemporary manifestations of slavery exemplified by apartheid and colonialism,"

- (vi) the insertion, after operative paragraph 2 of the draft resolution recommended for adoption by the Council, of the following new operative paragraph:

"Calls upon the Government of South Africa to put an end immediately to the slavery-like practice of apartheid in the Republic of South Africa and mandated territory of South-West Africa;"

451. At the 938th meeting, on 21 March 1967, the representative of Jamaica submitted an amendment (E/CN.4/L.976) to the four-Power draft resolution, proposing that the following text should be inserted as a new operative paragraph after the first operative paragraph:

"Expresses the hope that the Economic and Social Council will see fit to reconsider the recommendation by the Special Rapporteur on Slavery that a Committee of Experts on Slavery should be set up."

452. The representative of the United Arab Republic orally put forward a sub-amendment to the Jamaican amendment, proposing that the words "to assist the Sub-Commission in its further study of the matter" should be added after the words "set up". The representative of Jamaica did not press his amendment to the vote.

453. In the light of the discussion in the Commission, the representatives of Greece, Iran, the United Arab Republic, and the United States of America submitted a newly-revised text of their draft resolution (E/CN.4/L.926/Rev.2) which read as follows:

"The Commission on Human Rights,

"Recalling that the Economic and Social Council, in resolution 1126 (XLI) of 26 July 1966, referred to it the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and requested it to submit, not later than at the forty-third session of the Council, a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations,

"Encouraged by the determination of all Members of the United Nations to stamp out slavery,

"Recalling also General Assembly resolution 1841 (XVII) of 19 December 1962 and Economic and Social Council resolutions 772 D (XXX) of 25 July 1960, 826 E (XXXII) of 27 July 1961, 890 (XXXIV) of 24 July 1962, and 1077 (XXXIX) of 28 July 1965, on slavery,

"Having considered with appreciation the report of the Council's Special Rapporteur on Slavery, Mr. Mohamed Awad (E/4168/Rev.1),

"Believing that slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, should be eradicated as soon as possible,

"Believing further that the participation of all States Members of the United Nations and of the specialized agencies in, and the full implementation by them of, the International Slavery Convention of 1926 and the Supplementary Convention of 1956 would constitute an important advance towards the achievement of this end,

"Convinced that seminars on the question of the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, organized under the programme of advisory services in the field of human rights, would contribute to a better understanding of the question and to the preparation of effective measures for the final and total eradication of slavery and the slave trade,

"Regretting that it is unable, because of lack of time at its twenty-third session, to submit a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations, to the Council at its forty-third session as requested in Council resolution 1126 (XLI),

"Recognizing that progress in elimination of slavery in its present-day forms will depend in great measure on action by and within Member States, to identify practices resembling slavery and the slave trade, to improve enforcement of domestic law, and to enhance international co-operation,

"1. Condemns slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;

"2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, taking into account the study and recommendations prepared by the Council's Special Rapporteur and such other material as it believes pertinent, to consider information submitted by the States Parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956) in accordance with article 8 of that Convention, and to report to the Commission its recommendations on measures

designed to help the United Nations and Member States which so accept in dealing with problems of slavery and the slave trade;

"3. Requests the Secretary-General to prepare an analysis of technical assistance or other resources in the United Nations system which may be useful to Member States in eliminating all vestiges of slavery, including relevant experience in enforcing prohibitions on clandestine trade in narcotics, and to make this analysis available to the Sub-Commission;

"4. Decides to retain the item "Slavery" on the agenda of the Commission at its twenty-fourth session;

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

'The Economic and Social Council,

'Noting the recommendations of the Commission on Human Rights, in its resolution _____, on the urgent importance of dealing with situations involving or giving rise to slavery and to practices akin to slavery,

'Recalling its resolution 1126 (XLI) which invites once more all Member States of the United Nations system which are not yet parties to become parties as soon as possible, to the International Slavery Convention of 1926 and to the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery,

'1. Requests the Commission on the Status of Women to study the report of the Council's Special Rapporteur on Slavery and to formulate specific proposals for immediate and effective measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women;

'2. Calls the attention of the Commission on Social Development to the report of the Council's Special Rapporteur on Slavery and especially to his recommendations in E/4168/Add.3, and suggests that it take these into account in developing its work programme;

'3. Requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which have proved effective in the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;

'4. Invites the specialized agencies, especially the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to give similar attention to the problems involved and means for their solution.'"

The representative of the United Republic of Tanzania maintained his amendments (see para.450).

Issues discussed

454. Members of the Commission were unanimous in condemning slavery and in calling for its total and immediate suppression. There were some differences of opinion, however, as to which slavery-like practices also required immediate abolition. In the view of some representatives the main practices of this type were those defined in the International Slavery Convention of 1926. In the view of some others, they included also those defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, such as serfdom and debt bondage. In the view of several representatives, however, the most vicious forms of contemporary slavery were those to be found in areas where apartheid and colonialism prevailed. These representatives recalled that it was the Economic and Social Council which had referred to the Commission "the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism".

455. There was general agreement that progress in the elimination of slavery in its various forms would depend largely upon action taken by and within Member States, and that those States should be encouraged to improve the enforcement of their domestic law and to become parties to the International Slavery Convention of 1926 and the Supplementary Convention of 1956. In this connexion several representatives pointed out that full liberation required more than legal freedom and mere declarations; it was necessary in most cases for society to provide compensatory measures for those who had lived under the disadvantage of servile status in order to enable them to become free and equal with their contemporaries in fact as well as in law.

456. Tribute was paid by many representatives to the study of the Council's Special Rapporteur, Mr. Mohammed Awad, who in their view had produced a valuable study containing recommendations which deserved serious attention. In this connexion several representatives expressed the view that the Economic and Social Council might well have accepted its Special Rapporteur's basic recommendation that it establish a committee of experts to deal with the problem of slavery in all its aspects, and to act as an advisory body to the Council. These representatives regretted that the Commission, for lack of time, was not able to accord the Special Rapporteur's study the attention it deserved, and expressed the hope that it would be further considered by the Commission at its twenty-fourth session.

457. The proposal to refer the Special Rapporteur's study to the Sub-Commission on Prevention of Discrimination and Protection of Minorities gave rise to some discussion in the Commission. Some representatives expressed the view that the task of dealing with slavery and the slave trade in all their forms and manifestations was one which could be dealt with appropriately only by a committee composed of experts on slavery, and opposed assigning to the Sub-Commission duties which had not been envisaged at the time of its establishment and which tended to over-load its heavy work programme. Other representatives, however, characterized slavery as one of the worst forms of discrimination, and one which the Sub-Commission could usefully examine within its existing terms of reference.

458. In connexion with the proposal that the Secretary-General should proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which had proved effective in the eradication of slavery and the slave trade, it was pointed out that under General Assembly

resolution 926 (X) establishing the advisory services programme, the initiative for activities must come from Governments, and that the first step in the organization of a seminar was therefore the receipt of an invitation from a Government offering to act as host to such a seminar. Some representatives expressed doubts as to whether the proposed seminars would be requested, or would be helpful if organized, and pointed out that many of the difficulties involved in suppressing slavery and the slave trade could be considered usefully only in conferences of representatives of the governments concerned.

Voting on the draft resolution submitted by Greece, Iran, United Arab Republic
and United States of America

459. The Commission voted on the draft resolution submitted by Greece, Iran, the United Arab Republic and the United States of America (see para.453) and the amendments submitted by the United Republic of Tanzania (see para.450) at its 938th meeting held on 21 March 1967.

460. In the light of the discussion which took place in the Commission, the sponsors revised the fourth preambular paragraph and the fourth operative paragraph of the draft resolution. In the fourth preambular paragraph, the words "Having considered with appreciation" were deleted and replaced by the words "Appreciating, and having given preliminary consideration to ...". The fourth operative paragraph was revised to read: "Decides to retain this item on the agenda of the Commission and to give further consideration to the report of the Special Rapporteur at its twenty-fourth session".

461. At the request of the representative of the United Kingdom, a separate vote was taken on the seventh preambular paragraph of the draft resolution. The paragraph was retained by 16 votes to none, with 9 abstentions.

462. The Tanzanian amendment to the last preambular paragraph of the draft resolution was adopted by 14 votes to 5, with 6 abstentions.

463. The preamble as a whole, as amended, was adopted by 25 votes to none, with 3 abstentions.

464. The first operative paragraph was adopted unanimously.

465. The Tanzanian amendment to operative paragraph 2 was adopted by 16 votes to none, with 10 abstentions.

466. The second Tanzanian amendment to operative paragraph 2 was adopted by 17 votes to none, with 11 abstentions.

467. The second operative paragraph, as amended, was adopted by 26 votes to none, with 2 abstentions.

468. The Tanzanian amendment to operative paragraph 3 was adopted by 14 to none, with 15 abstentions.

469. The third operative paragraph, as amended, was adopted by 27 votes to none, with 1 abstention.

470. The fourth operative paragraph, as revised by the sponsors, was adopted unanimously.

471. The first preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council was adopted unanimously.

472. The vote on the Tanzanian amendment, to add two new preambular paragraphs to the draft resolution recommended for adoption by the Economic and Social Council, was taken in two parts. The first paragraph proposed by the representative of the United Republic of Tanzania was adopted by 20 votes to 3, with 6 abstentions. The second paragraph was adopted by 15 votes to 3, with 9 abstentions.

473. The second preambular paragraph of the draft resolution recommended for adoption by the Council was adopted unanimously.

474. Operative paragraphs 1 and 2 of the draft resolution recommended for adoption by the Economic and Social Council were adopted unanimously.

475. The Tanzanian amendment (E/CN.4/L.972), to add a new operative paragraph after the operative paragraph 2 of the draft resolution recommended for adoption by the Economic and Social Council was adopted by 21 votes to none, with 8 abstentions.

476. Operative paragraphs 3 and 4 of the draft resolution were adopted unanimously.

477. At the request of the representative of the United Kingdom a separate vote was taken on operative paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council. The paragraph was adopted by 25 votes to none, with 4 abstentions.

478. Operative paragraph 4 of the draft resolution was adopted unanimously.

479. The draft resolution as a whole, as amended, was adopted by 26 votes to none, with 3 abstentions.

480. The resolution adopted by the Commission at its 938th meeting, on 21 March 1967, reads as follows:

13 (XXIII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.

The Commission on Human Rights,

Recalling that the Economic and Social Council, in resolution 1126 (XLI) of 26 July 1966, referred to it the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and requested it to submit, not later than at the forty-third session of the Council, a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations,

Encouraged by the determination of all Members of the United Nations to stamp out slavery,

Recalling also General Assembly resolution 1841 (XVII) of 19 December 1962 and Economic and Social Council resolutions 772 D (XXX) of 25 July 1960, 826 E (XXXII) of 27 July 1961, 890 (XXXIV) of 24 July 1962, and 1077 (XXXIX) of 28 July 1965, on slavery,

Appreciating and having given preliminary consideration to the report of the Council's Special Rapporteur on Slavery, Mr. Mohamed Awad (E/4168/Rev.1),

Believing that slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, should be eradicated as soon as possible,

Believing further that the participation of all States Members of the United Nations and of the specialized agencies in, and the full implementation by them of, the International Slavery Convention of 1926 and the Supplementary Convention of 1956 would constitute an important advance towards the achievement of this end,

Convinced that seminars on the question of the eradication of slavery and the slave trade, in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism, organized under the programme of advisory services in the field of human rights, would contribute to a better understanding of the question and to the preparation of effective measures for the final and total eradication of slavery and the slave trade,

Regretting that it is unable, because of lack of time at its twenty-third session, to submit a report on the question containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations, to the Council at its forty-third session as requested in Council resolution 1126 (XLI),

Recognizing that progress in elimination of slavery in its present-day forms, exemplified by apartheid and colonialism, will depend in great measure on action by and within Member States, to identify practices resembling slavery and slave trade, to improve enforcement of domestic law, and to enhance international co-operation,

1. Condemns slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism, taking into account the study and recommendations prepared by the Council's Special Rapporteur and such other material as it believes pertinent, to consider information submitted by the States Parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and

Practices similar to Slavery (1956) in accordance with Article 8 of that Convention, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so accept in dealing with problems of slavery and the slave trade, in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism;

3. Requests the Secretary-General to prepare an analysis of technical assistance or other resources in the United Nations system which may be useful to Member States in eliminating all vestiges of slavery, and the slavery-like practices of apartheid and colonialism, including relevant experience in enforcing prohibitions on clandestine trade in narcotics, and to make this analysis available to the Sub-Commission;

4. Decides to retain this item on the agenda of the Commission and to give further consideration to the Special Rapporteur's report at its twenty-fourth session;

5. Recommends that the Economic and Social Council adopt the following resolution:

/For the text of the draft resolution, see chapter XVII, draft resolution III/

VIII. QUESTION CONCERNING THE IMPLEMENTATION OF HUMAN RIGHTS THROUGH
A UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OR SOME OTHER
APPROPRIATE INTERNATIONAL MACHINERY

481. In its resolution 2062 (XX), the General Assembly transmitted to the Commission on Human Rights a proposal concerning the creation of the post of United Nations high commissioner for human rights submitted by Costa Rica^{28/}, for study and report to the Assembly at its twenty-first session.

482. At its twenty-second session, after considering the agenda item "question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery", the Commission on Human Rights adopted resolution 4 (XXII) in which it welcomed the proposal to create the institution of a United Nations High Commissioner for Human Rights and recognized the importance of that proposal. The Commission established a Working Group to study all relevant questions concerning that institution, in the light of an analytical and technical study to be prepared by the Secretary-General.

483. The Commission had before it the report of the Working Group (E/CN.4/934), the analytical and technical study prepared by the Secretary-General (E/CN.4/AC.21/L.1 and Corr. 1), and a note prepared by the Secretary-General (E/CN.4/AC.21/L.2). The Commission also had before it the text of a communication dated 21 March 1967 from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations (E/CN.4/AC.21/L.1/Add.1), in which it was noted that the position of the USSR as regards the proposed United Nations High Commissioner for Human Rights had been distorted in the analytical and technical study. In this connexion the representative

28/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 98, document A/5963.

of the Secretary-General stated that the summaries of the Soviet Union and Ukrainian positions in the Secretariat study for the Working Group, to which reference had been made, had been prepared with great care and objectivity and - as explicitly stated in the study - were not meant to replace the full official records of statements made. He offered to the delegations concerned to issue as corrigenda to the study revisions of statements attributed to those delegations, which would be based on official records. Written statements were submitted by the International Federation of Christian Trade Unions, a non-governmental Organization in category A(E/CN.4/NGO/144) and by the International Council of Jewish Women, a non-governmental organization in category B (E/CN.4/NGO/141).

484. The Commission considered this item at its 938th, 939th and 940th meetings, held on 21 and 22 March 1967.

Draft resolution and amendments submitted

485. The representatives of Austria, Costa Rica, Dahomey, the Philippines and Senegal submitted the following draft resolution (E/CN.4/L.974):

"The Commission on Human Rights,

"Considering that one of the purposes of the United Nations, under Article 1 of the Charter, is to achieve international co-operation by promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;

"Considering that under Articles 55 and 56 of the Charter all the members of the United Nations have pledged themselves to take joint and separate action in co-operation with the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all;

"Recalling that under Articles 13 and 22 of the Charter the General Assembly is explicitly empowered to initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all and to establish such subsidiary organs as it deems necessary for the performance of its functions.

"Recalling its proclamation of the Universal Declaration of Human Rights in 1948 as a common standard achievement for all peoples and all nations;

"Recalling further resolution 926 (X) establishing the programme of advisory services in the field of human rights;

"Bearing in mind resolution 1776 (XVII) of 7 December 1962 on the further promotion and encouragement of respect for human rights and fundamental freedoms, and its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights.

"Convinced of the urgent need for the United Nations to take more effective action to discharge its obligations in the matter of human rights;

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

'The General Assembly

'Having considered the recommendation of the Economic and Social Council contained in resolution

'1. Decides to establish a United Nations High Commissioner's Office for Human Rights, the Office to be so organized within the framework of the United Nations that the High Commissioner will possess the degree of independence and prestige required for the performance of his functions under the authority of the General Assembly.

'2. Instructs the High Commissioner to assist in promoting and encouraging the universal and effective respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, as set forth in the Charter of the United Nations and in declarations and instruments of the United Nations or of the specialized agencies, or of inter-governmental conferences convened under their auspices for this purpose; in particular:

- '(a) He shall maintain close relations with the General Assembly, the Economic and Social Council, the Secretary-General, the Commission on Human Rights, the Commission on the Status of Women and other organs of the United Nations and the specialized agencies concerned with human rights, and may, upon their request, give advice and assistance;
- '(b) He may render assistance and services to any State Member of the United Nations or member of any of its specialized agencies, of the International Atomic Energy Agency, or State Party to the Statute of the International Court of Justice, at the request of that State. He may submit a report on such assistance and services with the consent of the State concerned.
- '(c) He shall have access to communications concerning human rights, addressed to the United Nations of the kind referred to in resolution 728 F (XXVIII) of the Economic and Social Council and may, whenever he deems it appropriate, bring them to the attention of the Government of any of the States mentioned in paragraph 2 (b) above to which any such communications explicitly refer;
- '(d) He shall report to the General Assembly through the Economic and Social Council on developments in the field of human rights including his observations on the implementation of the relevant declarations and instruments adopted by the United Nations and the specialized agencies, and on his evaluation of the significant progress and problems. These reports shall be considered as separate items on the agenda of the General Assembly, the Economic and Social Council and the Commission on Human Rights. Before submitting his reports, the High Commissioner shall consult when appropriate any Government or specialized agency concerned taking due account of these consultations in the preparation of his reports.

'3. Decides that the High Commissioner shall be appointed by the General Assembly, on the recommendation of the Secretary-General, for a term of five years. His emoluments shall not be less favourable than those of an Under-Secretary;

'4. Decides to establish a panel of expert consultants to advise and assist the High Commissioner in carrying out his functions. The panel shall not exceed seven in number, the members to be appointed by the Secretary-General in consultation with the High Commissioner, having regard to the equitable representation of the principal legal systems and of geographical regions. The terms of appointment of the members of the panel shall be determined by the Secretary-General, in consultation with the High Commissioner, and shall be subject to the approval of the General Assembly.

'5. Invites the High Commissioner to conduct his Office in close consultation with the Secretary-General and with due regard for the latter's responsibilities under the Charter;

'6. Requests the Secretary-General to supply the High Commissioner with all the facilities and information required for carrying out his functions.

'7. Decides that

'(a) the Office of the High Commissioner shall be financed under the regular budget of the United Nations.

'(b) Within the limits of the budgetary appropriation provided on the recommendation of the High Commissioner, the staff of the High Commissioner's Office shall be appointed by the Secretary-General and such staff shall be subject to the conditions of employment provided under the Staff Regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General;

'(c) Provision may also be made to permit the employment of personnel without compensation or on a fee basis for special assignments;

'(d) The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General, and the accounts relating to the Office of the High Commissioner shall be subject to audit by the United Nations Board of Auditors.'"

486. The representative of the Ukrainian Soviet Socialist Republic submitted the following amendments (E/CN.4/L.979):

Preamble

(1) Insert the following new paragraph after the second paragraph:

"Considering that the General Assembly, in its resolution 2200 (XXI) of 16 December 1966, adopted and opened for signature and ratification the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,".

(2) Omit the fifth paragraph.

(3) Insert the following new paragraph after the sixth paragraph:

"Considering that, owing to lack of time, the Commission was unable to study or discuss the report of the Working Group on this question (E/CN.4/934) or the analytical and technical study prepared by the Secretary-General (E/CN.4/AC.21/L.1)".

(4) Delete the last preambular paragraph.

Operative text

Replace the operative part of the draft resolution by the following text:

"1. Decides that the primary task of the Commission at the present stage is the further study of the possibilities of improving the functioning of the already existing organs of the United Nations in the field of the promotion and protection of human rights;

"2. Decides that the most important task in this field is the implementation of human rights through the signature and ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and other conventions relating to human rights;

"3. Decides to alter the title of this agenda item and to include in the agenda of its next session the item "Question of the implementation of human rights by means of the International Covenants on Human Rights with the aid of existing international organs or other appropriate organs."

487. The sponsors of the draft resolution accepted the first amendment to their proposal submitted by the representative of the Ukrainian SSR to insert a new paragraph after the second preambular paragraph. The representative of the Ukrainian SSR withdrew the other amendments which he had submitted to the joint draft resolution.

488. At the 940th meeting, the representatives of Italy orally proposed the insertion, in the introductory part of paragraph 2 of the joint draft resolution, after the words "their auspices for this purpose", of the words "without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms;" this was accepted by the sponsors.

489. The USSR submitted amendments (E/CN.4/L.981) to the joint draft resolution. These amendments, which were not pressed to a vote, read as follows:

(1) Insert after the first preambular paragraph the following new paragraph:

"Considering that the United Nations Charter is based upon principles of sovereign equality of nations and non-interference in their domestic affairs."

- (2) After the third preambular paragraph insert the following new paragraph:

"Believing that no interference in the domestic affairs of nations can be permitted under any pretext."

- (3) Add to the fourth preambular paragraph the following:

"Its adoption of the Declaration on the granting of independence to colonial countries and peoples in 1960 which demanded complete liquidation of colonialism and immediate granting of independence to peoples under colonial subjugation as well as its proclamation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963 and its approval of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965, according to which racial discrimination in any form constitutes a gross violation of human rights and therefore must be prohibited and eliminated without further delay."

- (4) Insert after the fourth preambular paragraph the following new paragraph:

"Recalling the approval by the twenty-first session of the General Assembly of the International Covenants on Human Rights in 1966 which constitute a new major advance in the field of international co-operation in promotion of human rights and give new dimensions to the task of implementation by states of political, civil, economic, social and cultural rights".

- (5) In the seventh preambular paragraph replace the words "to discharge its obligations" by the words "to promote international co-operation."

- (6) After the eighth preambular paragraph add the following new paragraphs:

"Disturbed by gross violations of human rights resulting from the policy of colonialism, racism and apartheid;

Noting the urgent need for the implementation of fundamental principles and norms set forth in the United Nations declarations, covenants and conventions."

- (7) Delete operative paragraphs 1-7 of the General Assembly draft resolution, replacing them by the following:

"1. Decides to consider at its twenty-third session the question of measures for realization of rights and freedoms set forth in the international covenants on human rights.

2. Requests the Economic and Social Council and the Commission on human rights to study this question with assistance of the Secretary-General and to submit to the twenty-third session of the General Assembly necessary and effective recommendations.

3. Requests the International Law Commission, the Economic and Social Council and the Commission on Human Rights, to enquire into the problems of further development of principles and norms of international law dealing with protection of human rights and struggle against racial discrimination, and of their practical realization.

4. Requests the Secretary-General to study the question of international sanctions in accordance with the United Nations Charter against States which promote policy of colonialism, racial discrimination and apartheid and, submit his report to the twenty-third session of the General Assembly.

5. Requests the Economic and Social Council and the Commission on Human Rights to undertake survey of United Nations activities in the field of human rights with the view of strengthening the principles and norms set forth in the United Nations Charter and further promotion of human rights and fundamental freedoms."

490. At the 940th meeting, the representatives of the United Arab Republic and Yugoslavia submitted the following draft resolution (E/CN.4/L.980):

"The Commission on Human Rights

"Recalling that the General Assembly, in its resolution 2062 (XX), requested the Economic and Social Council to transmit the proposal to create the post of United Nations High Commissioner for Human Rights to the Commission on Human Rights for study in all its aspects;

"Having regard to the report of the Working Group to study the proposal to create the institution of a United Nations High Commissioner on Human Rights contained in document E/CN.4/934;

"Considering that lack of time makes it impossible to consider item 5 thoroughly at the present session;

"Noting the desirability of continuing further the study of this item by the Working Group after enlarging its composition to ensure a fuller representation of different regions and points of view expressed in the present and previous discussions in the Commission;

"1. Decides to enlarge the Working Group on this subject by six Member States to be named by the Chairman of the Commission;

"2. Invites the Working Group to continue its work with a view to preparing a proposal based on the principles covered by the preambular paragraphs above as well as those raised in the discussions of the Commission;

"3. Decides to give consideration to the report in document E/CN.4/934, as well as to the report of the Working Group in its new composition at the twenty-fourth session of the Commission as a matter of priority."

Issues discussed

491. In introducing their draft resolution (see para.485) the sponsors pointed out that it embodied most of the recommendations made by the Working Group in its report after a very careful study of the matter. The preamble referred to various articles of the Charter and to various recommendations and resolutions of the General Assembly calling for action by Member States and the Organization to ensure the promotion and protection of human rights. The proposed institution of the High Commissioner for Human Rights aimed at taking more effective action to discharge these obligations, in accordance with the United Nations Charter and within the framework of the United Nations.

492. The sponsors stressed that, under their proposal, the High Commissioner would in no way impose his will upon Governments. His functions would be to assist in promoting universal and effective respect for human rights. In accordance with paragraph 2(b) of the draft resolution, his assistance would be extended to States only at the request of the Government concerned. In order to perform his functions adequately, the High Commissioner must have ample information at his disposal, and he must in particular have access to the communications received under Council resolution 728 F (XXVIII). This was provided for in paragraph 2 (c) of the proposal, under which the High Commissioner would be entitled to bring such communications to the attention of the Governments concerned. Such function would differ from that presently performed by the Secretary-General under resolution 728 F (XXVIII), as the High Commissioner would have latitude to determine in what cases he should draw the Governments' attention to communications. In accordance with paragraph 2 (d) of the draft resolution, the High Commissioner would also report, whenever he deemed it appropriate, to the General Assembly, taking due account of his previous consultations with the Government or the specialized agency concerned.

493. The sponsors also explained that, in their view, the High Commissioner should be appointed by the General Assembly, on the recommendation of the Secretary-General, for a term of five years, so as to invest him with the authority necessary for the performance of his functions. The High Commissioner would be independent in the carrying out of his duties, but his office would remain within the framework of the United Nations Secretariat and he should conduct his office in close co-operation with the Secretary-General.

494. Some representatives strongly objected to the proposed institution. They expressed the view that, on close scrutiny, the powers of the High Commissioner as proposed in the report of the Working Group and in the draft resolution would be far stronger than they might appear at first glance. In many respects, it appeared that the High Commissioner would exercise functions which the United Nations Charter entrusted to the Security Council, the General Assembly or the Economic and Social Council and that his activities might also be intended to undermine those of the Commission on Human Rights.

495. Furthermore, in the opinion of those representatives, the draft resolution showed that the High Commissioner would have unprecedented powers which the Charter had not vested in any organ of the United Nations, even the Security Council and the General Assembly. He could, for instance, have access to communications from individuals, in respect of which the Council and the Commission had recognized that they could not take any action. As was indicated or implied in paragraph 32 of the report of the working group, the High Commissioner might in his reports criticize governments. In fact, the

intention of the Working Group, in paragraph 31 of its report, appeared to invest the High Commissioner with the power to supervise in detail the implementation by Member States of all United Nations decisions concerning human rights. In the view of those members, the High Commissioner would thus constitute a supranational organ whose activities might infringe the sovereignty of Member States, in violation of the Charter of the United Nations.

496. It was added by those members, that, even if the High Commissioner did not take arbitrary action under his extensive terms of reference, then whatever action he might take would duplicate that of existing organs of the United Nations. The institution, in that respect, would be useless, as it could hardly be conceived that the High Commissioner would solve problems such as apartheid and the punishment of war criminals which the United Nations as a whole had not successfully settled so far. In the opinion of those representatives it was necessary, in the interest of a real guarantee of human rights, to improve the work of existing United Nations organs, bearing in mind the adoption by the General Assembly of the International Covenants on Human Rights and the fact that those Covenants would soon come into force.

497. The representatives who were opposed to the institution expressed grave misgivings at the proposal to entrust such wide and unprecedented powers to a single person. In their view, the expert consultants provided for in paragraph 4 of the draft resolution would not have the high status necessary to limit the powers of the High Commissioner and to prevent his taking arbitrary decisions. They stressed that, in contrast, the Charter of the United Nations had emphasized the need for co-operation between Member States and for collective action and responsibility. Even regional inter-governmental organizations, whose members shared a common cultural heritage and had similar political ideas had set up collegiate organs, not a High Commissioner, to consider matters of human rights. A few representatives stated that they were basically opposed to the institution because, in their view, a single person, however well-meaning, could not help disregarding the special needs and conditions of various countries within the world-wide membership of the United Nations. They pointed out that one person could not represent all the main forms of civilization and the basic legal systems of the world.

498. Finally, certain representatives, while admitting the need for reforms to achieve better co-ordination and greater efficiency, said that the draft resolution before the Commission had not been sufficiently thought out, and that Governments would need more time to consider the implications of the machinery set up under the 1965 Convention and the Covenants adopted in 1966.

499. In conclusion, the members who opposed the institution said that the Working Group had unjustifiably limited itself to a study of the proposal concerning a High Commissioner, disregarding the last phrase in the title of the item concerning "other appropriate international machinery". They suggested that the Commission should try to improve existing machinery. They stressed that, in their view, the adoption by the General Assembly of the implementation clauses of the International Covenants on Human Rights was a major development, which the Working Group should have fully taken into account. Instead, the proposed relationship between the High Commissioner and the implementation bodies provided for in the Covenants was left vague and ambiguous in the report of the Working Group (See E/CN.4/934, paras.48 and 49). These members urged that the best way to ensure the implementation of human rights was for the United Nations to encourage States to ratify the Covenants promptly and to make full use of the implementation machinery provided for therein.

500. Several other members of the Commission maintained that the proposed institution would significantly contribute to the promotion and protection of human rights throughout the world and that it would usefully fill a gap in the existing machinery. It was said, in particular, that the High Commissioner could lend his assistance in respect of many different kinds of violations of human rights, instead of singling out certain cases as existing organs tended to do at times. Particular reference was made to cases of violations of the rights of religious minorities. It was hoped that the High Commissioner, in contrast to other organs, would be in a position under his terms of reference to act in a flexible manner with the discretion and tact required in various situations.

501. In support of the institution, it was said that the adoption of the Covenants and other instruments, important as it was, was quite far from making the High Commissioner superfluous, because it was thought that the Covenants might be ratified only by part of the membership of the United Nations and that their entry into force would take some time.

502. In the opinion of these members, nothing in the draft resolution could support the opinion that the High Commissioner would put any pressure on States or give unsolicited advice to them or to United Nations organs. On the contrary, it was specified that the High Commissioner would give such assistance only at the express request of the organ or the State concerned. It was said that several other arguments against the High Commissioner stemmed from speculation or from a distorted interpretation of the report of the Working Group.

503. One member felt that the draft resolution might not give the High Commissioner sufficient means to carry out his intended functions. However, he conceded that the proposal was adequate for the time being, and he expressed the hope that the institution would gradually evolve towards greater effectiveness.

504. The view according to which the High Commissioner would necessarily not be representative of the whole membership of the United Nations was opposed by certain representatives who pointed out that the High Commissioner would be appointed by the General Assembly, and that the Assembly would of course choose only a person to whom it could give its full confidence.

505. In support of the proposal of the United Arab Republic and Yugoslavia, it was said that such an important matter should be studied further, by a working group more representative of various regions and schools of thought. Some representatives said their support of that proposal did not mean that they were convinced of the need to establish a High Commissioner for Human Rights. Other representatives, while appreciating the spirit of compromise expressed in the proposal, felt that the matter had already been discussed and studied at length and that very little could be gained through a further study. It was, however, understood that the matter would be discussed further in the Council and the General Assembly. While considering it desirable to set up working groups which would be fully representative, they said that various States which were opposed to the institution had themselves declined the invitation to participate in the work of the Working Group, which had produced the report under consideration.

506. One representative wished it to be stated in the report that the discussion of the item had been unduly hasty and that the joint draft resolution had been received too late for full consideration. Between the introduction of the draft resolution and its adoption, only twenty-four hours had elapsed. In view of the unexpected change concerning the order of consideration of agenda items (see para.17 above), one representative felt that she was not adequately prepared to discuss item 5. In her opinion, the decision on that item had been forced by rigid application of the majority rule in the Commission.

Adoption of the resolution

507. The draft resolution submitted by the United Arab Republic and Yugoslavia (see para.490 above) was rejected by 16 votes to 9, with 4 abstentions. At the request of the representative of the United Arab Republic, the vote was taken by roll call. The voting was as follows:

In favour: France, India, Iraq, Nigeria, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: Argentina, Chile, Costa Rica, Dahomey, Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, Peru, Philippines, Senegal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Congo (Democratic Republic of), Iran, Pakistan.

508. The draft resolution submitted by Austria, Costa Rica, Dahomey, Philippines and Senegal (See para.485 above), as orally revised, was adopted by 20 votes to 7, with 2 abstentions. At the request of the representative of Pakistan, the vote was taken by roll call. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Costa Rica, Dahomey, Greece, Guatemala, Iran, Israel, Italy, Jamaica, New Zealand, Pakistan, Peru, Philippines, Senegal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: India, Iraq, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: France, Nigeria.

509. The resolution adopted by the Commission at its 940th meeting, on 22 March 1967, read as follows:

14 (XXIII) Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery

The Commission on Human Rights

Considering that one of the purposes of the United Nations, under Article 1 of the Charter, is to achieve international co-operation by promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;

Considering that under Articles 55 and 56 of the Charter all the Members of the United Nations have pledged themselves to take joint and separate action in co-operation with the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all;

Considering that the General Assembly, in its resolution 2200 (XXI) of 16 December 1966, adopted and opened for signature and ratification the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights;

Recalling that under Articles 13 and 22 of the Charter the General Assembly is explicitly empowered to initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all and to establish such subsidiary organs as it deems necessary for the performance of its functions;

Recalling its proclamation of the Universal Declaration of Human Rights in 1948 as a common standard achievement for all peoples and all nations;

Recalling further General Assembly resolution 926 (X) of 14 December 1955 establishing the programme of advisory services in the field of human rights;

Bearing in mind General Assembly resolutions 1776 (XVII) of 7 December 1962 on the further promotion and encouragement of respect for human rights and fundamental freedoms, and 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights;

Convinced of the urgent need for the United Nations to take more effective action to discharge its obligations in the matter of human rights;

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

/For the text of the draft resolution,
see Chapter XVII, draft resolution IV/

IX. STUDY OF SPECIAL PROBLEMS RELATING TO
HUMAN RIGHTS IN DEVELOPING COUNTRIES

510. The item, "Study of special problems relating to human rights in developing countries", had been included in the agenda of the twenty-first session of the Commission pursuant to a voeu of the United Nations seminar on human rights in developing countries, held in Kabul, Afghanistan from 12 to 25 May 1964. As the Commission had been unable to discuss the item at its twenty-first and twenty-second sessions, it had postponed its consideration until the twenty-third session.

511. The Commission had before it the reports of the United Nations seminars on human rights in developing countries held in Kabul, Afghanistan (ST/TAO/HR/21), from 12 to 25 May 1964 and in Dakar, Senegal, from 8 to 22 February 1966 (ST/TAO/HR/25), and a memorandum by the Secretary-General (E/CN.4/880) drawing attention to the relevant paragraphs of the Kabul seminar report.

512. The Commission considered this item of its agenda at its 940th meeting on 22 March 1967.

513. The representative of Iran submitted a draft resolution (E/CN.4/L.964) which read as follows:

"The Commission on Human Rights

"Considering that the 1964 Kabul Seminar on Human Rights in Developing Countries unanimously expressed the voeu that the Commission on Human Rights should undertake as soon as possible a study of the special problems relating to human rights in developing countries with a view to helping in the solution of any special problems that might exist,

"Noting that this question has been on the agenda of the Commission since its twenty-first session in 1965,

"Noting that in the course of the Commission's deliberations special importance was attached to this item by some members of the Commission,

"Noting also that in the report of the Working Group of the Commission (E/CN.4/L.913) appointed to prepare a draft list of priorities for the remaining items on the agenda highest priority was given to the item entitled 'Study of special problems relating to human rights in developing countries',

"Regretting that owing to lack of time the Commission was unable to undertake examination of this item during its current session,

"1. Decides to consider this item at its twenty-fourth session as a matter of priority;

"2. Invites the Preparatory Committee for the International Conference on Human Rights to place this question on the agenda of the Conference;

"3. Requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, additional seminars on the subject of the special problems relating to human rights in developing countries."

514. The representative of Jamaica proposed orally the replacement, in operative paragraph 2, of the words "to place" by the words "to consider placing".

515. The representative of France proposed orally the addition, at the end of the second preambular paragraph, of the following: "and that in February 1966 a new seminar on human rights in developing countries was organized and held in Dakar, Senegal".

516. These amendments were accepted by the sponsor of the draft resolution.

517. The draft resolution, as amended, was adopted unanimously without discussion.

518. The text of the resolution adopted by the Commission at its 940th meeting on 22 March 1967 reads as follows:

15 (XXIII) Study of special problems relating to human rights in developing countries

The Commission on Human Rights

Considering that the 1964 Kabul Seminar on Human Rights in Developing Countries unanimously expressed the voeu that the Commission on Human Rights should undertake as soon as possible a study of the special problems relating to human rights in developing countries with a view to helping in the solution of any special problems that might exist,

Noting that this question has been on the agenda of the Commission since its twenty-first session in 1965, and that in February 1966 a new seminar on human rights in developing countries was organized and held in Dakar, Senegal.

Noting that in the course of the Commission's deliberations special importance was attached to this item by some members of the Commission,

Noting also that in the report of the Working Group of the Commission (E/CN.4/L.913) appointed to prepare a draft list of priorities for the remaining items on the agenda highest priority was given to the item entitled "Study of special problems relating to human rights in developing countries."

Regretting that owing to lack of time the Commission was unable to undertake examination of this item during its current session,

1. Decides to consider this item at its twenty-fourth session as a matter of priority;
2. Invites the Preparatory Committee for the International Conference on Human Rights to consider placing this question on the agenda of the Conference;
3. Requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, additional seminars on the subject of the special problems relating to human rights in developing countries.

X. PERIODIC REPORTS ON HUMAN RIGHTS

519. In resolution 1074 C (XXXIX) of 28 July 1965, the Economic and Social Council, inter alia, invited States Members of the United Nations or members of the specialized agencies to supply information regularly on human rights and fundamental freedoms in territories subject to their jurisdiction, within a continuing three-year cycle scheduled as follows:

(a) in the first year, on civil and political rights, the first such reports to cover the period ending 30 June 1965;

(b) in the second year, on economic, social and cultural rights, the first such reports to cover the period ending 30 June 1966;

(c) in the third year, on freedom of information, the first such reports to cover the period ending 30 June 1967.

520. The Council also invited the specialized agencies to continue their contributions to the periodic reports on human rights in accordance with the above schedule and with Council resolution 624 B (XXII). Non-governmental organizations in consultative status were invited to continue to submit objective information in accordance with Council resolution 888 B (XXXIV) and in accordance with the above schedule. The Council requested the Secretary-General to forward the information received from Member States and specialized agencies under the terms of the resolution in full, together with a subject and country index, to the Commission on Human Rights, the Commission on the Status of Women and 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, were also to be made available by the Secretary-General to these bodies.

521. The Council requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake the initial study of the materials received, to report thereon to the Commission on Human Rights, and to submit comments and recommendations for consideration by the Commission. It also invited the Commission on the Status of Women to inform the Commission on Human Rights of its comments on the materials received and of any recommendations it might wish to make.

522. The Council, further, requested the Commission on Human Rights to establish an 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.

523. This Committee was requested to meet before each session of the Commission and to report its findings to the latter no later than one week prior to the end of that session. The Committee was authorized to ensure all necessary co-ordination with any specialized agency in considering any question or matter dealt with in that agency's report.

524. The Ad hoc Committee on Periodic Reports, at its 1966 and 1967 sessions, was composed of the representatives of Costa Rica, Dahomey, France, the Philippines, Poland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

525. At its twenty-second session the Commission on Human Rights had given preliminary consideration to the reports, information and comments on civil and political rights for the period 1 January 1963 to 30 June 1965 received under Council resolution 1074 C (XXXIX). In resolution 12 (XXII) the Commission inter alia had considered that the information received indicated limited but significant progress in some countries in the field of civil and political rights, especially in dealing with racial discrimination and religious intolerance, in the enjoyment of the right to vote, in the administration of justice and in equal rights for men and women. The Commission had urged those Governments which had not up to that time submitted full reports on civil and political rights for the period under review to do so as soon as possible and decided that, in addition to considering information on economic, social and cultural rights, it would continue the study and evaluation of information received in the field of civil and political rights, and prepare further recommendations, at the twenty-third session.

526. The Commission considered this item at its 940th meeting, held on 22 March 1967.

Documentation before the Commission.

527. In accordance with its resolution 12 (XXII), the Commission had before it at the twenty-third session information on civil and political rights as well as on economic, social and cultural rights, submitted under Council resolution 1074 C (XXXIX), as follows:

(a) Reports on civil and political rights for the period 1 January 1963 to 30 June 1965 received from forty-four States Members of the United Nations or members of the specialized agencies, as listed below (E/CN.4/892 and Add.1 - 26); ^{29/} twenty-five of these reports, identified by an asterisk in the list, had been before the Commission at its twenty-second session:

Argentina*, Argentina (additional information), Austria, Byelorussian Soviet Socialist Republic, Canada*, Central African Republic*, China*, Congo (Brazzaville), Costa Rica*, Cuba*, Denmark*, El Salvador*, Federal Republic of Germany, Finland*, France*, Ghana, India, Ireland, Israel, Italy*, Jamaica*, Kuwait, Laos*, Lebanon, Liberia*, Liechtenstein, Maldives Islands*, Nepal, Netherlands, New Zealand, Nigeria*, Norway*, Pakistan*, Poland*, San Marino*, Togo, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic*, United Arab Republic (additional information), United Kingdom*, United Kingdom (additional information), United States of America*, Upper Volta*, Yugoslavia and Zambia*;

(b) a report on civil and political rights from the International Labour Organisation (E/CN.4/893);

^{29/} Documents E/CN.4/892 and Add.1-7 and 9-15 were before the Commission at its twenty-second session.

(c) reports on economic, social and cultural rights for the period 1 January 1963 to 30 June 1966, submitted by the twenty-six Governments listed below (E/CN.4/917 and Add.1-15 and 17-19):

Austria, Byelorussian SSR, Cambodia, Central African Republic, Congo (Brazzaville), Denmark, Federal Republic of Germany, Finland, Ghana, India, Israel, Italy, Japan, Kuwait, Malagasy Republic, Nepal, Netherlands, New Zealand, Poland, Romania, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States of America, Yugoslavia;

(d) reports on economic, social and cultural rights from the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization (E/CN.4/918 and Add.1 and 2); and

(e) a subject and country index to the reports on civil and political rights and on economic, social and cultural rights, prepared by the Secretary-General (E/CN.4/933 and Corr.1).

528. In accordance with paragraph 14 of Council resolution 1074 C (XXXIX) and with Commission resolution 12 (XXII), the comments relating to civil and political rights received from the non-governmental organizations listed below, which had been made available to the Commission at its twenty-second session, together with comments made on them by the Member States concerned, were again made available to the Commission by the Secretary-General: Category A: International Chamber of Commerce, International Confederation of Free Trade Unions, International Federation of Christian Trade Unions, International Organization of Employers; Category B: Amnesty International, Friends World Committee for Consultation (together with comments thereon by Australia, Federal Republic of Germany, Switzerland, United States and Yugoslavia)^{30/}, International Abolitionist Federation, International Catholic Migration Commission, International Council of Jewish Women, International Council of Women (together with comments thereon by the United Kingdom and the United States), International Federation of University Women, International Prisoners' Aid Association, League of Red Cross Societies, Society of Comparative Legislation (France), World Confederation of Organizations of the Teaching Profession, World Young Women's Christian Association; Register: Catholic International Education Office, International Federation of Senior Police Officers, International Youth Hostel Federation, Open Door International (together with comments thereon by Australia, Norway, Sweden and United States), and World Association of Girl Guides and Girl Scouts.

529. In addition, comments received since the twenty-second session from the organizations listed below, and relating partly to civil and political and partly to economic, social and cultural rights, were made available to the Commission by the Secretary-General: Category A: International Chamber of Commerce, International Co-operative Alliance, International Federation of Christian Trade Unions, World Federation of Trade Unions (together with comments thereon by Brazil, Chile and Federal Republic of Germany); Category B: Amnesty International (together with

^{30/} Received subsequent to the Commission's twenty-second session.

comments thereon by the United Kingdom), Associated Country Women of the World, International Catholic Migration Commission (together with comments thereon by the Federal Republic of Germany and the United Kingdom), International Federation of University Women, International Institute of Administrative Sciences, International League for the Rights of Man (together with comments thereon by Albania, Bulgaria, Greece and Kenya), World Confederation of Organizations of the Teaching Profession, and World Young Women's Christian Association; Register: International Association of Universities, International Council of Scientific Unions, International Federation of Senior Police Officers, International Youth Hostel Federation, Open Door International, and World Association of Girl Guides and Girl Scouts.

530. The Commission, further, had before it chapter V of the Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its nineteenth session (E/CN.4/930), dealing with that body's consideration of the item "Periodic reports on human rights and freedom of information", and a resolution concerning periodic reports on human rights adopted by the Commission on the Status of Women at its twentieth session, circulated as document E/CN.4/L.886.

531. Chapter V of the report of the Sub-Commission on its nineteenth session included a resolution (resolution 4 (XIX)) in which the Sub-Commission, recalling its decision to prepare a short study covering in so far as possible salient developments and trends in civil and political rights and in economic, social and cultural rights during the period under review, thanked the Special Rapporteur and the Secretariat for the study contained in document E/CN.4/Sub-2/L.458; regretted that due to shortage of time at its disposal the Sub-Commission could not examine and discuss the study at its nineteenth session; called the attention of the Commission on Human Rights to the doubts and difficulties involved in the Sub-Commission's examination of periodic reports, as evidenced by the debates at that session; and requested the Commission to give further consideration to that matter.

532. The Commission on the Status of Women in its resolution adopted at its twentieth session (reproduced in document E/CN.4/L.886) inter alia, noted with satisfaction that, during the periods in question several Governments had taken legislative or administrative steps to promote civil and political rights of women, in particular as regards electoral rights, jury service, marriage and the guardianship of children; the number of women members of certain national legislatures had risen; several Governments had enacted measures to ensure equal economic, social and cultural rights for women, in particular with respect to equal employment opportunities and remuneration, retirement, family and maintenance allowances and access to education; many Governments had paid particular attention to the needs of women arising out of maternity and the conjunction of family and employment responsibilities; many Governments had accepted the standards laid down in instruments adopted by the competent organs of the specialized agencies covering access to education and the working conditions of women; and that the reports of the specialized agencies on the implementation of those standards provided information useful to the Commission both as regards favourable developments and with respect to difficulties which still existed. It also emphasized the value of information and comments on matters affecting women's rights submitted by certain non-governmental organizations in consultative status.

533. The Commission on the Status of Women further considered that it would be greatly assisted in its future assessment of progress and problems in the development of women's rights if reports by Governments included more information on progress made in women's rights during the period under review together with reference to specific difficulties encountered and to measures taken or under consideration to give practical effect to constitutional or legislative provisions; and if reports from non-governmental organizations contained more information relating to women's rights. In this connexion, the Commission on the Status of Women noted with approval that the Commission on Human Rights had, in paragraph 7 of its resolution 12 (XXII), already made suggestions on guidelines for future reports, and invited the Commission on Human Rights to take into account the considerations in paragraph 6 of its resolution (See para.530 above) in drawing up any further guidelines for future reports in the series.

534. In accordance with its resolution 12 (XXII), the Commission also had before it an up-to-date memorandum by the Secretary-General entitled "Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations" (E/CN.4/907/Rev.1); and a document containing the texts of, or extracts from, decisions taken by United Nations organs containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories, (E/4226), prepared in accordance with Economic and Social Council resolution 1102 (XL), and the first annual supplement to that document (E/CN.4/923) containing texts of, or extracts from, relevant decisions taken by United Nations organs between 1 July 1966 and 1 January 1967.

535. Finally, the Commission had before it the report of the Ad hoc Committee on Periodic Reports on its 1967 session (E/CN.4/939 and Corr.1). In its report the Committee indicated that it had examined the contents of the reports received and that it had also discussed the purpose of the reporting system and possible ways of improving it; the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the examination of periodic reports; co-ordination with the specialized agencies; and the use to be made of the material forwarded by non-governmental organizations in consultative status under Council resolution 1074 C (XXXIX). The members of the Committee, inter alia, agreed that it would be in the interest of the Committee's work if the Committee could hold its meetings prior to the session of the Commission on Human Rights, since the smaller delegations had difficulties in being represented at simultaneous meetings of the two bodies.

536. The Committee had requested its Rapporteur to prepare a preliminary study of the materials it had received under resolution 1074 C (XXXIX), which was to serve as a working paper for the Committee. This study (E/CN.4/AC.20/L.8 and Add.1-2, Add.2/Corr.1 and Add.3) as prepared by the Rapporteur upon the Committee's instructions, consisted of four parts, of which part I dealt with civil and political rights and part II with economic, social and cultural rights; part III consisted of a short summary of the information on human rights matters contained in the documents reproducing the texts of (or extracts from) decisions, taken by United Nations bodies, containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories (pertaining to the period 1963 - 1966); and part IV consisted

of a short summary of the information contained in the document entitled "Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations", which had been submitted to the Commission as it related to the period under review. The study also contained conclusions and recommendations by the Rapporteur of the Committee. The Committee had agreed that there was no need for it to adopt the study but that it should be appended to the Committee's own report to the Commission (See E/CN.4/939, annex).

537. The Ad hoc Committee, in its report, recommended to the Commission the adoption of a draft resolution (see below, para. 538). Owing to lack of time, the Commission did not discuss the report of the Ad hoc Committee, including the draft resolution contained therein (E/CN.4/939, para. 72).

Resolution adopted by the Commission

538. At its 940th meeting held on 22 March 1967, the Commission unanimously adopted the draft resolution recommended by the Ad hoc Committee on Periodic Reports. The text of the resolution adopted reads as follows:

16 (XXIII). Periodic Reports on Human Rights

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1074 C (XXXIX) which established a revised system of periodic reports on human rights,

Recalling its resolutions 11 (XXII) and 12 (XXII),

Welcoming the adoption by the General Assembly in its resolution 2200 (XXI) of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter, and noting the reporting procedures established in the two Covenants,

Believing that until the Covenants and their reporting procedures are widely accepted the submission and consideration of periodic reports under Economic and Social Council resolution 1074 C (XXXIX) will remain of considerable value, particularly with regard to the promotion of the rights formulated in the two Covenants,

Noting the resolution of the Commission on the Status of Women circulated as document E/CN.4/L.886, in which the Commission inter alia considers that it would be greatly assisted in its future assessment of progress and problems in the development of women's rights if:

(a) reports by Governments included more information on progress made in women's rights during the period under review together with reference to specific difficulties encountered and to measures taken or under consideration to give practical effect to constitutional or legislative provisions;

(b) reports from non-governmental organizations contained more information relating to women's rights;

Noting further resolution 4 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which inter alia calls the Commission's attention to the doubts and difficulties involved in the Sub-Commission's examination of periodic reports and requests the Commission to give further consideration to this matter,

Having considered the reports submitted since its last session by Member States, specialized agencies and non-governmental organizations in consultative status on economic, social and cultural rights as well as additional reports on civil and political rights,

Considering, however, that since other Member States have not submitted reports, any assessment of the human rights situation arising from the reports is necessarily based on a partial survey,

A

1. Expresses its gratitude to those Governments which have submitted reports and urges those Governments which have not so far submitted periodic reports under Economic and Social Council resolution 1074 C (XXXIX) to do so as soon as possible,
2. Expresses the hope that all States Members of the United Nations and members of the specialized agencies will submit reports as envisaged for the period ending 30 June 1967 on freedom of information, when so requested by the Secretary-General,
3. Affirms that early signature and ratification of the International Covenants on Human Rights are of primary importance and considers that the information collected in the preparation by Governments of periodic reports will be of direct value to their consideration of early signature and ratification of these instruments and their future implementation,
4. Believes that the additional reports on civil and political rights confirm the trends described in operative paragraph 4 of its resolution 12 (XXII),
5. Believes further that the reports on economic, social and cultural rights reveal the following trends as of special importance and common interest:
 - (a) the concern of Member States to implement human rights according to standards established in United Nations instruments;
 - (b) the constructive efforts in law and practice in States with varying systems of government and at different stages of development to promote the right to education, including the interest shown in the question of adult education, the right to social security, the rights of the child and the family, including the provision of special care and assistance for motherhood and childhood, the right to work and the right to an adequate standard of living;

(c) the attempts by various States to overcome difficulties with respect to the implementation of economic, social and cultural rights, and, notably, the concern to make available remedies for the violation of these rights,

6. Notes that in the period under review a number of multilateral and regional agreements were concluded by Member States and, especially, that a number of States signed and ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination,

B

1. Considers that the task of the United Nations bodies concerned in identifying important trends in the periodic reports will be facilitated in future by concentrating on material of an objective character revealing characteristics such as the following:

(a) the influence on Member States of United Nations instruments which contain principles and norms for the protection of human rights and fundamental freedoms and, in particular, measures adopted to implement such instruments;

(b) the common interest of a number of States in particular aspects of the rights under consideration;

(c) experience of difficulties in the field of human rights which may be of interest to other States;

(d) new developments or methods which may be helpful in overcoming such difficulties;

(e) the participation of increasing numbers of the population in the enjoyment of human rights,

2. Requests the Secretary-General, when presenting future reports for the consideration of the Commission, to prepare an analytical summary with regard to each of the rights under consideration, bearing in mind operative paragraph 1 above and including a description of the important trends revealed in the reports, difficulties encountered, methods adopted to overcome them, suggestions for possible further action, and drawing, as appropriate, on such pertinent material as may be available from other United Nations sources,

3. Requests the Secretary-General to make the analytical summary available to the Ad hoc Committee together with the material received in accordance with Economic and Social Council resolution 1074 C (XXXIX) and to arrange for the Ad hoc Committee to complete its work in advance of the Commission's annual session.

4. Further requests the Secretary-General, when inviting the submission of periodic reports under Economic and Social Council resolution 1074 C (XXXIX), to provide an outline of the headings under which he expects to organize the material received, taking into account pertinent provisions in the United Nations instruments, so that reports may be presented under these headings if those submitting them so wish,

5. Believes that the provisions of paragraph 1 above will be an adequate basis for an objective evaluation of the periodic reports by the United Nations bodies concerned.

C

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

/For the text of the draft resolution, see
chapter XVII, draft resolution V/

XI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

539. The Commission considered item 10 of its agenda, (Advisory services in the field of human rights), at its 940th meeting, held on 22 March 1967. The Commission had before it a report by the Secretary-General (E/CN.4/925 and Add.1), dealing with the relevant decisions of the Economic and Social Council at its forty-first session, and with the 1966 advisory services programme and the programme plans for 1967 and 1968. The Commission also had before it reports of recent seminars held under the advisory services programme (ST/TAO/HR/ 25-27).

540. The Commission was unable, because of the lack of time, to give detailed consideration to the item. Two draft resolutions were submitted to the Commission, one by the representative of the Philippines (E/CN.4/L.971) and the other by the representative of the Ukrainian Soviet Socialist Republic (E/CN.4/L.973).

541. The draft resolution submitted by the Philippines read as follows:

"The Commission on Human Rights,

"Noting the Secretary-General's report on advisory services in the field of human rights (E/CN.4/925 and Add.1),

"Recalling General Assembly resolution 926 (X) of 14 December 1955 by which the Assembly established the programme of advisory services in the field of human rights;

"Relieving that the existing programme of advisory services in the field of human rights should be progressively strengthened and the effectiveness of this important United Nations activity enhanced,

"1. Recommends that the proposed international seminars on racial discrimination and on freedom of association should be held during the year 1968 as a matter of priority;

"2. Recommends further that seminars on subjects relating to the status of women should continue to be organized in collaboration with those Member States which are able to act as host countries and, in particular, that every effort should be made to hold such a seminar in 1968, the International Year for Human Rights;

"3. Requests the Secretary-General to consider the organization, from 1969 onwards, of an annual programme of advisory services in the field of human rights, consisting of at least two seminars on subjects of human rights of which at least one should be on an international level, one or two seminars on the status of women and one or more regional training courses on human rights; and that the programme should include the award of an adequate number of human rights fellowships, taking into account the increasing interest expressed in the fellowships by Member States;

"4. Further requests the Secretary-General to draw the attention of the Governing Council of the United Nations Development Programme to this resolution, and invites the Governing Council to bear this resolution in mind in considering the recommendations to the Economic and Social Council relating to the level of appropriations for part V of the United Nations budget in 1968 and 1969."

542. The draft resolution submitted by the representative of the Ukrainian Soviet Socialist Republic read as follows:

"The Commission on Human Rights,

"Noting the report by the Secretary-General on advisory services in the field of human rights (E/CN.4/925 and Add.1),

"Noting further the reports submitted to the Commission on the seminars on human rights held in 1966 in Senegal (Seminar on human rights in developing countries - ST/TAO/HR/25), Hungary (Seminar on participation in local administration as a means of promoting human rights - ST/TAO/HR/26) and Brazil (Seminar on apartheid - ST/TAO/HR/27),

"Considering that the conclusions and recommendations of the seminar on apartheid held in Brazil in August/September 1966 were helpful in discussing the substance of various items on the Commission's agenda,

"Bearing in mind that under Economic and Social Council resolution 1008 (XXXVII) of 29 July 1964 proposals for programmes concerning advisory services in the field of human rights should be considered by the Governing Council of the United Nations Development Programme,

"1. Approves the programme for advisory services in the field of human rights proposed by the Secretary-General for 1968;

"2. Expresses its pleasure that an international seminar on the question of elimination of all forms of racial discrimination is to be held in India in 1968 in accordance with General Assembly resolution 2017 (XX);

"3. Requests the Secretary-General to submit, at the Commission's next session, reports on the seminars held in 1967;

"4. Requests the Secretary-General to draw the attention of the Governing Council of the United Nations Development Programme to this resolution in connexion with the preparation of recommendations for the Economic and Social Council."

543. Noting that the first and fourth preambular paragraphs and operative paragraph 4 of his draft resolution were similar in substance to certain paragraphs in the Philippines draft resolution, the representative of the Ukrainian Soviet Socialist Republic withdrew those paragraphs. The representative of the Philippines revised his draft resolution by incorporating in it the second and third preambular paragraphs, as well as operative paragraphs 1, 2 and 3 of the Ukrainian draft resolution.

544. The revised draft resolution was adopted unanimously, without discussion.

545. The resolution adopted by the Commission at its 940th meeting, on 22 March 1967, reads as follows:

17 (XXIII) Advisory Services in the Field
of Human Rights

The Commission on Human Rights,

Noting the Secretary-General's report on advisory services in the field of human rights (E/CN.4/925 and Add.1)

Noting further the reports submitted to the Commission on the seminars on human rights held in 1966 in Senegal (Seminar on human rights in developing countries - ST/TAO/HR/25), Hungary (Seminar on participation in local administration as a means of promoting human rights - ST/TAO/HR/26) and Brazil (Seminar on apartheid - ST/TAO/HR/27),

Considering that the conclusions and recommendations of the seminar on apartheid held in Brazil in August and September 1966 were helpful in discussing the substance of various items on the Commission's agenda,

Recalling General Assembly resolution 926 (X) of 14 December 1955 by which the Assembly established the programme of advisory services in the field of human rights;

Believing that the existing programme of advisory services in the field of human rights should be progressively strengthened and the effectiveness of this important United Nations activity enhanced,

1. Approves the programme for advisory services in the field of human rights proposed by the Secretary-General for 1968;

2. Expresses its pleasure that an international seminar on the question of elimination of all forms of racial discrimination is to be held in India in 1968 in accordance with General Assembly resolution 2017 (XX);

3. Recommends that the proposed international seminars on racial discrimination and on freedom of association should be held during the year 1968 as a matter of priority;

4. Recommends further that seminars on subjects relating to the status of women should continue to be organized in collaboration with those Member States which are able to act as host countries and, in particular, that every effort should be made to hold such a seminar in 1968, the International Year for Human Rights;

5. Requests the Secretary-General:

(a) to submit, at the Commission's next session, reports on the seminars held in 1967;

(b) to consider the organization, from 1969 onwards, of an annual programme of advisory services in the field of human rights, consisting of at least two seminars on subjects of human rights of which at least one should be on an international level, one or two seminars on the status of women and one or more regional training courses on human rights; and that the programme should include the award of an adequate number of human rights fellowships, taking into account the increasing interest expressed in the fellowships by Member States;

(c) to draw the attention of the Governing Council of the United Nations Development Programme to this resolution, and invites the Governing Council to bear this resolution in mind in considering the recommendations to the Economic and Social Council relating to the level of appropriations for part V of the United Nations budget in 1968 and 1969.

XII. REVIEW OF THE COMMISSION'S PROCEDURES AND METHODS
OF WORK WITH A VIEW TO EXPEDITING THE CONSIDERATION
OF THE ITEMS OF ITS AGENDA

546. The Commission had considered this question at its twenty-second session. In its resolution 17 (XXII) it had drawn the attention of the Economic and Social Council to the fact that, owing to lack of time, it had been unable to consider several important matters which had been referred to it by the General Assembly and the Council, and that a number of other important items of its agenda had been deferred from year to year. The Commission expressed its belief that it would require more than a four-week annual session if it was to discharge its tasks and responsibilities effectively.

547. In its resolution 1165 (XLI) the Economic and Social Council, inter alia, concurred in the desire of the Commission to discuss the items on its agenda which had been deferred from year to year, authorized it to have a longer session, not to exceed six weeks, in 1967, and recommended that the Commission undertake a review of its procedures and methods of work, with a view to expediting the consideration of the items on its agenda.

548. The Commission took up item 11 of its agenda (review of the Commission's procedures and methods of work with a view to expediting the consideration of the items of its agenda) at its 940th meeting, held on 22 March 1967.

549. The representative of the Philippines submitted a draft resolution (E/CN.4/L.955) under which the Commission, having regard to the increase in membership of many of the functional commissions of the Economic and Social Council, would recommend that the Council should amend rules 15, 17 and 18 of the rules of procedure of functional commissions of the Council along the lines of the decision which the Commission had adopted during the twenty-third session.

550. The representatives of Chile, Dahomey, Iran, Jamaica and Greece submitted a draft resolution (E/CN.4/L.969) on the Commission's procedures and methods of work.

551. The draft resolution, which was not considered because of lack of time, read as follows:

"The Commission on Human Rights

"Expressing its appreciation to the Economic and Social Council for the authorization contained in Council resolution 1165 (XLI) of 5 August 1966, authorizing it to have a longer session, but one not exceeding six weeks, beginning in 1967,

"Recalling, however, that because of the changes effected in the programme of the Council's sessions, the calendar of meetings approved by the Council for 1967 could provide only for a session of less than five full weeks,

"Noting the important developments in the work of the Commission, the complexity of the subject-matters to be considered by the Commission and the fact that once again the Commission will be unable to give due consideration to several important questions, including those referred to in resolution 1165 (XLI), because of the priority properly accorded to other matters of a more urgent nature,

"Considering in particular that the important studies and draft principles submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be examined in detail before the end of the next session of the Commission,

"1. Expresses the hope that the Commission will be afforded in future years a session of at least six full weeks or two sessions of three weeks each to enable it to discharge its urgent tasks and responsibilities;

"2. Decides to establish a Working Group composed of nine of its members, to meet at Headquarters, immediately before the next session of the Commission, to review the Commission's procedures and methods of work with a view to expediting the consideration of items on its agenda or otherwise disposing of them, and to prepare proposals for facilitating the work of the Commission, taking into account the scope of the Commission's responsibilities;

"3. Requests the Secretary-General to submit to the Working Group such suggestions and proposals as he may consider appropriate to give effect to the purposes of the present resolution;

"4. Requests the Secretary-General also to obtain the suggestions of members of the Commission as to desirable ways and means of dealing with the Commission's work programme and to make these suggestions available to the Working Group.

552. There was no detailed discussion on this item owing to lack of time.

553. The draft resolution submitted by the Philippines was adopted unanimously, without discussion.

554. The resolution adopted by the Commission at its 940th meeting, held on 22 March 1967, reads as follows:

18 (XXIII) Review of the Commission's procedures and methods of work with a view to expediting the consideration of the items of its agenda

The Commission on Human Rights

Having regard to the increase in membership of many of the functional commissions of the Economic and Social Council,

Believing that such enlarged membership justifies a corresponding increase in the number of Vice-Chairmen so as to ensure a more balanced bureau based on the principle of equitable geographical distribution,

Recommends to the Economic and Social Council the adoption of the following amendments to the "rules of procedure of functional commissions of the economic and social council":

For the text of the draft resolution, see chapter XVII, draft resolution VI/

XIII. 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

555. Up to 31 December 1966, the Committee which was preparing the 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 in accordance with Commission resolution 3 (XVII) was composed of the representatives of Costa Rica, the Netherlands, the Philippines and Senegal. The Commission was informed (E/CN.4/924, annex) that, as from that date, the Netherlands, whose term of office in the Commission had expired, had ceased to be a member of the Committee.

556. At its 940th meeting, the Commission elected Sweden to fill this vacancy on the Committee.

XIV. COMMUNICATIONS CONCERNING HUMAN RIGHTS

557. At the 893rd meeting on 20 February 1967, the Secretary-General distributed to the members of the Commission a confidential list of communications (H.R. Communications List No. 17), replies of Governments (H.R. Communications Nos. 488-551) and a confidential document of a statistical nature (H.R. Communications/Stat/8). A non-confidential list of communications (E/CN.4/CR.36) was also distributed to the members of the Commission. Under this item, the Commission had before it also two notes by the Secretary-General (E/CN.4/898 and E/CN.4/913).

558. The Commission did not consider this item of its agenda because of lack of time.

XV. POSTPONEMENT OF AGENDA ITEMS TO THE TWENTY-FOURTH SESSION
OF THE COMMISSION

559. At its 940th meeting, on 22 March 1967, the Commission decided to postpone until its twenty-fourth session all the items on the agenda of its twenty-third session which it had not been able to consider, as well as all items the consideration of which it had not been able to complete. A draft resolution submitted to the Commission, relating to item 7, which could not be considered because of the lack of time, is reproduced in chapter XVIII.

XVI. ADOPTION OF THE REPORT

560. At the 941st meeting, held on 23 March 1967, the Commission considered the draft report on the work of its twenty-third session (E/CN.4/L.944/Rev.1 and E/CN.4/L.944/Add. 1-13), and adopted it unanimously.

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

I

Measures to be taken against nazism and racial intolerance 31/

The Economic and Social Council,

Recommends the following draft resolution to the General Assembly for consideration:

"The General Assembly,

"Considering the fact that in the Charter of the United Nations the nations expressed their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

"Noting that concern has been expressed regarding recent manifestations of racial intolerance, including the revival of certain groups and organizations professing totalitarian ideologies such as nazism which may embitter relations between peoples and groups,

"Confirming that nazism is incompatible with the objectives of the United Nations Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration and Convention on the Elimination of All Forms of Racial Discrimination, and other international instruments,

"Recognizing that measures should be taken to halt nazi activities wherever they occur,

"1. Resolutely condemns any ideology including nazism, which is based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the purposes and principles of the United Nations Charter;

"2. Calls on all States to take immediate and effective measures against any such manifestations of nazism and racial intolerance."

II

Measures for the speedy implementation of international instruments against racial discrimination 32/

The Economic and Social Council,

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

31/ See para. 427, resolution II (XXIII).

32/ See para. 435, resolution 12 (XXIII).

"The General Assembly

"Recalling its resolutions 1905 (XVIII) of 20 November 1963, 2017 (XX) of 1 November 1965 and 2142 (XXI) of 26 October 1966,

"Expressing its profound concern that many governments continue to violate fundamental human rights and the principles of the United Nations Charter through policies of apartheid, segregation and other forms of racial discrimination,

"Concerned also that the principles of the Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination are being grossly violated in some parts of the world,

"Noting that many States have not yet signed and ratified the International Convention on the elimination of All Forms of Racial Discrimination,

"1. Urges all eligible Governments who have not yet done so to sign, ratify and implement without delay the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the other conventions directed against discrimination in employment and occupation and discrimination in education;

"2. Requests the Secretary-General to make available to the Commission on Human Rights at its regular sessions the information submitted by Governments of Member States on measures taken for speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

"3. Requests the Secretary-General, specialized agencies and all organizations concerned to continue measures to propagate through their appropriate channels the principles and norms set forth in the Declaration and in the International Convention on the Elimination of All Forms of Racial Discrimination;

"4. Requests the International Conference on Human Rights to consider the questions of giving effect to the provisions of the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination and concerning the implementation of the Conventions directed against discrimination in employment and occupation and against discrimination in education in so far as they relate to racial discrimination;

"5. Recommends to the Commission on Human Rights that it should prepare for consideration by the General Assembly a draft appeal by the United Nations for all countries to apply fully the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and where eligible to ratify forthwith the Convention on the Elimination of All Forms of Racial Discrimination;

"6. Decides to consider the question of the elimination of all forms of racial discrimination at its twenty-third session."

III

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 33/

The Economic and Social Council,

Noting the recommendations of the Commission on Human Rights in its resolution 13 (XXIII), on the urgent importance of dealing with situations involving or giving rise to slavery and to practices akin to slavery,

Affirming that the racist policies of apartheid and colonialism constitute slavery-like practices, and should be eradicated completely and immediately,

Recognizing that both the 1926 Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) should be reconsidered to embrace the contemporary manifestations of slavery exemplified by apartheid and colonialism,

Recalling its resolution 1126 (XLI) which invites once more all Member States of the United Nations system which are not yet parties, to become parties, as soon as possible, to the International Slavery Convention of 1926 and to the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery,

1. Requests the Commission on the Status of Women to study the report of the Council's Special Rapporteur on Slavery and to formulate specific proposals for immediate and effective measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women;
2. Calls the attention of the Commission on Social Development to the report of the Council's Special Rapporteur on Slavery and especially to his recommendations in E/4168/Add.3 and suggests that it take these into account in developing its work programme;
3. Calls upon the Government of South Africa to put an end immediately to the slavery-like practice of apartheid in the Republic of South Africa and mandated territory of South West Africa;
4. Requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which have proved effective in the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of apartheid and colonialism;
5. Invites the specialized agencies, especially the International Labour Organisation, The United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to give similar attention to the problems involved and means for their solution.

33/ See para. 480, resolution 13 (XXIII).

IV

Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery ^{34/}

The Economic and Social Council,

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

"The General Assembly

"Having considered the recommendation of the Economic and Social Council contained in resolution _____ of the Council,

"1. Decides to establish a United Nations High Commissioner's Office for Human Rights, the Office to be so organized within the framework of the United Nations that the High Commissioner will possess the degree of independence and prestige required for the performance of his functions under the authority of the General Assembly.

"2. Instructs the High Commissioner to assist in promoting and encouraging universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set forth in the Charter of the United Nations and in declarations and instruments of the United Nations or of the specialized agencies, or of inter-governmental conferences convened under their auspices for this purpose without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms; in particular:

- (a) He shall maintain close relations with the General Assembly, the Economic and Social Council, the Secretary-General, the Commission on Human Rights, the Commission on the Status of Women and other organs of the United Nations and the specialized agencies concerned with human rights, and may, upon their request, give advice and assistance:
- (b) He may render assistance and services to any State Member of the United Nations or member of any of its specialized agencies, of the International Atomic Energy Agency, or State Party to the Statute of the International Court of Justice, at the request of that State. He may submit a report on such assistance and services with the consent of the State concerned.
- (c) He shall have access to communications concerning human rights, addressed to the United Nations, of the kind referred to in resolution 728 F (XXVIII) of the Economic and Social Council and may, whenever he deems it appropriate, bring them to the attention of the Government of any of the States mentioned in paragraph 2 (b) above to which any such communications explicitly refer;
- (d) He shall report to the General Assembly through the Economic and Social Council on developments in the field of human rights including his observations on the implementation of the relevant declarations and instruments adopted by the

^{34/} See para. 509, resolution 14 (XXIII).

United Nations and the specialized agencies, and on his evaluation of the significant progress and problems. These reports shall be considered as separate items on the agenda of the General Assembly, the Economic and Social Council and the Commission on Human Rights. Before submitting his reports, the High Commissioner shall consult when appropriate any Government or specialized agency concerned taking due account of these consultations in the preparation of his reports.

"3. Decides that the High Commissioner shall be appointed by the General Assembly, on the recommendation of the Secretary-General, for a term of five years. His emoluments shall not be less favourable than those of an Under-Secretary;

"4. Decides to establish a panel of expert consultants to advise and assist the High Commissioner in carrying out his functions. The panel shall not exceed seven in number, the members to be appointed by the Secretary-General in consultation with the High Commissioner, having regard to the equitable representation of the principal legal systems and of geographical regions. The terms of appointment of the members of the panel shall be determined by the Secretary-General, in consultation with the High Commissioner, and shall be subject to the approval of the General Assembly.

"5. Invites the High Commissioner to conduct his office in close consultation with the Secretary-General and with due regard for the latter's responsibilities under the Charter;

"6. Requests the Secretary-General to supply the High Commissioner with all the facilities and information required for carrying out his functions.

"7. Decides that

- (a) the office of the High Commissioner shall be financed under the regular budget of the United Nations;
- (b) Within the limits of the budgetary appropriation provided on the recommendation of the High Commissioner, the staff of the High Commissioner's Office shall be appointed by the Secretary-General and such staff shall be subject to the conditions of employment provided under the Staff Regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General;
- (c) Provision may also be made to permit the employment of personnel without compensation or on a fee basis for special assignments;
- (d) The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General, and the accounts relating to the Office of the High Commissioner shall be subject to audit by the United Nations Board of Auditors."

Periodic reports on human rights 35/The Economic and Social Council,

Recalling its resolution 1074 C (XXXIX) which established a revised system of periodic reports on human rights,

Noting resolution 16 (XXIII) of the Commission on Human Rights,

Noting further that its revised calendar of conferences (E/4292) and in particular the early date of the next session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will make it impracticable for the Sub-Commission to undertake the initial study of the next series of periodic reports, in accordance with the provisions of its resolution 1074 C (XXXIX),

1. Decides that the provisions of resolution 16 (XXIII) of the Commission on Human Rights render unnecessary the initial study of periodic reports by the Sub-Commission on Prevention of Discrimination and Protection of Minorities as provided for in operative paragraph 15 of Council resolution 1074 C (XXXIX);
2. Requests the Commission on Human Rights to perform this task with the assistance of its Ad hoc Committee on Periodic Reports;
3. Reaffirms that the Sub-Commission should continue to have access to the material received under its resolution 1074 C (XXXIX), and to make use of it in connexion with their work on prevention of discrimination and protection of minorities.

Review of the Commission's procedures and methods of work with a view to expediting the consideration of the items of its agenda 36/The Economic and Social Council

Decides to amend the rules of procedure of the functional commissions of the Economic and Social Council as follows:

1. Rule 15 to read as follows: "Each year, at the commencement of its first meeting, the Commission shall elect a Chairman and one or more Vice-Chairmen, and other officers, from among its members."
2. Rule 17 to read as follows: "If the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place."

35/ See para. 538, resolution 16 (XXIII).

36/ See para. 534, resolution 18 (XXIII).

3. Rule 18 to read as follows: "If the Chairman ceases to be a member of the Commission or resigns or is incapacitated, one of the Vice-Chairmen, in the English alphabetical order of the countries they represent, shall take his place. If no Vice-Chairman is able to serve, the Commission shall elect another Chairman."

VII

Other resolutions of the Commission, some portions of which appear to call for action by the Economic and Social Council

The attention of the Economic and Social Council is also drawn to the following resolutions of the Commission, some portions of which would appear to call for action by the Council:

Resolution 3 (XXIII): Draft convention on the Elimination of All Forms of Religious Intolerance (see para. 134):

Resolution 4 (XXIII): Question of the punishment of war criminals and of persons who have committed crimes against humanity (see para. 181):

Resolution 5 (XXIII): Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories (see para. 350):

Resolution 8 (XXIII): Study and investigation of situations which reveal a consistent pattern of violations of human rights (see para. 394):

Resolution 9 (XXIII): Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories (see para. 404).

XVIII. DRAFT RESOLUTION SUBMITTED IN CONNEXION WITH AN ITEM ON THE COMMISSION'S AGENDA WHICH WAS NOT CONSIDERED BECAUSE OF LACK OF TIME

Draft resolution by Austria and Sweden (E/CN.4/L.930) relating to agenda item 7 (Capital punishment)

The Commission on Human Rights,

Recalling General Assembly resolution 1918 (XVIII) of 10 December 1963,

Having studied the report entitled Capital Punishment ^{37/} and the comments thereon by the Ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, ^{38/}

^{37/} United Nations publication, Sales No.: 62.IV.2.

^{38/} Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.

Sharing the view expressed in the report entitled Capital Punishment and endorsed by the Advisory Committee that there is a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

Noting, like the Advisory Committee, that the abolitionist policy represents the major trend among experts and practitioners in the field and that even those who do not support abolitionist policy tend to take an increasingly restrictive view of the use of capital punishment,

Looking forward to receiving the report by the Secretary-General, being prepared in accordance with operative paragraph 3 of Economic and Social Council resolution 934 (XXXV) of 9 April 1963, on new developments with respect to the law and practice concerning the death penalty,

Desiring to contribute to such new developments,

I

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

'The Economic and Social Council,

'Having considered resolution (XXVIII) of the Commission on Human Rights on the question of capital punishment, adopted on March 1967,

'Recalling its resolution 934 (XXXV) of 9 April 1963, in which Governments of States Members of the United Nations were urged, inter alia, to ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains (operative paragraph 2(e)) and to keep under review, and to conduct research wherever necessary, with United Nations assistance, into the efficacy of capital punishment as a deterrent to crime in their countries, particularly where Governments are contemplating a change in their laws or practices (operative paragraph 2(a)),

A

'Recommends to the General Assembly for consideration at its twenty-second session the following resolution:

'The General Assembly,

'Bearing in mind that all human beings are born innocent and without guilt,

'Recalling that according to article 3 of the Universal Declaration of Human Rights everyone has the right to life,

'Recalling further that according to article 5 of the Universal Declaration no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

'Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

'Invites Governments of States Members of the United Nations:

- '(a) To amend their laws, where necessary, to provide that no death sentence shall be carried out until at least six months after the passing of the sentence;
- '(b) To amend their laws, where necessary, to provide that a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or to petition for pardon or reprieve;
- '(c) To undertake, as from the day of the adoption of this resolution, to notify the Secretary-General of the United Nations of any death sentences subsequently passed and carried out in their countries as well as of the crimes for which these sentences have been imposed;
- '(d) To inform the Secretary-General of the United Nations, not later than 10 December 1968, of action taken in accordance with sub-paragraphs (a) and (b) above;

B

- '(a) Draws the renewed attention of Governments of States Members to operative paragraph 2 - in particular sub-paragraphs (a), (b) and (d) - of Economic and Social Council resolution 934 (XXXV) of 9 April 1963;
- '(b) Requests the Secretary-General to ascertain from Governments of States Members their present attitude - indicating the reasons therefore - to possible further restriction of the use of the death penalty or to its total abolition, and to request Governments to state whether they are contemplating such restriction or abolition as well as to indicate whether changes in this respect have taken place since 1961;
- '(c) Further requests the Secretary-General to submit a report on the matter to the forty-fourth session of the Council;'

II

Decides to devote attention, as appropriate, to this matter at one of the Commission's forthcoming sessions.

ANNEXES

Annex I

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION
AT ITS TWENTY-THIRD SESSION

In the course of its twenty-third session, the Commission on Human Rights adopted a total of eighteen resolutions, several of which have financial implications. Prior to the Commission's adoption of those resolutions, the Secretary-General had, in compliance with Financial Regulation 13.1 submitted to the Commission statements of the estimated financial implications of the proposals.

However, it was not feasible, in every case, to determine precisely the estimated costs and the related staff requirements prior to action by the Commission on the proposals in question, since, in some instances, amendments were made to the draft resolutions involved which materially affected the level of the estimates already submitted. Moreover, it was not possible for the Secretariat at that time to assess the cumulative effect of implementation of the resolutions on the available staff resources of the Division of Human Rights.

The estimates have since been reviewed, to take into account the texts of the resolutions as finally adopted, as well as a more thorough examination of the additional requirements considered to be necessary after assessing the impact of implementation of the proposals on existing resources. The table which follows summarizes the financial implications of the resolutions adopted by the Commission.

<u>Resolu- tion No.</u>	<u>Subject</u>	<u>Requirements</u>	<u>Cost 1967 United S dollar</u>
2	<u>Ad hoc</u> Group on apartheid	Travel, subsistence and fees of Working Group; conference servicing costs; travel and subsistence of staff; temporary assistance; general expenses	309,000
6 and 9	<u>Ad hoc</u> Study Group	Conference servicing costs; additional staff: P-4 and G-3 (6 months in 1967); consultation with Commission on Status of Women	47,000
7	Special Rapporteur on apartheid	Travel, subsistence and fee of Rapporteur; Additional staff: P-5 and G-3 (6 months in 1967)	20,000
8	Study of patterns of violation of human rights	Additional staff: 1 P-5, 1 P-4, 1 G-3 on a continuing basis	27,500 ^{a/}
	Examination of gross violations of human rights	Additional staff: 1 P-3, 1 G-3 on a continuing basis	12,600 ^{a/}
13	Question of slavery and slave trade	Extension of twentieth session of Sub-Commission on Prevention of Discrimination and Protection of Minorities by one week; subsistence of members and staff and conference costs. Additional staff: 1 P-4, 1 G-3 on a continuing basis	23,600 ^{a/}
14	High Commissioner for Human Rights	High Commissioner; special assistant (P-5); 1 P-5, 1 P-3, 4 GS; panel of experts; furniture, equipment, travel and general expenses	- 1
16	Periodic reports on human rights	Additional staff: 1 P-4, 1 G-3 on a continuing basis	14,000 ^{a/}
17	Advisory services	Regional training courses and additional seminars	-

a/ Provides 60% deduction for delays in recruitment.

b/ Provides 40% deduction for delayed recruitment in the first year.

c/ Level of Part V is determined by the General Assembly on the Recommendations of the Council of the United Nations Development Programme and of the Economic and Social

Should the Economic and Social Council at its forty-second session adopt the resolutions recommended by the Commission on Human Rights, the Secretary-General would intend to determine at that time the extent to which the additional requirements for 1967 could be met from within the totality of the resources available in that year. Where this should prove not to be possible he would seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to incur such expenditures under the terms of General Assembly resolution 2243 (XXI) relating to unforeseen and extraordinary expenses for the financial year 1967, and would include these items in the supplementary estimates for 1967 to be submitted to the General Assmelby at its twenty-second session.

Regarding the additional requirements in 1968, the Secretary-General, in formulating the revised estimates for 1968 to be submitted to the twenty-second session of the Assembly, would take into account the provision already requested in the initial budget estimates for 1968 for this field of activity.

Resolution 2 (XXIII). Communication dated 3 February 1967 from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa

By this resolution, the Commission established, in accordance with resolution 9 (II) of 21 June 1946 of the Economic and Social Council, an Ad hoc Working Group of Experts composed of five eminent jurists and prison officials appointed by the Chairman of the Commission. The Ad hoc Working Group of Experts is to:

- (a) investigate the charges of torture and ill-treatment of prisoners, detainees, or persons in police custody in South Africa,
- (b) receive communications and hear witnesses and employ such modalities of procedure as it may deem appropriate,
- (c) recommend action to be taken in concrete cases; and
- (d) report to the Commission at the earliest possible time.

As the Ad hoc Working Group of Experts is to receive communications and hear witnesses, extensive documentation is likely to be required for its meetings, in addition to the summary records. Further, the differing nationalities of the members of the Group and of the witnesses who may appear before it might require the provision of interpretation from and into English, French, Spanish, and possibly Russian and Chinese.

Paragraph 4 of the resolution calls upon the Government of the Republic of South Africa to co-operate with the Ad hoc Working Group of Experts, providing it with the necessary facilities for the discharge of its task within South Africa. Provision must therefore be made for the travel of the Working Group's members and of the substantive and administrative servicing staff to South Africa, for the fees of the members of the Working Group and the salaries of the conference servicing staff, and for the subsistence of this Group during its stay here.

Further, if the Secretary-General is to provide substantive servicing for the Working Group without upsetting the priorities already established by the competent bodies, additional temporary assistance would be required to absorb the increased work load in the Division of Human Rights.

Pending the formulation of the Working Group's modalities of procedure, presumably at its first series of meetings, estimates of the costs which would be incurred can only be tentative.

If the Working Group were to meet for a session of four weeks in New York prior to its travel to South Africa, spend four weeks in South Africa, including travel time, and then hold another session of four weeks upon its return to New York, the following costs would be incurred:

	<u>United States dollars</u>	
A. Working Group's travel to New York, subsistence and fees, 8 weeks' session:		
Travel at \$1,100 - five members	5,500	
Subsistence for five members for 56 days at \$25 per day	7,000	
Fees for five members for 56 days at \$50 per day	<u>14,000</u>	
	26,500	26,500
B. Conference servicing costs at Headquarters, 8 weeks:		
(1) Interpretation (2 English, 2 French, 2 Russian, 2 Spanish, 5 Chinese)	28,000	
(2) Translation (\$16,000) and typing (\$4,000) of 200 pages pre-session and 200 pages in-session documentation	20,000	
(3) Summary records, for two meetings daily in English, French and Spanish	60,000	
(4) Reproduction	<u>45,000</u>	
	153,000	153,000
C. Printing of final report, 100 pages		10,000
D. Working Group's trip to South Africa:		
(1) Travel at \$1,577 - five members	7,885	
Subsistence for 5 members for 30 days at \$20 per day	3,000	
Fees for 5 members for 30 days at \$50 per day	<u>7,500</u>	
	18,385	
(2) Conference servicing staff salaries:		
Three interpreters		
Three translators		
Three précis-writers		
One conference/documents officer		
Six typists	18,450	

United States dollars

(3) Travel and subsistence of staff:		
(i) Travel at \$867 - sixteen conference servicing staff	13,872	
Subsistence for 16 staff for 30 days at \$17 per day	<u>8,160</u>	
	22,032	
(ii) Substantive and administrative staff:		
Principal secretary		
Assistant Secretary		
Administrative and finance officer		
Four information officers (1 Press, 2 visual, 1 sound engineer)		
Three secretaries		
Travel at \$867 - 10 staff	8,670	
Subsistence for 10 staff for 30 days at \$17 per day	<u>5,000</u>	
	13,670	72,500
E. Travel in the field		10,000
F. Temporary assistance, Division of Human Rights consultants and secretariat assistance		27,000
G. General expense: cables, freight, etc.		10,000
H. Pro-memoria - travel and subsistence of witnesses		-
		<u>309,000</u>

Resolution 9 (II) of the Economic and Social Council gave the Commission on Human Rights the authority to establish ad hoc working groups of non-governmental experts, subject to the approval of the President of the Council and the Secretary-General. Accordingly, Mr. C. Murgesen, Vice-President of the Council, acting as President, and the Secretary-General gave their approval to the establishment of this Group.

In view of the urgency attached to the investigation (to be undertaken by the Ad hoc Group) by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights, the Secretary-General was required to proceed immediately with arrangements for the implementation of resolution 2 (XXIII) of the Commission. He, therefore, presented the above estimates to the Advisory Committee on Administrative and Budgetary Questions and sought its concurrence with his meeting the costs likely to be incurred in relation to the implementation of this resolution under the terms of paragraph 1 of General Assembly resolution 2243 (XXI), on unforeseen and extraordinary expenses for the financial year. 1967. The Secretary-General advised the Advisory Committee that it would be his intention to include this item in the supplementary estimates for 1967, which he would submit to the General Assembly at its twenty-second session.

Resolution 6 (XXIII). Study of the establishment of regional commissions on human rights

Resolution 9 (XXIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories

By resolution 6 (XXIII), the Commission set up an Ad hoc Study Group of eleven of its members, to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family, in the light of the discussions held on this question during the twenty-third session of the Commission. The Study Group is to report to the Commission at its twenty-fourth session. It is requested to pay particular attention to:

(a) the basis on which regional commissions on human rights might be established in these areas where such bodies do not exist;

(b) the terms of reference of such commissions and method of appointment of their members; and

(c) the relationship between the Commission on Human Rights, on the one hand, and the existing regional commissions and those that may subsequently be established, on the other.

The Study Group is authorized to consult the Chairman of the Commission on the Status of Women as well as the existing regional commissions on human rights and the inter-governmental organizations from which they receive their powers.

In resolution 9 (XXIII), the Ad hoc Study Group is instructed to study in all its aspects the ways and means by which the Commission might be enabled or assisted to discharge functions in relation to violations of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions; and is requested to pay particular attention to the question whether additional sub-commissions should be brought into being, and the terms of reference of such sub-commissions.

Prior to the adoption of this resolution, the Commission was informed that meetings of the Study Group would involve no financial implications. This statement was based on the understanding of the Secretary-General that the members of the Study Group would be representatives of Governments, that the Group's meetings would be held at a time convenient from the point of view of the calendar of meetings at Headquarters. Subsequent review indicates, however, that meetings of the Study Group can not be included in the regular programme of conferences and, therefore extra conference servicing costs would be incurred as follows:

	<u>United States dollars</u>
Interpretation (four languages)	2,300 weekly
Translation and typing documentation (pre-session, in-session and report totalling 300 pages)	15,000
Reproduction of documentation (250 pages in each language)	10,500
Assuming a three weeks' session, therefore, the cost would amount to	32,400

The Commission was also advised that additional staff would be required to enable the Division of Human Rights to assist the Study Group in the performance of its duties. The temporary assistance of an officer at the P-4 level, and a secretary at the G-3 level, for six months during 1967, will be needed for this purpose at an estimated cost of \$13,600.

The Commission was further advised that consultation between the Ad hoc Study Group and the Chairman of the Commission on the Status of Women would require provision for the latter, a resident of Helsinki, to go to United Nations Headquarters. For this purpose \$800 would have to be provided for the return fare Helsinki-New York and \$200 for subsistence in New York, i.e., a total of \$1,000.

Resolution 7 (XXIII). Action to effectively combat racial discrimination and the policies of apartheid and segregation

In resolution 7 (XXIII), the Commission decided to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislation and the practices in South Africa, South West Africa and Southern Rhodesia instituted to establish and maintain apartheid and racial discrimination in all their forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the General Assembly to effectively combat racial discrimination and the policies of apartheid and segregation. The Special Rapporteur is authorized to consult with the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Prior to the adoption of this resolution the Commission was informed that the costs involved would include return fare New York-Geneva, for consultation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, amounting to \$700; \$90 for six days' subsistence at Geneva; \$575 for twenty-three days' subsistence in New York; and \$1,000 as an honorarium, i.e., a total of \$2,365. The Commission was

also informed that additional staff would be required to enable the Division of Human Rights to assist the Special Rapporteur in the performance of his duties. The temporary assistance of an officer at the P-5 level and a secretary at the G-3 level, for six months during 1967, will be needed for this purpose, at an estimated cost of \$16,100.

The Commission subsequently appointed Mr. Manoucher Ganji (Iran) as Special Rapporteur. The financial implications of the resolution accordingly are as follows:

	<u>United States dollars</u>
Travel, Teheran-New York-Teheran	1,444
Subsistence, New York, 23 days at \$25 per day	575
Travel, Teheran-Geneva-Teheran	724
Subsistence, Geneva, 6 days at \$15 per day	90
Honorarium	1,000
Temporary assistance (P-5 and G-3 for six months in 1967)	16,100
	<u>19,933</u>
or say	<u>20,000</u>

Resolution 8 (XXIII). Study and investigation of situations which reveal a consistent pattern of violation of human rights

In the resolution, the Sub-Commission on Prevention of Discrimination and Protection of Minorities is requested to prepare, for the use of the Commission each year, reports containing information on violations of human rights and fundamental freedoms from all available sources; and the Secretary-General is requested to provide assistance and facilities to the Sub-Commission in accomplishing this task. Further, the Economic and Social Council is requested to authorize the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII).

The Division of Human Rights will have to be strengthened by the addition of two professional officers, one at the P-5 and one at the P-4 level, and of a secretary at the G-3 level, all on a permanent basis, to assist the Sub-Commission in preparing annual reports containing information on violations of human rights and fundamental freedoms from all available sources.

If the Economic and Social Council should authorize the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in communications, the Division will have to be further strengthened by the addition of a professional officer at the P-3 level and a secretary at the G-3 level. These posts, namely 1 P-5, 1 P-4, 1 P-3 and 2 G-3 are estimated to cost \$40,100 in 1967 on the basis of a 60% deduction for delays in recruitment and \$76,000 in 1968 and subsequent years. The costs of the abovementioned additional staff in 1967 would amount to \$40,100, to \$76,000 in 1968 and to \$81,000 in subsequent years.

Resolution 13 (XXIII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

In the resolution the Commission requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism, taking into account the study and recommendations prepared by the Council's Special Rapporteur on Slavery, to consider information submitted by the States Parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) in accordance with article 8 of that Convention, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so accept in dealing with problems of slavery and the slave trade.

The question of slavery and the slave trade will appear on the agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the first time at its twentieth session, to be held in Geneva in October 1967. It will be necessary to prolong that session, originally scheduled for a two-week period, to three weeks in order to enable the Sub-Commission to deal with this question. The extension of the session by one week would entail an additional expenditure of \$6,000, (comprising \$5,600 for conference servicing and \$400 per diem for substantive staff).

Moreover, since the Sub-Commission has been requested by the Commission to undertake regular consideration of the question, it will be necessary to strengthen the staff of the Division of Human Rights by the addition, on a permanent basis, of an officer at the P-4 level and a secretary at the G-3 level, at an estimated cost of \$17,600 in 1967 (on the basis of 60% deduction for recruitment delays) and \$27,200 in 1968 and subsequent years.

Resolution 14 (XVIII). Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery

In the resolution, the Commission recommends to the General Assembly the adoption of a draft resolution whereby the Assembly would establish a United Nations High Commissioner's Office for Human Rights, the Office to be organized within the framework of the United Nations so that the High Commissioner will possess the degree of independence and prestige required for the performance of the functions set out in the draft resolution, under the authority of the General Assembly.

Under the resolution, a panel of expert consultants would be established to advise and assist the High Commissioner in carrying out his functions; members of the panel, not to exceed seven in number, would be appointed by the Secretary-General in consultation with the High Commissioner, having regard to the equitable representation of the principal legal systems and of geographic regions.

In estimating the requirements for the Office of a United Nations High Commissioner for Human Rights it has been assumed that this Office would be located in New York.

The staffing requirements of the High Commissioner's Office would have to be determined on the basis of the demands that would be made upon the services of the High Commissioner in the course of time. Initially, it is proposed that a small staff comprising a Special Assistant (P-5), two other professional officers (P-5 and P-3), and four general service staff (three secretaries and one clerk) be provided to assist the High Commissioner and the panel of expert consultants in their work. Other budgetary provisions covering the cost of the panel of expert consultants, of furniture and equipment, travel on official business and of general expenses, such as translation and reproduction of documents, cables, telephones and postage, would also need to be made.

Accordingly, an approximate estimate of the expenses during the first year of the establishment of the Office of the High Commissioner for Human Rights would be as follows:

I. Salaries and allowances and related costs of the High Commissioner and staff^{a/}

	<u>1967</u>	<u>Subsequent years</u>
	(United States dollars)	
High Commissioner (Under-Secretary)	27,100	41,000
Two P-5 and one P-3	36,800	67,300
One G-5 and three G-2/G-4	23,400	30,200
II. Travel on official business	5,000	12,500
III. Furniture and office equipment	15,000	-
IV. General expenses (translation and reproduction of documents, communications etc.)	5,000	12,500
V. Panel of expert consultants (On the assumption that there would be seven members, meeting each year for a total of three months in two separate sessions at Headquarters, and that the members would be paid in addition to travel and subsistence a fee at \$50 per day)		
Fees	\$31,500	
Travel (at economy standards)	14,000	
Subsistence (at \$25 per day)	<u>15,800</u>	
	<u>61,300</u>	<u>61,300</u>
TOTAL:	<u>173,600</u>	<u>224,800</u>

a/ Allowing for 40% deduction for delayed recruitment during the first year.

Resolution 16 (XXIII). Periodic reports on human rights

In part B of the resolution the Secretary-General is requested, when presenting future periodic reports on human rights for the consideration of the Commission, to prepare an analytical summary with regard to each of the rights under consideration, including a description of important trends revealed in the reports, difficulties encountered, methods adopted to overcome them, suggestions for possible further action, and drawing, as appropriate, on such pertinent material as may be available from other United Nations sources.

This new activity will require strengthening of the Division of Human Rights, on a continuing basis, by the addition of a professional officer at the P-4 level and a secretary at the G-3 level, at a cost estimated at \$14,000 in 1967 (assuming deduction of 40% for delayed recruitment) and \$27,000 in 1968 and subsequent years.

Resolution 17 (XXIII). Advisory services in the field of human rights

In the resolution the Secretary-General is requested to consider the organization, from 1969 onwards, of an annual programme of advisory services in the field of human rights consisting of at least two seminars on subjects of human rights of which at least one should be on an international level, one or two seminars on the status of women, and one or more training courses on human rights. It is specified that the programme should include the award of an adequate number of human rights fellowships by Member States. The Secretary-General is further requested to draw the attention of the Governing Council of the United Nations Development Programme to the resolution and the Governing Council is invited to bear it in mind in considering the recommendations to the Economic and Social Council relating to the level of appropriations for part V of the United Nations budget in 1968 and 1969.

In adopting the resolution, the Commission expressed the belief that the existing programme of advisory services in the field of human rights should be progressively strengthened and the effectiveness of this important United Nations activity enhanced. In this connexion attention is drawn also to resolution 13 (XXIII), in which the Secretary-General is requested to proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which have proved effective in the eradication of slavery and of the slave trade; and to resolution 15 (XXIII), in which the Secretary-General is requested to proceed to organize, under that programme, additional seminars on the subject of the special problems relating to human rights in developing countries.

The present level of appropriation for the programme of advisory services in the field of human rights is \$220,000, of which \$140,000 is normally allocated for seminars and \$80,000 for fellowships. The holding of regional training courses in human rights, authorized in Economic and Social Council resolution 959 (XXXVI) of 12 July 1963, has been assigned to category II of the programme since 1964, as an approved project which could be put into operation if funds became available through savings in the implementation of the operating (category I) programme.

Under the resolutions referred to above, the annual programme of advisory services in the field of human rights to be envisaged as from 1969 onwards would include the following:

	<u>Cost in United States dollars</u>
Seminar on human rights organized on world-wide basis	\$65,000
Seminar on human rights organized on a regional basis	40,000
Seminar on the status of women organized on a regional basis	40,000
Seminar on civic and political education of women, organized on a regional basis	40,000
Regional training course	50,000
Fellowships	<u>80,000</u>
<u>Total:</u>	<u>315,000</u>

Annex II

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS TWENTY-THIRD SESSION

Documents issued in the general series

- A/6354 - First Progress Report of the Preparatory Committee for the International Conference on Human Rights.
- 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/3925 and Corr.1 and Add.1-5 - Comments by Governments on the draft declaration on the elimination of all forms of religious intolerance.
- E/4024 (Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 8) - Report of the Commission on Human Rights on its twenty-first session.
- E/4168/Rev.1 (United Nations publication: Sales No.: 67.XIV.2) - Report of the Special Rapporteur on Slavery.
- E/4184 (Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8) - Report of the Commission on Human Rights on its twenty-second session.
- E/4226 - Texts of (or extracts from) decisions taken by United Nations organs containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: provisional document prepared by the Secretary-General.

- 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.4/822 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.4/862 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.4/869 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.4/875 - 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.4/878 and Add.1 - Annual report by the Secretary-General on freedom of information, 1963-1964.
- E/CN.4/880 - Memorandum by the Secretary-General on the study of special problems relating to human rights in developing countries.

- E/CN.4/882 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.4/892 and Add.1-26 - Periodic reports of Governments on civil and political rights.
- E/CN.4/893 - Periodic reports on human rights: report submitted by the International Labour Organisation on civil and political rights.
- E/CN.4/898 - Communications concerning human rights: note by the Secretary-General.
- E/CN.4/903 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (eighteenth session) to the Commission on Human Rights.
- E/CN.4/906 - Question of punishment of war criminals and of persons who have committed crimes against humanity: study submitted by the Secretary-General on the question of the non-applicability of statutory limitations to war crimes and crimes against humanity.
- E/CN.4/907 and Corr.1 and 3 and Rev.1 - Periodic reports on human rights: memorandum by the Secretary-General on the status of multilateral international agreements in the field of human rights.
- E/CN.4/917 and Add.1-15 and 17-19 - Periodic reports on human rights: reports of Governments on economic, social and cultural rights.
- E/CN.4/918 and Add.1-3 - Periodic reports on human rights: reports of specialized agencies on economic, social and cultural rights.
- E/CN.4/919 and Add.1 - Provisional agenda of the twenty-third session of the Commission on Human Rights.
- E/CN.4/920 - Note by the Secretary-General on the draft declaration and draft international convention on the elimination of all forms of religious intolerance.
- E/CN.4/921 - Note by the Secretary-General on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.
- E/CN.4/922 - Note by the Secretary-General on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories.
- E/CN.4/923 and Corr.1 - Texts of (or extracts from) decisions taken by United Nations Organs containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: document prepared by the Secretary-General.

- E/CN.4/924 - Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests: progress report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile.
- E/CN.4/925 and Add.1 - Advisory services in the field of human rights: report by the Secretary-General.
- E/CN.4/926 - Note by the Secretary-General on the question of punishment of war criminals and of persons who have committed crimes against humanity.
- E/CN.4/927 and Add.1-6 - Question of punishment of war criminals and of persons who have committed crimes against humanity: report of the Secretary-General.
- E/CN.4/928 - Preliminary draft convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, submitted by the Secretary-General.
- E/CN.4/929 - Note by the Secretary-General on measures for the speedy implementation of the United Nations Declaration on the elimination of all forms of racial discrimination.
- E/CN.4/930 - Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (nineteenth session) to the Commission on Human Rights.
- E/CN.4/931 - Note by the Secretary-General on the International Year for Human Rights.
- E/CN.4/932 and Add.1 and 2 - Note by the Secretary-General on the question of the establishment of national commissions on human rights, and comments by Governments on this question.
- E/CN.4/933 and Corr.1 - Periodic reports on human rights: subject and country-index to reports on civil and political rights and to reports on economic, social and cultural rights.
- E/CN.4/934 - Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery: report of the Working Group established by resolution 4 (XXII) of the Commission.
- E/CN.4/934/Add.1 - Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery: financial implications in regard to the establishment of the Office of a United Nations High Commissioner on the basis of the principles enunciated by the Working Group.
- E/CN.4/935 - Adoption of the agenda: note by the Secretary-General concerning an additional item.
- E/CN.4/936 - Agenda of the twenty-third session of the Commission on Human Rights, as adopted by the Commission.

- E/CN.4/937 - Note by the Secretary-General on review of the human rights programme: control and limitation of documentation.
- E/CN.4/938 - Note by the Secretary-General on periodic reports on human rights.
- E/CN.4/939 and Corr.1 - Report of the Ad Hoc Committee on Periodic Reports.
- E/CN.4/CR.36 - Non-confidential list of communications dealing with principles involved in the promotion of universal respect for, and observance of, human rights received by the United Nations between 1 January and 30 November 1966.
- E/CN.4/SR.893-941 - Summary records of the meetings of the Commission at its twenty-third 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.2-5 - Note by the Secretary-General and comments by Governments on the draft declaration and draft international 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 international 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.
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