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COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-FOURTH SESSION

5 February - 12 March 1968

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 4

UNITED NATIONS



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NOTE

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

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I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twenty-fourth session at United Nations Headquarters, New York, from 5 February to 12 March 1968.
2. The session was opened (942nd meeting) by Mr. P.E. Nedbailo (Ukrainian Soviet Socialist Republic), Chairman of the Commission at its twenty-third session, who made a statement.
3. Mr. José Rolz-Bennett, Under-Secretary-General for Special Political Affairs, made a statement on behalf of the Secretary-General.

B. Attendance

4. Attendance at the session was as follows:

MEMBERS

Argentina: Mr. José María Ruda, Mr. D. Guillermo J. McGough,*
Miss Ruth Guevara**

Austria: Mr. Felix Ermacora, Mr. Anton Prohaska*

Chile: Mr. Jaime Castillo Velasco, 1/ Mr. Juan Bosco Parra,* Mr. José Piñera,*
Miss Elsa Wiegold,** Mr. Jorge Huneeus**

Congo (Democratic Republic of): Mr. Simon Ilako, Mr. Nicolas Bofunga*

Dahomey: Mr. Maxime-Léopold Zollner, Mr. Joseph-Louis Hounton*

France: Mr. René Cassin, Mr. Pierre Juvigny,* Mr. Jean Dominique Paolini,**
Mrs. Nicole Questiaux,** Mr. Henri Beffeyte**

Greece: Mr. Petro Papadatos, 1/ Mr. George Zotiades*

Guatemala: Srta. Ana María Vargas Dubón, 1/ Mr. Francisco López Urzúa

India: Mrs. Tarakeshwari Sinha, Mr. B.C. Mishra,* Mr. N.N. Jha,*
Mr. L.N. Piparsania**

Iran: H.I.H. Princess Ashraf Pahlavi, 1/ Mr. Manouchehr Ganji,*
Mr. Iradj Amini**

* Alternate.

** Adviser.

1/ Did not attend the session.

Israel: Mr. Shabtai Rosenne, Mr. Joel Barromi,* Mr. Shamay Cahana,**
Mr. Yoram Dinstein**

Italy: Mr. Giuseppe Sperduti, Mr. Joseph Nitti,* Mr. Giovanni Scolamiero*

Jamaica: Mr. Keith Johnson, Miss Marcella A. Martinez,* Mr. H. Bonnick**

Lebanon: Mr. Philippe Takla,^{1/} Mr. Souheil Chammas,* Mr. Yahya Mahmassani**

Madagascar: Mr. Jules Ratsisalozafoy, Mr. Gabriel Rakotoniaina*

Morocco: Mr. Ahmed Kettani

New Zealand: Mr. R.Q. Quentin-Baxter, Mr. C.D. Beeby,* Mr. N.V. Farrell,*
Mr. D.K. McDowell,* Mr. B.J. Lynch*

Nigeria: Mr. S.D. Adebisi,^{1/} Mr. A.A. Mohammed*

Pakistan: Mr. Mujibur Rahman Khan,^{1/} Mr. Naseem Mirza,* Mr. Mohammad Yunus*

Peru: Mr. Luis Marchand Stens,^{1/} Mr. Jorge Pablo Fernandini,*
Mr. Oscar Vásquez-Benavides,* Mr. Manuel Boza*

Philippines: Mr. Salvador P. Lopez, Mr. Virgilio C. Nañagas,*
Mr. Cecilio R. Espejo,* Mr. Antonio J. Uy**

Poland: Mr. Zbigniew Resich,^{1/} Mr. Eugeniusz Wyzner,*
Mr. Franciszek Przetacznik,* Mr. Tadeusz Koźluk**

Senegal: Mr. Ibrahima Boye, Mr. Adbou Ciss,* Mr. Lamine Diop**

Sweden: Mr. Love Kellberg, Mr. Per Olof Forshell,* Mr. Carl Lidbom,**
Mr. Mats Bergquist**

Ukrainian Soviet Socialist Republic: Mr. P.E. Nedbailo, Mr. V.A. Kravets,*
Mr. M.I. Vezel**

Union of Soviet Socialist Republics: Mr. P.D. Morozov, Mr. E.N. Nasinovsky,*
Mr. L.I. Verenikin,** Mr. N.I. Yevdokeyev**

United Arab Republic: Mr. Soliman Ahmed Huzayyin, Mr. Salah Ibrahim,*
Mr. Mahmoud Aboul Nasr*

United Kingdom of Great Britain and Northern Ireland: Sir Samuel Hoare,
Mr. A.J. Coles,* Mr. D.F. Milton*

United Republic of Tanzania: Mr. W.E. Waldron-Ramsey, Mr. A.B. Suedi,*
Mr. M.A. Foun**

* Alternate.

** Adviser.

^{1/} Did not attend the session.

United States of America:^{2/} Mr. Morris B. Abram, Mr. John Carey,**
Mr. Ernest C. Grigg, III,** Mrs. Jean Benjamin,** Miss Betsy Levin,**
Mrs. Rachel Nason,** Mr. David Squire**

Venezuela: Mr. Andrés Aguilar Mawdsley, Mr. Germán Nava Carillo*

Yugoslavia: Mr. Branimir M. Janković, Mr. Zoran Lazarević*

OBSERVERS

Australia: Mr. J.A. Benson

Belgium: Mrs. E. Gunawardana

China: Mr. P.Y. Tsao

Cuba: Mr. Jorge E. Reyes Vega

Haiti: Mr. Marcel Charles Antoine, Mr. M. Duplessy, Mr. Serge Beaulieu

Hungary: Mr. Ferenc Gyarmati

Ireland: Mr. Patrick Power

Japan: Mr. Yasuhiro Hamada

Netherlands: Miss J.C. Ferringa

Romania: Mr. Constantin Nedelea

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. A.A. Shaheed, Mr. R.F. Jonker

Food and Agriculture Organization (FAO): Mr. Donald W. Woodward,
Mr. Morris A. Greene

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mr. Paul Bertrand, Mrs. Betty Thomas

World Health Organization (WHO): Dr. Rodolphe L. Coigney

* Alternate.

** Adviser.

^{2/} Mr. Arthur J. Goldberg, Permanent Representative of the United States of America to the United Nations, attended the 985th meeting.

REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS

Council of Europe: Mr. Polys Modinos

League of Arab States: Mr. Rashad Mourad, Mr. Mohamed M. Fahmy

Organization of African Unity: Mr. André Wright

Organization of American States: Mr. Luis Reque, Mr. Alvaro Gomez,
Mr. Enrico Penteado

NON-GOVERNMENTAL ORGANIZATIONS

Category A

International Confederation of Free Trade Unions: Miss Marcelle Dehareng,
Mr. Heinz Umrath

World Federation of Trade Unions: Mr. Brian Barton

World Federation of United Nations Associations: Mr. Hilary Barrett-Brown,
Mrs. Margaret Rolph

Category B

Agudas Israel World Organization: Mr. Isaac Lewin

Amnesty International: Mr. Gidon Gottlieb

Anti-Slavery Society: Mr. J.R.P. Montgomery

Associated Country Women of the World: Mrs. O.W. Schmidt

Coordinating Board of Jewish Organizations: Mr. William Korey,
Mr. Harold Lerner

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

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

International Alliance of Women - Equal Rights, Equal Responsibilities:
Mrs. Amy Bush, Miss Anna Lagemann

International Association of Penal Law: Mr. Albert G. Hess

International Catholic Child Bureau: Miss Margaret Bedard, Miss Eileen Connolly

International Commission of Jurists: Mr. Charles G. Raphael

International Conference of Catholic Charities: Mr. Louis Longarzo

International Council of Jewish Women, The: Mrs. Nettie Levy,
Mrs. Helaine K. Plant, Mrs. Phyllis Rosenfeld

International Council of Women: Mrs. Eunice H. Carter,
Mrs. Sylvester J. Carter

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

International Federation for the Rights of Man, The: Miss Roberta Cohen

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

International Federation of Women Lawyers: Miss Dora Aberlin,
Mrs. Tobie D. Frank, Mrs. F. Hein, Mrs. Rose Baum Kraut,
Mrs. Frieda L. Lorber

International Federation of University Women: Mrs. Dorothy C. Stratton,
Mrs. Dorothy Weston

International League for the Rights of Man, The: Mr. Sidney Liskofsky,
Mr. Donald Keys, Mr. Jan Papanek, Mrs. Dora Roitburd

International Social Service: Mrs. Michael M. Harris

International Society for Criminology: Mr. Albert G. Hess, Mr. Thorsten Sellin

International Society for Rehabilitation of the Disabled: Mrs. Dorothy Warmis

International Union of Family Organizations: Mrs. Elizabeth Collins

Pan Pacific and Southeast Asia Women's Association, The: Mrs. Charles Horwitz

Pax Romana: Rev. James Megivern, Mr. Thomas P. Melady

World Federation for Mental Health: Mrs. Myer Cohen, Mrs. George Dover

World Federation of Catholic Young Women and Girls: Mrs. Rosemary Higgins Cass,
Miss Jasperdean Kobes, Mrs. Roger Young

World Moslem Congress: Mr. Omar Azouni

World Jewish Congress: Mr. Maurice L. Perlzweig

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

World Young Women's Christian Association: Mrs. Alice Arnold,
Mrs. Margaret C. Forsyth, Mrs. Mildred Jones

World's Women's Christian Temperance Union: Mrs. Diane Reed

Register

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

International Catholic Youth Federation: Mr. Anthony de Bello,
Miss Mary I. di Fonzo, Mr. John Kennedy, Mr. Philip J. Murphy

International Humanist and Ethical Union: Miss May H. Weis

International Planned Parenthood Federation: Mr. George Cadbury

World Association of Girl Guides and Girl Scouts, The: Mrs. Edwin A. Heard,
Mr. Edward F. Johnson, Mrs. John K. Libby, Mrs. John P. Reiner

5. Mr. Marc Schreiber, Director of the Division of Human Rights, represented the Secretary-General. Mr. Stephen Landau acted as Secretary to the Commission.

C. Election of Officers

6. At the 942nd meeting, on 5 February 1968, the Commission unanimously elected the following officers:

Mr. Ibrahima Boye (Senegal)	<u>Chairman</u>
Mr. Keith Johnson (Jamaica)) <u>Vice-Chairmen</u> ^{3/}
Mr. R.Q. Quentin-Baxter (New Zealand)	
Mr. Branimir Janković (Yugoslavia)	
Mr. Naseem Mirza (Pakistan)	<u>Rapporteur</u>

7. At the 980th meeting, the Commission noted with regret that, owing to illness, Mr. Naseem Mirza was unable to continue as Rapporteur of the Commission and unanimously agreed that Mr. Mohammad Yunus (Pakistan) should serve as Rapporteur.

D. Agenda

Adoption of the agenda

8. At its 943rd meeting, on 5 February 1968, the Commission adopted unanimously the provisional agenda as drawn up by the Secretary-General (E/CN.4/957).

9. The agenda of the twenty-fourth session of the Commission on Human Rights, adopted at the 943rd meeting, read as follows:

1. Election of officers
2. Adoption of the agenda

^{3/} The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

3. Organization of the work of the session
4. 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; including
 - (a) Report and recommendations of the Special Rapporteur appointed under resolution 7 (XXIII) of the Commission;
 - (b) Review of the situation referred to in resolution 2 (XXIII) of the Commission: report of the ad hoc Working Group of Experts;
 - (c) Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council;
 - (d) Report of the ad hoc Study Group set up under resolution 6 (XXIII) of the Commission on:
 - (i) the proposal concerning regional commissions on human rights (resolution 6 (XXIII) of the Commission);
 - (ii) 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 meeting and fulfilling its existing functions (resolution 9 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council).
5. Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination
6. Measures to be taken against nazism and racial intolerance (resolution 11 (XXIII) of the Commission): item proposed by the Chairman of the Commission
7. Prevention of discrimination and protection of minorities
 - (a) Report of the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
 - (b) Outstanding reports of the seventeenth, eighteenth and nineteenth sessions of the Sub-Commission
 - (c) Draft principles on freedom and non-discrimination in the matter of religious rights and practices
 - (d) Draft principles on freedom and non-discrimination in the matter of political rights

- (e) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
- (f) Study of discrimination against persons born out of wedlock
- 8. Study of special problems relating to human rights in developing countries
- 9. Question of the punishment of war criminals and of persons who have committed crimes against humanity
- 10. Capital punishment
- 11. Study of the question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights (item proposed by the Chairman of the Commission)
- 12. Draft Declaration and draft International Convention on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief
- 13. Question of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of apartheid and colonialism: Special Rapporteur's report (E/4168/Rev.1) and report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/947, chapter V)
- 14. Periodic reports on human rights
- 15. 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
- 16. International Year for Human Rights
- 17. Question of the establishment of national commissions on human rights
- 18. Advisory services in the field of human rights
- 19. 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
- 20. 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
- 21. Question of an international code of police ethics
- 22. Further promotion and encouragement of respect for human rights and fundamental freedoms

23. Communications concerning human rights
24. Implementation of recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies
25. Review of the human rights programme and establishment of priorities. Control and limitation of documentation
26. Review of the Commission's procedures and methods of work with a view to expediting the consideration of the items of its agenda
27. Report of the twenty-fourth session of the Commission to the Economic and Social Council

E. Meetings, resolutions and documentation

10. The Commission held 51 plenary meetings. The views expressed at those meetings are summarized in the records of the 942nd to 992nd meetings (E/CN.4/SR.942-992).

11. The Commission heard, at its 966th, 970th and 972nd meetings, the Observer from Haiti.

12. The Commission heard, at its 967th meeting, the Observer from the League of Arab States.

13. 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 Confederation of Free Trade Unions:

Miss Marcelle Dehareng (968th meeting); World Federation of Trade Unions: Mr. Brian Barton (950th and 968th meetings);

Category B: Anti-Slavery Society: Mr. J.R.P. Montgomery (986th meeting);

World Moslem Congress: Mr. Omar Azouni (972nd meeting); World Jewish Congress: Mr. Maurice L. Perlzweig (974th meeting).

14. Resolutions 2-16 (XXIV)^{4/} and the decisions of the Commission appear below in chapter XVIII. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XIX of the present report. Other decisions of the Commission appear below under the appropriate headings. 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-fourth session are listed in annex II.

^{4/} For the text of resolution 1 (XXIV), see para. 20 below.

II. ORGANIZATION OF THE WORK OF THE SESSION

15. Item 3 on the Commission's agenda, "Organization of the work of the session" was considered at the 943rd and 944th meetings, on 5 and 6 February 1968. The discussion was largely confined to the order of consideration of agenda items.

16. The United Arab Republic submitted a draft resolution (E/CN.4/L.982/Rev.1) reading as follows:

"The Commission on Human Rights,

"Desirous to proceed with the consideration of items on its agenda in a way that ensures both expediency and a satisfactory order of priority,

"Decides to adopt the following order of priority in dealing with items on its agenda: items 4, 7, 11, 14, 15, 12, 13, 9, 5, 6 and 10;

"Further decides to consider at a later stage of its session an order of priority for the remaining items on its agenda."

17. Amendments to the draft resolution were submitted by Sweden (E/CN.4/L.983) and the United Republic of Tanzania (E/CN.4/L.984). The Swedish amendment sought the insertion of a second preambular paragraph reading as follows:

"Mindful of General Assembly resolution 2334 (XXII) on the question of capital punishment,".

The Tanzanian amendment proposed the replacement of the first operative paragraph by the following:

"Decides to proceed forthwith to the consideration of item 4;".

18. At its 944th meeting, on 6 February 1968, the Commission voted on the draft resolution of the United Arab Republic (E/CN.4/L.982/Rev.1) and on the amendments thereto.

19. The amendment proposed by Sweden was adopted by 18 votes to 2, with 6 abstentions. The amendment proposed by the United Republic of Tanzania was rejected by 11 votes to 7, with 8 abstentions. The draft resolution, as amended, was adopted by 20 votes to 3, with 3 abstentions.

20. The text of resolution 1 (XXIV) as adopted by the Commission at its 944th meeting on 6 February 1968, reads as follows:

1 (XXIV) Organization of the work of the session

The Commission on Human Rights,

Desirous to proceed with the consideration of the items on its agenda in a way that ensures both expediency and a satisfactory order of priority,

Mindful of General Assembly resolution 2334 (XXII) on the question of capital punishment,

1. Decides to adopt the following order of priority in dealing with items on its agenda: items 4, 7, 11, 14, 15, 12, 13, 9, 5, 6 and 10;

2. Further decides to consider at a later stage of its session an order of priority for the remaining items on its agenda.

21. The officers of the Commission submitted the following tentative suggestions (E/CN.4/L.986) for the allocation of meetings to agenda items: item 4, 15 meetings; items 7 and 13, 5 meetings; item 11, 3 meetings; items 14 and 15, 2 meetings; item 12, 1 meeting; item 9, 2 meetings; items 5 and 6, 2 meetings; item 10, 2 meetings; item 8, 2 meetings; items 16, 17 and 18, 3 meetings; items 19 and 20, 1 meeting; items 21, 22 and 23, 1 meeting; items 24, 25 and 26, 4 meetings; item 27, 2 meetings - total 45 meetings.

22. The Commission considered fourteen of the items on its agenda in the order decided upon by resolution 1 (XXIV). The consideration of other items was deferred to the Commission's twenty-fifth session.

III. 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

23. At its 945th meeting, on 6 February 1968, the Commission decided that item 4 (a), "Report and recommendations of the Special Rapporteur appointed under resolution 7 (XXIII) of the Commission", and item 4 (b), "Review of the situation referred to in resolution 2 (XXIII) of the Commission: report of the ad hoc Working Group of Experts", should be considered jointly. Accordingly, some of the views summarized below under the heading "Issues discussed", with reference to item 4 (a), concerning the general aspects of apartheid and related practices, are not repeated in the corresponding section under item 4 (b). Items 4 (c) and 4 (d) were each considered independently (see paras. 140-250 below).

A. Report and recommendations of the Special Rapporteur appointed under resolution 7 (XXIII) of the Commission

24. In resolution 7 (XXIII) of 16 March 1967, entitled "Action effectively to combat racial discrimination and the policies of apartheid and segregation," the Commission appointed 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". Mr. Manouchehr Ganji (Iran) was appointed as the Commission's Special Rapporteur (E/4322, para. 377). By its resolution 7 (XXIII), the Commission also decided 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.

25. The Commission considered item 4 (a) at its 945th to 964th meetings held from 6 to 20 February 1968. It had before it the report of the Special Rapporteur (E/CN.4/949 and Corr.1 and Add.1, and Add.1/Corr.1 and Add.2-5) entitled "Study of apartheid and racial discrimination in Southern Africa".

Draft resolutions and amendments

26. Two draft resolutions (E/CN.4/L.989 and E/CN.4/L.993) were introduced concerning the report of the Special Rapporteur. The statements of financial implications of the draft resolutions, prepared by the Secretary-General, were circulated in documents E/CN.4/L.999 and E/CN.4/L.998 respectively (see below, annex I).

27. In its revised form, the first draft resolution (E/CN.4/L.989/Rev.1), proposed by Dahomey, India, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, United Arab Republic and the United Republic of Tanzania read as follows:

"The Commission on Human Rights,

"Bearing in mind the obligation assumed by 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 observation of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Having regard to 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',

"Taking into account General Assembly resolution 2145 (XXI) by which the General Assembly terminated South Africa's Mandate over South West Africa,

"Considering General Assembly resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa and resolutions 2324 (XXII) and 2325 (XXII) on the question of South West Africa,

"Recalling its resolution 7 (XXIII) under which it appointed a Special Rapporteur to study, inter alia, United Nations past action in its efforts to eliminate the policy and practices of apartheid,

"Having considered the report of the Special Rapporteur appointed under its resolution 7 (XXIII) (E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1 and Add. 2-5),

"Gravely concerned by the evidence of inhuman practices of the Government of the Republic of South Africa and of the illegal racist minority régime in Southern Rhodesia against the non-white population of South Africa, South West Africa and Southern Rhodesia,

"Deploring the fact that despite the efforts of the United Nations, the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia continue to intensify the policy of apartheid and of racial discrimination,

"Considering that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

A

"1. Reaffirms that the practice of apartheid is a crime against humanity and constitutes a threat to international peace and security;

"2. Condemns the Government of the Republic of South Africa for its perpetuation and intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its affront and insult to human conscience;

"3. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white population in southern Africa;

"4. Further condemns the recent arrest and trial of thirty-seven South West Africans under an illegal and unjust law, and the unlawful conviction and sentencing of thirty-three of them;

"5. Calls upon all those Governments which have commercial, military, cultural and other relations with South Africa to desist from such relations in accordance with the resolutions of the General Assembly and of the Security Council.

B

"1. Commends the Special Rapporteur for his comprehensive and objective report;

"2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/949/Add.4);

"3. Requests the Secretary-General to transmit the report of the Special Rapporteur to the International Conference on Human Rights to be held in Teheran, together with the summary of the discussion in the Commission on that report;

"4. Recommends to the International Conference on Human Rights to give consideration to the recommendations contained in paragraph 1549 of that report;

"5. Requests the Special Rapporteur, with the approval of the Conference, to introduce the report to it.

C

"1. Invites non-governmental organizations, trade union, church, student and other organizations to intensify their efforts in focusing public opinion on the repressive legislation, arbitrary imprisonment and

other inhuman acts by the Government of South Africa and the illegal régime of Southern Rhodesia against the opponents of apartheid and racial discrimination;

"2. Requests the Secretary-General to intensify, through all United Nations information media, the efforts to inform the people of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination;

"3. Requests the Secretary-General to prepare, in consultation with the Special Rapporteur, for publication and wide circulation, a summary of the study of the laws and practices of the Government of South Africa and of the illegal régime in Southern Rhodesia as submitted in the report of the Special Rapporteur.

D

"1. Considers it essential to ensure closer consultation between the Commission on Human Rights and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"2. Transmits the report of the Special Rapporteur to the Special Committee on Apartheid, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"3. Draws the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to this report;

"4. Requests the Secretary-General to inform the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the initiation and progress of investigations by the Commission on matters of gross violation of human rights in southern Africa.

E

"1. Requests the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to the twenty-fifth session of the Commission and to pay particular attention to the following:

"(a) Developments since his present report;

"(b) Survey of the policies and practices of racial discrimination in the African territories under Portuguese domination;

"(c) The possibility of establishing a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of that Territory;

"(d) Appropriate measures for the dissemination of information to the peoples of southern Africa on the evils of apartheid and racial discrimination, as well as the United Nations efforts to combat these evils, by radio broadcasts and other means;

"2. 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);

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

"4. Authorizes the Special Rapporteur to consult with 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, and the United Nations Council for South West Africa, in the course of preparation of his report."

28. At the 960th meeting, the sponsors of the revised draft resolution further revised it orally as follows: in the first preambular paragraph, the word "observation" was replaced by the word "observance"; in the English text of the eighth preambular paragraph, the word "policy" was replaced by the word "policies"; in section A, paragraph 1, the words "that the situation in southern Africa" were inserted before the words "constitutes a threat"; in section C the words "laying particular stress on the positive alternative of a multi-racial society based on the principle of racial equality" were added to the end of paragraph 2, and in paragraph 3 the words "particularly to legal and juridical associations" were inserted before the words "a summary of the study".

29. Amendments to the draft resolution were proposed by the representative of the Ukrainian SSR as follows (E/CN.4/L.994):

1. After the sixth preambular paragraph, the following new paragraph would be inserted:

"Taking into account the documents and recommendations of the seminars on apartheid held in Brazil in 1966 and in Zambia in 1967."

2. The following new paragraph would be inserted as the penultimate paragraph of the preamble:

"Noting that the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia are finding support for the policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, cultural and other ties and relations with them and affording them military assistance."

3. In section A, paragraph 5 would be replaced by the following new paragraphs:

"Strongly condemns all those Governments which, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and the illegal régime in Southern Rhodesia;

"Calls upon those Governments to break off such relations."

4. In section C, paragraph 1, the word "non-governmental" would be replaced by the word "voluntary".

5. In section E, paragraph 1 (d) would be deleted and added at the end of paragraph 2 which would then read as follows:

"Requests the Secretary-General:

"(a) to provide the Special Rapporteur with the necessary documentation....

"(b) to organize appropriate measures for the dissemination of information...."

30. Subsequently the representative of the Ukrainian SSR indicated that in his fourth amendment the word "voluntary" should be replaced by "public". At the 960th meeting, the representative of the Ukrainian SSR withdrew his fourth amendment as, in the light of the Commission's discussion on the matter, it appeared that there was substantial opposition to the use of the expression "public organizations". He also withdrew the fifth amendment and made the following oral changes to his third amendment:

The first paragraph of the third amendment would be inserted - as paragraph 5 - in section A of the draft resolution with the words "Strongly condemns all those Governments which" being replaced by the words "Expresses dissatisfaction at the fact that several Governments"; the second paragraph of the third amendment was deleted. The representative of the Ukrainian SSR also proposed that the word "diplomatic" should be inserted before the word "commercial" in what would then become paragraph 6 (original paragraph 5) of section A of the draft.

31. An amendment to section B of the draft resolution was submitted by the representative of the United Kingdom as follows (E/CN.4/L.996):

1. Add at the end of paragraph 1: "and for the conclusions and recommendations therein".

2. Delete paragraph 2 and renumber the remaining paragraphs.

32. In its revised form, the second draft resolution (E/CN.4/L.993/Rev.1) concerning the report of the Special Rapporteur, proposed by the Democratic Republic of the Congo, Dahomey, India, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, the United Arab Republic and the United Republic of Tanzania read as follows:

"The Commission on Human Rights,

"Recalling its resolution 7 (XXIII) under which it appointed 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,

"Having considered the report of the Special Rapporteur as contained in documents E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1 and Add.2-5,

"Convinced of the urgent need for the United Nations to take more effective action to eliminate apartheid and racial discrimination in all its forms and manifestations,

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

'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,

'Recalling its resolution 2144 A (XXI) of 26 October 1966, in which the 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 also its resolution 2145 (XXI) by which the Assembly terminated South Africa's Mandate over South West Africa,

'Taking into account its resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa and resolutions 2324 (XXII) and 2325 (XXII) on the Question of South West Africa,

'Gravely concerned by the evidence of inhuman practices by the Government of South Africa and of the illegal racist minority régime in Southern Rhodesia against the non-white population of South Africa, South West Africa and Southern Rhodesia,

'Convinced that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

'1. Endorses the recommendations of the Special Rapporteur appointed by the Commission on Human Rights under its resolution 7 (XXIII) that the Government of South Africa be requested to repeal, amend and replace laws contained in paragraph 1547 of the Special Rapporteur's report (E/CN.4/949/Add.4);

'2. Considers it essential that, in order to conform with its obligations under the Charter of the United Nations, the Government of the Republic of South Africa should undertake to repeal, amend and replace the various discriminatory laws contained in paragraph 1547 of the Special Rapporteur's report;

'3. Calls upon the Government of the Republic of South Africa to repeal, amend and replace these laws referred to in paragraph 1 and to report to the Secretary-General on the measures taken or envisaged in accordance with this paragraph;

'4. Urges all States to encourage information media within their territories to publicize the evils of apartheid and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as the aims and purposes of the United Nations and its efforts to eliminate these evils;

'5. Requests the Secretary-General to take steps to draw the widest public attention to the evils of these policies through the interested non-governmental organizations, trade union, church, student and other organizations, as well as libraries and schools;

'6. Also requests the Secretary-General to keep under constant review the question of promoting co-ordination and co-operation in the activities of the specialized agencies and organs of the United Nations dealing with matters relating to apartheid and racial discrimination in southern Africa;

'7. Further requests the Secretary-General to establish a United Nations information centre in the Republic of South Africa with a view to disseminating the aims and purposes of the United Nations;

'8. Requests the Secretary-General to report to the twenty-fourth session of the General Assembly on the implementation of this resolution, and in particular, on the actions taken by the Government of South Africa to give effect to paragraph 3 above.'

33. At the 963rd meeting, the sponsors of the revised draft resolution further revised it orally as follows: in the draft resolution recommended for adoption by the General Assembly, the word "contained" in paragraphs 1 and 2 was replaced by the word "cited", and in paragraph 3 the words "these laws referred to in paragraph 1" were replaced by the words "the laws in force in South Africa referred to in paragraph 1".

34. At the 958th meeting, the representative of the Ukrainian SSR stated that his amendments as originally submitted (see para. 29, above) to the first draft resolution (E/CN.4/L.989/Rev.1) should be considered as having been submitted also to the draft resolution recommended for adoption by the General Assembly contained in draft resolution E/CN.4/L.993/Rev.1: the first amendment should be inserted after the fourth preambular paragraph of the draft resolution; the second amendment should be inserted after the fifth preambular paragraph, and the third amendment after operative paragraph 4. At the 964th meeting the representative of the Ukrainian SSR orally revised the beginning of his third amendment from "Strongly condemns all those Governments" to "Condemns the actions of all those Governments".

Issues discussed

35. In introducing his report (E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1, and Add.2-5), the Special Rapporteur appointed under resolution 7 (XXIII) of the Commission indicated that the Portuguese colonies of Angola and Mozambique were excluded from the study because they had not been included in his terms of reference. He noted that his request to visit South Africa and South West Africa and examine the actual situation there had been rejected by the South African Government. As regards Southern Rhodesia no reply had been received so far from the Governor to his request to visit that territory. The report consisted of three parts. Part I (E/CN.4/949 and Corr.1, and Add.1 and Add.1/Corr.1 and Add.2) consisted of three chapters on South Africa, South West Africa and Southern Rhodesia, respectively, and had as its basis the Universal Declaration on Human Rights. Each chapter contained a general section on discrimination, followed by a description of the political and administrative structures and a section on civil, political, economic, social and cultural rights. The main concern in each of these sections was to analyse the degree of application of the rule of non-discrimination with regard to each particular right or freedom rather than the actual content and scope of the right or freedom concerned. In his view, it was obvious from this part of the report that the situation in those countries and territories was an affront to humanity. Part II of the report (E/CN.4/949/Add.3) briefly reviewed efforts made for many years by various organs of the United Nations and the specialized agencies to end racial discrimination in South Africa, South West Africa and Southern Rhodesia. Part III (E/CN.4/949/Add.4) contained his conclusions, recommendations and observations which, however, were far from exhaustive. The Special Rapporteur observed that the situation in Southern Africa was deteriorating. He drew particular attention to the promulgation, last year, of the Terrorism Act and to the illegal trial of more than thirty South West African nationals, and noted that the South African Government had intensified its repressive action. He then urged a corresponding intensification of international action without delay and expressed the hope that practical steps would be taken at the current session of the Commission.

36. Members of the Commission unanimously commended the Special Rapporteur for the scope and the quality of his report. It was pointed out that, despite great difficulties and the fact that he was denied admission to South Africa, he had produced a highly useful document. According to several representatives, the report was a comprehensive document which gave the first complete picture on the question of apartheid from the standpoint of human rights, and it provided the facts which the Commission had long needed as a legal basis for action. A few representatives, while noting the observations made by the Special Rapporteur as

regards his terms of reference, regretted that the Portuguese colonies of Angola and Mozambique were not included in the report. It was also observed that the study lacked information on the philosophical background of the doctrine of apartheid and did not give sufficient recognition to the work that had been done in the matter by the International Labour Organisation.

37. At the 954th meeting, the Commission heard a statement by the representative of the International Labour Organisation who said that the Declaration of Philadelphia of 1944, which formed part of the ILO Constitution, affirmed that the principle that all human beings, irrespective of race, creed or sex, had the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, was fully applicable to all peoples everywhere. The ILO considered that the principles contained in the Declaration of Philadelphia had the force of general international law and were therefore still applicable to the Republic of South Africa, even though it had not been a member of the ILO since 1966. Moreover, under article 1, paragraph 5, of the ILO Constitution, a member State withdrawing from the ILO continued to be bound by the obligations of conventions to which it was a party, including the obligation to send periodic reports. However, South Africa no longer sent official reports to the ILO, although a great deal of information from primary sources was still being received through various channels, and the ILO had therefore been able to put out the reports referred to in paragraph 1257 of the report of the Special Rapporteur (E/CN.4/949/Add.3). The first of those reports outlined the nature of possible measures to implement the ILO programme for the elimination of apartheid in labour matters in South Africa. The second report showed the negative effects which the policy of separate development was having on the economic development of South Africa, and brought out the need for a radical change in race relations as a necessary postulate for the country's economic and social development. The third report carried further examination of those problems, and a fourth report was under preparation and would be presented to the International Labour Conference in June 1968. With regard to the ILO programme for the elimination of apartheid in labour matters, the recommendations which had been made would result in changes so far-reaching that they would inevitably involve a complete recasting of labour legislation, social services and industrial relations in the country. The ILO was prepared to play an appropriate part, in close co-operation with the United Nations, in the formulation of further plans for that purpose.

38. All the speakers condemned the policies pursued by South Africa as abhorrent and reaffirmed the steadfast opposition of their Governments to the doctrine of apartheid. It was stressed that apartheid and the practice of racial discrimination and segregation in South Africa constituted a flagrant violation of the Charter of the United Nations, as well as of the principles proclaimed in the Universal Declaration of Human Rights, the provisions of the International Covenants on Human Rights and numerous other instruments.

39. A large number of representatives, referring specifically to articles 55 and 56 of the Charter of the United Nations which provide that all Members of the United Nations pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, expressed the view that the attitude of the Government of South Africa amounted to a breach of treaty freely entered into. They

considered that the competence of the United Nations to deal with the situation in South Africa was clearly established in the report. South Africa's stand, as regards the role of the United Nations, was severely criticized.

40. The members of the Commission unanimously rejected the idea advanced by the South African authorities that apartheid or so-called "separate development" was aimed only at preventing one ethnic group from encroaching on the right of other groups. Apartheid was denounced as an inhuman system, based on the spurious theory of racial superiority which, through violence, oppression and stringent police control, was endeavouring to maintain the indigenous population in a state of perpetual enslavement. Reference was made to the oppressive South African legislation, particularly the Population Registration Act, the Group Areas Act, the Native Labour Act, the Unlawful Organizations Act, the "180-day law", the Terrorism Act, the Suppression of Communism Act and the Sabotage Act. The whole machinery of terror and intimidation established by the régimes of South Africa and Southern Rhodesia, was aimed at perpetuating a minority rule in southern Africa. They shared the view repeatedly stressed by the Special Rapporteur that the massive denial of rights to the majority of the population in South Africa and South West Africa and Southern Rhodesia created a grave and intolerable situation and was thus an object of concern to all mankind.

41. Several representatives declared that apartheid was the direct result of the colonialist system imposed by the Western world. Others saw in apartheid a form of slavery based on colour or likened it to nazism. According to them, the Special Rapporteur's report and the report of the ad hoc Working Group of Experts (E/CN.4/950), set up under resolution 2 (XXIII) of the Commission, proved beyond all doubt that South Africa had been transformed into a police State and that its aims and methods were increasingly resembling those adopted under fascist régimes. According to many representatives, the reports also showed that apartheid was a systematic Government policy which, because of its characteristics, constituted a grave threat to peace and security, since the latent conflict in South Africa could erupt at any moment, engulfing Africa and the whole world. In their opinion the reports also revealed that apartheid was not only a negation of freedom but also a crime against humanity. Some members objected to this view but the majority agreed with the Special Rapporteur that, according to the rules of international law and the generally accepted definition of crimes against humanity, the policy of apartheid fell into that category.

42. Many representatives acknowledged that a widespread feeling of righteous indignation existed in the international community, as South Africa not only persisted in, but intensified its repugnant policies. They noted that, as indicated in the reports, apartheid was now extending beyond South Africa's frontiers and constituted a crime of world magnitude. It was repeatedly recalled that, during the last twenty years, more than eighty resolutions on apartheid had been adopted by the General Assembly, the Security Council, the Commission on Human Rights and other organs of the United Nations. The United Nations, many members added, had not been able to take sufficiently effective action, because a number of States were continuing to trade with the apartheid régime and maintaining diplomatic, cultural and other ties with it, as well as affording it military assistance. In that connexion, some members pointed out that the Commission on Human Rights could now play a most useful role. They felt that, while apartheid was above all a political challenge to the world community, the Commission should concentrate on the aspect of human rights, and defend and protect the individual from the evils of apartheid. In the view of these

representatives, the attention given to the human rights aspects of the problem would be complementary to the efforts being made in the political field by other organs of the United Nations.

43. Despite the difficulties encountered, members of the Commission agreed that the United Nations should relentlessly continue in its efforts to eliminate apartheid, racial discrimination and segregation. There was, however, no general accord on the nature of the action to be taken. A few members observed that there was no ready answer to the question of apartheid and indicated that they could support only practical measures which were compatible with international law. It was pointed out that the Commission should not arrogate to itself the right of supervision established in the International Covenants on Human Rights and adopt procedures which might give rise to difficulties in future. It was also pointed out that the International Covenants which set out the machinery for guaranteeing respect for human rights could not be applied since they had not yet entered into force. Besides, South Africa was not expected to ratify them. According to certain representatives, the United Nations, being an Organization dedicated to peace, should concentrate on peaceful means of convincing the Government and people of South Africa that rapid change was necessary.

44. In the view of many representatives, however, it would be illusory to approach the problem from a narrow point of view or to believe that human rights in South Africa could be safeguarded by statements of moral condemnation and appeals to the Government. They expressed the hope that the Commission on Human Rights would accomplish its mission of promoting human rights and, in co-operation with other United Nations bodies, act to ensure respect for those rights. In their opinion, it was of crucial importance that members of the Commission forge a united front in their approach to practical ways of bringing about the speedy eradication of apartheid and racial discrimination in South Africa, South West Africa and Southern Rhodesia. Only the South African Government would profit from the dichotomy between the convictions of Member States and their will and capacity to act.

45. Many members of the Commission expressed the view that the draft resolutions submitted for consideration (see paras. 27 and 32 above) were comprehensive and detailed, and embodied in a most effective manner the main conclusions and recommendations of the Special Rapporteur. Sections C and D of draft resolution E/CN.4/L.989/Rev.1 which dealt respectively with efforts to promote public awareness of the evils of apartheid and the question of co-ordination between United Nations bodies received near unanimous approval. In the opinion of some members, section A of that draft resolution should have been put in a separate resolution as it raised questions of a controversial nature. As regards section E of the same draft resolution, some members, while not objecting to its contents, felt nevertheless that they could not support it because of its financial implications. Although several representatives supported the amendments submitted by the Ukrainian SSR (see paras. 29, 30 and 34 above) to the preamble of the two draft resolutions on the ground that they merely referred to views repeatedly stressed in recent resolutions of the General Assembly, some members opposed those amendments because they involved, in their view, matters they had objected to in other United Nations bodies or questions of principle affecting the distribution of power among the various organs of the United Nations. Some members also objected to references made in the preamble of draft resolution E/CN.4/L.989/Rev.1 to a number of General Assembly resolutions that had not been supported by their Governments.

46. Most representatives considered that the recommendations and conclusions formulated in the Special Rapporteur's report were realistic and contained valuable suggestions for putting an end to the system of apartheid. They accordingly pledged their strong support to the proposal contained in paragraphs 1 and 2 of section B of draft resolution E/CN.4/L.989/Rev.1 that the Commission commend the Special Rapporteur for his comprehensive and objective study and endorse his conclusions and recommendations. Many representatives felt that, without the Commission's endorsement, the recommendations and conclusions might not have the necessary force to generate action and stated that, if in the view of certain members some conclusions were either incorrect or not desirable, proof should be adduced.

47. Some representatives, while proclaiming that they could endorse most of the conclusions and recommendations of the Special Rapporteur, made reservations on certain specific points. Particular reference was made to the recommendation in paragraph 1548 of the Special Rapporteur's report (E/CN.4/949/Add.4) concerning the establishment of a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of the Territory, and to the conclusion appearing in paragraph 1489 of the report that apartheid constituted a crime against humanity. Others held that the sponsors of the draft resolutions should spell out the recommendations in separate resolutions, since a full and unreserved endorsement of all the conclusions and recommendations created delicate problems. They drew particular attention to the fact that some proposals contained in the draft resolutions differed from the corresponding conclusions or recommendations. The view was also expressed that a distinction should be made between the steps which could be taken immediately and those which required further study. It was to meet some of these difficulties that it was proposed in the United Kingdom amendments (see para. 31 above) that section B of draft resolution E/CN.4/L.989/Rev.1 should commend the Special Rapporteur for the conclusions and recommendations contained in his report but omit the paragraph endorsing those conclusions and recommendations.

48. Members of the Commission welcomed the recommendation of the Special Rapporteur concerning the need for greater co-ordination among the United Nations bodies dealing with the problem of apartheid, and urged that a closely co-ordinated plan of action, pursuing clear objectives should be worked out. While some representatives insisted that co-ordination should not mean the establishment of new organs, others suggested that the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa should be the main centre of activity. Reference was also made to practical methods of achieving co-ordination, such as reciprocal representation at meetings of the competent organs, meetings held jointly, joint discussions and activities. All members of the Commission supported the proposal to ensure closer consultation between the Commission and other United Nations organs concerned with violations of human rights in southern Africa.

49. Many representatives regarded as especially noteworthy the Special Rapporteur's recommendation that the United Nations should promote the widest public awareness of the evils of apartheid, racial discrimination and segregation and on the conditions prevailing in South Africa, South West Africa and Southern Rhodesia, and strongly supported the proposals to that effect (section C of the first draft resolution and operative paragraphs 4 and 5 of the second draft resolution). They shared the view expressed in the report of the Special

Rapporteur that South Africa was not immune to the pressure of world opinion, and especially of the public opinion in countries which maintained trade and economic relations with it. The United Nations should therefore undertake a vigorous international information campaign and draw the attention of the people of South Africa's main trading partners particularly to the ill-treatment of political prisoners. Public opinion in these countries, it was thought, could effectively influence the trend of developments in South Africa.

50. Several representatives stressed that apart from any governmental measures, the Commission should stimulate the activities of private groups and organizations and urge the utilization of all the information media: radio, television, seminars, publications. In their view, voluntary organizations, in co-operation with the United Nations, could arouse public opinion throughout the world, particularly in the United Kingdom, the United States and in other Western countries. It was however pointed out that while non-governmental and private organizations could supplement the work of the United Nations, the main burden of responsibility lay with the United Nations. Some representatives stated that Governments and non-governmental organizations should submit periodic reports on their activities in that field. Members of the Commission agreed with the Special Rapporteur that the United Nations should emphasize that the purpose of its action was not to implant discrimination in the opposite direction, but rather to guarantee equal enjoyment of human rights to all peoples of southern Africa regardless of their racial origin.

51. As regards the proposal in draft resolution E/CN.4/L.993/Rev.1, operative paragraph 4, that all States should encourage information media within their territory to publicize the evils of apartheid and racial discrimination, some representatives declared that they were unable to support it, since, in their countries, the information media were protected against control by the Government. Other members deplored the fact that, in some countries, Governments did not wish to encourage the information media to join in the struggle against apartheid, which was tantamount to supporting apartheid.

52. In connexion with the discussion on the need to promote public awareness on the evils of apartheid, a large number of representatives urged that the report of the Special Rapporteur should be given the widest dissemination. The view was, however, expressed that the responsibility for deciding on the publication of the reports should rest with the Economic and Social Council and not with the Commission. Some suggested that the Office of Public Information should publish it at once in as comprehensive a form as possible. Others, however, favoured the publication of the conclusions and recommendations only, or the publication of the report in an abridged form and in a style and language understandable to the average individual.

53. Most representatives shared the Special Rapporteur's view that developments in southern Africa should be kept under close scrutiny and that it was essential that the United Nations should be informed of the current situation in the area, since the social and legal conditions constantly changed. Accordingly, they supported the extension of the mandate of the Special Rapporteur to cover the territories under Portuguese administration as proposed in section E of draft resolution E/CN.4/L.989/Rev.1. While a few representatives did not formally oppose the proposal to that effect, they questioned the Commission's financial authority to expand the mandate of the Special Rapporteur without the approval of the Economic and Social Council and expressed the view that the task of gathering such

information belonged primarily 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.

54. It was also suggested in the course of the debate that the United Nations should set up an information centre in South Africa with a view to disseminating the aims and objectives of the Organization. While several members strongly endorsed the proposal in draft resolution E/CN.4/L.993/Rev.1 to establish such a centre, others expressed the view that its formulation was too vague and too general and insisted that the proposal should clearly state that the purpose of the centre would be to disseminate information regarding the action taken by all organs of the United Nations in its efforts to eliminate the system of apartheid. Some representatives questioned the usefulness of that proposal in view of the fact that the established practice was that the host country invite the United Nations to establish such a centre and assume certain commitments with financial implications. In their opinion, South Africa would not initiate such action. The sponsors of the proposal, however, considered that the lack of invitation was not a sufficient reason to withdraw it since South Africa, as a Member State, was under commitment to comply with the request of the United Nations, and to make this clearer they had revised the proposal by adding "with a view to disseminating the aims and purposes of the United Nations".

55. The recommendation of the Special Rapporteur that the United Nations should explore the possibility of beaming radio programmes to people of southern Africa received wide approval from members of the Commission. Some members objected however to the proposal in section E, paragraph 1 (d) of draft resolution E/CN.4/L.989/Rev.1 relating to that recommendation on the grounds that it would be more appropriate to request the Secretary-General to carry out the task, using the technical service of the Office of Public Information. A few members believed that the proposal was neither feasible nor desirable and it was pointed out that radio broadcasts could be easily jammed.

56. The assertion in section A, paragraph 1, of draft resolution E/CN.4/L.989/Rev.1, that the practice of apartheid was a crime against humanity gave rise to some discussion. While some representatives contended that this proposition had not been established, the majority recalled that several General Assembly resolutions characterized apartheid as a crime against humanity and declared that the Commission had the duty to take into account the view on apartheid adopted by the overwhelming majority of Member States. Reference was made to resolution 95 (I) of the General Assembly which confirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal as the basis of the Assembly's decision for declaring that apartheid and colonialism in southern Africa constituted crimes against humanity. It was further stated that crimes against humanity were not necessarily war crimes. The case of Von Schirach, who had been condemned by the Nuremberg Tribunal as the author of crimes against humanity for acts committed before the outbreak of hostilities, was cited as an example.

57. The same considerations applied to the Special Rapporteur's conclusions that the situation in southern Africa constituted a threat to international peace and security. The majority of the representatives endorsed the proposal to that effect and recalled that the General Assembly has repeatedly used those terms in its resolutions on apartheid. Others, invoking the Charter of the United Nations, objected to the proposal on the ground that the Commission had no competence to

pass judgement on the question. Only the Security Council, they contended, could declare that the situation in South Africa threatened international peace and security.

58. In that connexion, several representatives noted that it was clear from the Special Rapporteur's report that the refusal of South Africa's main trading partners to recognize the situation in South Africa as a threat to peace was one of the main reasons militating against effective action. Reference was made to the conclusions and recommendations of the seminars on apartheid held at Brasilia and Kitwe.

59. Most members felt that one of the first steps which the Commission should take was to urge those States which were South Africa's main trading partners to respect and implement the decisions of the Security Council outlawing the sale of arms to South Africa and the resolutions of the General Assembly regarding trade with that country. They stressed that a great part of the responsibility for the continuation of the policy of apartheid rested with those countries which continued to maintain diplomatic, commercial, military, cultural and other relations with South Africa. Some members thought that economic sanctions might be costly, but nevertheless felt that, unless the South African régime was convinced that it no longer could rely on the economic support of the Western countries, the United Nations would be powerless to achieve any results. The majority of the Commission welcomed, therefore, the proposals contained in section A, paragraph 5 of draft resolution E/CN.4/L.989/Rev.1 and supported the third amendment (see paras. 29 and 30 above) submitted by the Ukrainian SSR, which, according to its sponsor, was intended to strengthen the resolution. Although the majority of the members supported the incorporation of that amendment in the draft resolution, a number of representatives, stressing the desirability of unanimity, asked for its withdrawal. Some representatives opposed the amendment on the ground that maintaining diplomatic relations with South Africa did not imply approval of the policies of apartheid, and was, in any case, a matter to be decided independently by the States concerned without any interference by international organizations.

60. Many members found particularly appropriate the enumeration in paragraph 1493 of the Special Rapporteur's report (E/CN.4/949/Add.4) of measures which should be adopted, at various stages, in situations showing consistent patterns of gross violations of human rights and fundamental freedoms. They agreed with the Special Rapporteur that, in the case of South Africa, the international community was reaching the final stage and expressed the opinion that only the application of effective international sanctions could eliminate apartheid and racial discrimination in southern Africa. One representative suggested that substantial results could be achieved by calm and persuasive negotiations, through the good offices of a special representative of the Secretary-General enjoying an unimpeachable reputation and operating without formal legal procedures. Those who supported the idea argued that the effectiveness of such negotiations in alleviating the plight of the victims of human rights violations was already apparent from the experience of a number of existing governmental and non-governmental organizations. Reference was made to the work of the International Labour Organisation Committee of Experts on the Application of Conventions and Recommendations, the International Labour Organisation Committee on Freedom of Association, the activities of the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the Inter-American Commission on Human Rights. The author of the suggestion, noting

that South Africa had continued to follow the same policies despite numerous investigations, studies and condemnations, insisted that his sole purpose was to draw attention to a method which although not new had not yet been fully tried.

61. Some representatives saw in that suggestion an attempt to vitiate the United Nations efforts to combat apartheid and opposed it on the grounds that the rights of the African people living in South Africa could not be, in any way, a subject of negotiation. Rejecting the idea of secrecy, they stated that the widest publicity should be given to the violations of human rights occurring daily in that country. They declared, however, that such an informal suggestion might be helpful, if it had a limited purpose. Some members pointed out that the United Nations and the International Labour Organisation had, in the past, used the procedure of negotiation without success. (They recalled, in particular, the failure of the consultations held in London by former Secretary-General Dag Hammarskjöld and the then Prime Minister of South Africa.) Some members expressed doubt as to the effectiveness of a Special Representative and alluded to the insurmountable practical difficulties in finding a person acceptable both to the Africans and to the South African authorities. Other members objected outright to the nomination of a Special Representative.

62. Most members expressed the view that the United Nations had the right and duty to envisage any measure intended to safeguard the well-being of the people of South West Africa. They warmly supported the proposal contained in paragraph 1 (d), section E of draft resolution E/CN.4/L.989/Rev.1, which took into account some of the objections formulated against the immediate establishment of a grand jury of legal experts and envisaged only a report from the Special Rapporteur on the possibility of establishing such an organ. Some members indicated that they could not support the recommendation of the Special Rapporteur concerning the establishment of a grand jury of legal experts for the protection of the life, personal safety and rights of the inhabitants of South West Africa, if an attempt was made to advance it in a definitive form. They questioned the usefulness of such a body and observed that the creation of grand juries was essentially a procedure used in domestic law and would not produce any results if applied to a problem which was international in scope. It was also said that the establishment of such body would be interpreted as a withdrawal from the central position of the United Nations that South West Africa is under its direct responsibility.

63. The proposal, in operative paragraphs 2, 3 and 4, of draft resolution E/CN.4/L.993/Rev.1, to endorse the recommendation of the Special Rapporteur concerning the repeal of a number of South African laws cited in paragraph 1547 of his report, had the support of nearly all members of the Commission. Some members found operative paragraph 3 of the draft resolution vague, weak and confusing, but the majority strongly supported the Special Rapporteur's recommendation. The view was also expressed that, since paragraph 1547 of the Special Rapporteur's report referred to legislation that should be amended or repealed, not only in South Africa, but also in Southern Rhodesia, the request should also be addressed to the United Kingdom.

Adoption of resolutions

64. At its 960th and 961st meetings the Commission voted on draft resolution E/CN.4/L.989/Rev.1, submitted by Dahomey, India, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, United Arab Republic and the United Republic of Tanzania, as orally revised (see paras. 27 and 28 above) and the amendments submitted thereto by the Ukrainian SSR in document E/CN.4/L.994 (see para. 29 above), as orally revised (see para. 30 above), and by the United Kingdom in document E/CN.4/L.996 (see para. 31 above).

65. The voting on the paragraphs of the preamble of the draft resolution was as follows:

(a) The vote on the first amendment submitted by the Ukrainian SSR, proposing a new preambular paragraph to be inserted after the sixth preambular paragraph was taken by roll call at the request of the Nigerian representative, and it was adopted by 24 votes to none, with 7 abstentions. The voting was as follows:

In favour: Argentina, Chile, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Jamaica, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

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

(b) The vote on the second amendment submitted by the Ukrainian SSR proposing a new preambular paragraph to be inserted as the penultimate paragraph of the preamble, was taken by roll call at the request of the Nigerian representative, and it was adopted by 21 votes to 4, with 6 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Dahomey, India, Iran, Israel, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

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

Abstaining: Argentina, Austria, Greece, Italy, Lebanon, Sweden.

(c) At the request of the representative of Lebanon, the vote on the preamble as a whole, as amended, was taken by roll call. It was adopted by 23 votes to none, with 8 abstentions. The voting was as follows:

In favour: Argentina, Chile, Dahomey, Congo (Democratic Republic of), India, Iran, Israel, Jamaica, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

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

66. The voting on section A of the draft resolution was as follows:

(a) At the request of the Nigerian representative, the vote on paragraph 1 of section A was taken by roll call, and it was adopted by 24 votes to 4, with 3 abstentions. The voting was as follows:

In favour: Argentina, Chile, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Jamaica, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

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

Abstaining: Austria, Italy, Sweden.

(b) At the request of the Nigerian representative, the vote on paragraph 2 of section A was taken by roll call and it was adopted by 30 votes to none with 1 abstention. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: France.^{5/}

^{5/} The delegation of France stated at the 991st meeting that it wished to have its vote recorded as having been in favour of the draft resolution.

(c) At the request of the Nigerian representative, the vote on paragraph 3 of section A was taken by rolle call; it was adopted by 31 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(d) At the request of the Nigerian representative, the vote on paragraph 4 of section A was taken by roll call; it was adopted by 31 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(e) At the request of the Nigerian representative, the vote on the third Ukrainian amendment as orally revised (see paras. 29 and 30 above) for insertion of a new paragraph 5 in section A, was taken by roll call, and the amendment was adopted by 19 votes to 4 with 8 abstentions. The voting was as follows:

In favour: Congo (Democratic Republic of), Dahomey, India, Iran, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

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

Abstaining: Argentina, Austria, Chile, Greece, Israel, Italy, Lebanon, Sweden.

(f) The Ukrainian SSR's oral amendment (see para. 30 above) proposing the insertion of the word "diplomatic" before the word "cultural" in section A, former paragraph 5 (new paragraph 6), was adopted by 14 votes to 9, with 4 abstentions.

(g) At the request of the Nigerian representative, the vote on section A, former paragraph 5 (new paragraph 6), as amended, was taken by roll call; it was adopted by 20 votes to 4, with 7 abstentions. The voting was as follows:

In favour: Congo (Democratic Republic of), Dahomey, India, Iran, Israel, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

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

Abstaining: Argentina, Austria, Chile, Greece, Italy, Lebanon, Sweden.

(h) Section A of the draft resolution as a whole, as amended, was adopted by 23 votes to none, with 8 abstentions.

67. The voting on section B of the draft resolution was as follows:

(a) The United Kingdom amendment (see para. 31 above) to paragraph 1, was adopted by 24 votes to 1, with 6 abstentions.

(b) At the request of the Nigerian representative, the vote on paragraph 1, as amended, was taken by roll call. The paragraph was adopted by 29 votes to none, with 2 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Pakistan, Peru, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: Nigeria, Philippines.

(c) At the request of the USSR representative, the vote on the second United Kingdom amendment, to delete paragraph 2 of section B, was taken by roll call, and the amendment was rejected by 18 votes to 8, with 5 abstentions. The voting was as follows:

In favour: Argentina, France, Italy, Jamaica, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Chile, Dahomey, India, Iran, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Austria, Congo (Democratic Republic of), Greece, Israel, Peru.

(d) At the request of the Nigerian representative, the vote on paragraph 2 of section B was taken by roll call; it was adopted by 19 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Dahomey, India, Iran, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Austria, France, Greece, Israel, Italy, New Zealand, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland.

(e) At the request of the Nigerian representative, the vote on paragraph 3 of section B was taken by roll call; it was adopted by 30 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia.

Against: None.

(f) At the request of the Nigerian representative, the vote on paragraph 4 of section B was taken by roll call; it was adopted by 30 votes to none, with 1 abstention. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: United Kingdom of Great Britain and Northern Ireland.

(g) At the request of the Nigerian representative, the vote on paragraph 5 of section B was taken by roll call; it was adopted by 31 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(h) Section B, as a whole, as amended, was adopted by 27 votes to none, with 4 abstentions.

68. At the request of the Nigerian representative, the vote on section C, as a whole, as orally revised (see paras. 27 and 28 above) was taken by roll call; it was adopted by 31 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

69. At the request of the Nigerian representative, the vote on section D as a whole, as orally revised (see paras. 27 and 28 above), was taken by roll call; it was adopted by 29 votes to none, with 2 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, 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, Venezuela, Yugoslavia.

Against: None.

Abstaining: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

70. The voting on section E was as follows:

(i) The introductory phrase of paragraph 1 of section E was adopted by 27 votes to none, with 2 abstentions.

(ii) At the request of the representative of the United Kingdom sub-paragraph (a) of paragraph 1 of section E was voted on separately; it was adopted by 29 votes to none, with 2 abstentions.

(iii) The representative of the United Kingdom requested a separate vote on sub-paragraph (b) of paragraph 1 of section E. At the request of the Nigerian representative, the vote on sub-paragraph (b) was taken by roll call; it was adopted by 26 votes to none, with 5 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

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

(iv) At the request of the representative of the United Kingdom, sub-paragraph (c) of paragraph 1 of section E was voted on separately; it was adopted by 18 votes to none, with 13 abstentions.

(v) At the request of the representative of the United Kingdom sub-paragraph (d) of paragraph 1 of section E was voted on separately; it was adopted by 27 votes to none, with 3 abstentions.

(vi) At the request of the Nigerian representative, the vote on section E as a whole was taken by roll call; it was adopted by 28 votes to none, with 3 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, India, Iran, Israel, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Italy, Sweden, United States of America.

71. Draft resolution E/CN.4/L.989/Rev.1, as a whole, as amended, was adopted by 24 votes to none, with 7 abstentions.

72. For the text of the resolution, as adopted by the Commission at its 961st meeting, on 16 February 1968, see below, chapter XVIII, resolution 3 (XXIV).

73. At its 964th meeting, the Commission voted on draft resolution E/CN.4/L.993/Rev.1, submitted by the Congo (Democratic Republic of), Dahomey, India, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, United Arab Republic and the United Republic of Tanzania, as orally revised (see paras. 32-33 above) and the amendments submitted thereto by the Ukrainian SSR in document E/CN.4/L.994 (see para. 34 above).

74. The voting on the paragraphs of the preamble of the draft resolution recommended for adoption by the General Assembly was as follows:

(a) The first amendment submitted by the Ukrainian SSR, to insert a new paragraph after the fourth preambular paragraph, was adopted by 21 votes to none, with 10 abstentions.

(b) At the request of the representative of the Ukrainian SSR, the vote on his second amendment, to insert a new paragraph after the fifth preambular paragraph, was taken by roll call; the amendment was adopted by 10 votes to 6, with 15 abstentions. The voting was as follows:

In favour: Chile, Guatemala, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

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

Abstaining: Argentina, Austria, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Jamaica, Lebanon, Madagascar, Morocco, Pakistan, Peru, Senegal.

(c) The paragraphs of the preamble, as a whole, as amended, were adopted by 24 votes to none, with 7 abstentions.

75. The voting on the operative paragraphs of the draft resolution recommended for adoption by the General Assembly was as follows:

(d) At the request of the Ukrainian representative, the vote on his third amendment as orally revised, for a new paragraph after paragraph 4, was taken by roll call; the amendment was adopted by 10 votes to 9, with 13 abstentions. The voting was as follows:

In favour: Chile, Guatemala, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Austria, France, Italy, Jamaica, Lebanon, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Congo (Democratic Republic of), Dahomey, Greece, India, Iran, Israel, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal.

(e) At the request of the representative of the United Republic of Tanzania, the separate vote on operative paragraph 4 which had been requested by the representative of the United States, was taken by roll call; the paragraph was adopted by 27 votes to none, with 5 abstentions. The voting was as follows:

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

Against: None.

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

(f) At the request of the representative of the United Republic of Tanzania, the separate vote on operative paragraph 7, requested by the representative of the Union of Soviet Socialist Republics, was taken by roll call; the paragraph was adopted by 27 votes to none, with 5 abstentions. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Senegal, Sweden, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

(g) The operative paragraphs as a whole, as amended, were adopted by 26 votes to none, with 6 abstentions.

76. Draft resolution E/CN.4/L.993/Rev.1, as a whole, as amended, was adopted by 26 votes to none, with 6 abstentions.

77. For the text of the resolution, as adopted by the Commission at its 964th meeting, on 20 February 1968, see below, chapter XVIII, resolution 4 (XXIV).

Question of the trials of South West African nationals

78. At the 950th meeting, the Special Rapporteur drew the attention of the Commission to the sentences passed upon thirty-three nationals of South West Africa - a territory under the direct responsibility of the United Nations - who had been illegally tried and convicted by a South African court under the illegal Terrorism Act of 1967. He recalled that the situation in South West Africa was deteriorating from day to day and noted that these persons had been convicted and given harsh sentences in spite of a unanimous decision of the Security Council (resolution 245 (1968)) and a near unanimous resolution of the General Assembly (resolution 2324 (XXII)).

79. All the representatives expressed indignation and reprobation at the convictions and sentences. It was pointed out that the decision of the South African court violated not only the principle of non-discrimination, but was also a flagrant violation of human rights. Members of the Commission strongly condemned the outcome of the trial and denounced the Terrorism Act, under which the men were tried and convicted, as a mockery of all established principles of justice and criminal procedure, as well as a gross violation of the decisions of the General Assembly which, by its resolution 2145 (XXI), had placed South West Africa under the direct responsibility of the United Nations. Some members referred to previous official statements in which their Governments had protested against the illegal trial. They also stressed that the outrageous decision of the South African court constituted a further proof of the ominous challenge to the United Nations by the South African Government. The overwhelming majority of representatives expressed the view that the Commission should go on record once again to show its indignation and take unanimously and immediately all appropriate action to improve the situation of the prisoners. Some members stressed that, in their opinion, the Commission should take action entirely on humanitarian grounds. Most members declared that they would associate themselves with any steps which would prevent the illegal sentences from being carried out and warned against appeasement. They strongly urged the Commission to act unanimously and without delay, so that the impact of the measures envisaged would not be weakened.

80. In that connexion, a number of suggestions were made. It was suggested that, on behalf of the Commission, the Chairman of the Commission should either send a cable to the South African Government requesting the prompt release of the prisoners, or the Commission should adopt a resolution.

81. At the 951st meeting the representative of the United Republic of Tanzania read the text of a draft cable to be sent to the Government of South Africa. He also submitted a draft resolution (E/CN.4/L.987) which, in his view, was humanitarian in nature and non-controversial, and would therefore undoubtedly obtain the unanimous support of the Commission. The text of the draft resolution was as follows:

"The Commission on Human Rights,

"Receiving reports on the conviction and sentence of the thirty-seven nationals of South West Africa by the Government of South Africa,

"1. Condemns the illegal arrest, trial, conviction and sentence of the thirty-seven nationals of South West Africa, a territory under the direct responsibility of the United Nations;

"2. Requests the Secretary-General of the United Nations to dispatch immediately a special representative to South Africa in order to gain access to the thirty-seven nationals of South West Africa and to inspect and report on the conditions of their imprisonment;

"3. Invites Member States which have diplomatic representation in South Africa to intervene in this matter with the South African authorities for the purposes of: (1) Prevailing upon the South African Government to release the thirty-seven prisoners; (2) gaining access to the prisoners; (3) inspecting the conditions of their imprisonment; (4) reporting to the Secretary-General as soon as possible on their findings;

"4. Requests the South African Government to make a weekly report upon the existence and conditions of imprisonment of the thirty-seven nationals of South West Africa."

82. Subsequently the representative of the United Republic of Tanzania informed the Commission that, for the present, he would not press his draft resolution to a vote.

83. At the same meeting, the Chairman of the Commission read the text of a consensus concerning the trial and conviction of the thirty-three nationals of South West Africa and suggested that it be sent to the South African Government in a telegram.

84. The great majority of members of the Commission voiced their approval of the text read by the Chairman. However, some representatives, while agreeing in principle, objected to the references made to a number of General Assembly resolutions and to the findings in the report of the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission. After a brief debate, the Commission unanimously agreed on the text, as proposed by the Chairman, on the understanding that its approval would not in any way prejudice the fundamental position of individual members of the Commission on certain of the issues involved, in particular, the reference to the report of the ad hoc Working Group of Experts.

85. The text of the consensus (E/CN.4/L.988) adopted at the 951st meeting of the Commission, on 9 February 1968, reads as follows:

"The Commission on Human Rights has just heard with indignation the news of the sentences illegally passed on a number of South West Africans by the Supreme Court at Pretoria. These sentences have been passed in spite of General Assembly resolution 2145 (XXI) which terminated South Africa's Mandate over South West Africa and placed the Territory henceforth under the direct responsibility of the United Nations. This decision has also been taken after the almost unanimous adoption by the General Assembly of resolution 2324 (XXII), which called upon the South African Government to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned. On 25 January 1968, the Security Council unanimously called upon the Government of South Africa to discontinue the illegal trial.

"The Commission on Human Rights expresses its deep indignation at the fact that the Republic of South Africa has defied the international community by sentencing these South West Africans after an illegal trial and under the 'Terrorism Act' - a law which has been rejected by the whole international community as contrary to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

"The Commission on Human Rights calls upon the Government of South Africa to release immediately the South West Africans who have been illegally sentenced.

"The Commission on Human Rights draws the attention of the South African Government to the general ill-treatment of political prisoners

in South Africa, as described by the ad hoc Working Group of Experts (E/CN.4/950), and points out that the persons sentenced are nationals of South West Africa over which South Africa has no jurisdiction whatsoever.

"The Commission appeals to all States and international organizations to use their influence with the Government of South Africa, without delay, with a view to obtaining the release of the South West Africans concerned.

"The Commission on Human Rights requests the Secretary-General to bring this consensus to the attention of the South African Government, and to report during the twenty-fourth session on measures taken by the Government of South Africa to liberate the political prisoners of South West Africa."

86. At the 952nd meeting, the Commission was informed that the Secretary-General had, on 9 February 1968, communicated the text of the above consensus to the Minister of Foreign Affairs of the Republic of South Africa.

87. At the 959th meeting, the representative of Pakistan, recalling that the Security Council would convene the following day to discuss the trial and conviction of the South West African nationals, proposed that the Commission should inform the Security Council on the action it had taken on the matter. A large number of representatives supported the Pakistan proposal and did not share the view expressed by others that Articles 12 and 65 of the United Nations Charter precluded such a step. The Commission agreed that its Chairman should communicate with the President of the Security Council concerning the proceedings and proposals in the Commission before the scheduled meeting of the Council and transmit immediately to him the text of the consensus. 6/

88. At the 977th meeting, the Commission was informed that as of 29 February 1968, the Secretary-General had not received any reply to the cable he had sent on 9 February 1968 communicating the text of the above-quoted consensus to the Minister of Foreign Affairs of the Republic of South Africa.

89. At the 977th meeting, the Special Rapporteur drew the attention of the Commission to press reports indicating that South Africa would soon try under the illegal Terrorism Act, eight more nationals of South West Africa, a Territory under the direct responsibility of the United Nations. Some members recalling the action taken earlier by the Commission expressed their abhorrence at this new act of defiance and urged the Commission to strongly condemn the Government of the Republic of South Africa. The representative of India read the text of another consensus proposed to the Commission for adoption. After a short debate in which various opinions on its nature and scope were expressed, the Commission unanimously agreed on the text of the consensus, including an addition proposed by the representative of the United Kingdom to make it clear that the resolutions of the Security Council and of the General Assembly referred to in the text related to such trials.

6/ Official Records of the Security Council, Twenty-third Year, Supplement for January, February and March 1968, document S/8411.

90. The text of the second consensus adopted at the 977th meeting of the Commission on 29 February 1968 (E/CN.4/L.1017) reads as follows:

"The Commission on Human Rights has heard again with indignation the news of the new illegal trial under the Terrorism Act of eight South West Africans by the South African Courts.

"It condemns the South African Government (a) for its defiance of the resolutions of the Security Council and the General Assembly and of the consensus of the Commission on Human Rights of 9 February 1968 concerning such trials, (b) for instituting another illegal trial of South West Africans under the Terrorism Act.

"It requests the Secretary-General urgently to give the maximum publicity to the decisions of the United Nations organs on this question, as well as to the statements of the accused in the South West African terrorism trial.

"It urgently invites all organizations, and world public opinion in general to exert all their influence to prevent the South African Government from continuing with the implementation of the Terrorism Act."

Question of the execution of African political prisoners and freedom fighters in the colony of Southern Rhodesia

91. At the 984th meeting, the representative of the United Republic of Tanzania drew the attention of the Commission to the execution in Southern Rhodesia of three African political prisoners and freedom fighters. The Commission was unanimous in expressing its shock and profound indignation at the outrageous act perpetrated by the illegal régime in Southern Rhodesia despite a reprieve granted by Her Majesty the Queen, whose Government in the United Kingdom was the administering Power of the colony of Southern Rhodesia. The executions were denounced and condemned as an extremely gross violation of the human rights of the African people in that Territory. The members of the Commission expressed also their grave concern at the fate of more than 100 freedom fighters still unlawfully detained.

92. A number of representatives, recalling that the United Kingdom was recognized by the world community as the administering Power of the colony of Southern Rhodesia, blamed the inaction and the hesitation of that Government for the tragic situation and stressed its responsibility to find a solution to the entire problem of Southern Rhodesia. They suggested that the Commission should call on the United Kingdom, as the administering Power in the colony of Southern Rhodesia, to intervene to save the lives of the 100 or more remaining political prisoners, and recommend that the Security Council take appropriate action to put an immediate end to the situation existing in Southern Rhodesia. However, a view was expressed that the Commission had no competence to deal with the situation in Southern Rhodesia.

93. On the proposal of the representative of Iran, the Commission observed one minute of silence in tribute to the Africans who were executed, and as an expression of condolence to their families.

94. The representative of the United Republic of Tanzania proposed to the Commission the text of a draft consensus on the matter (E/CN.4/L.1029).

95. While many representatives expressed satisfaction with the text submitted, some would have preferred a stronger expression of the view of the Commission. In the light of the comments made during a short debate, a revised draft consensus was proposed jointly by the representatives of Nigeria and the United Republic of Tanzania (E/CN.4/L.1029/Rev.1). The United Kingdom representative stated that he had reservations about certain parts of the draft consensus and could not assure the Commission that the hope expressed in paragraph 5 thereof would be fulfilled; but these reservations were not such that he should wish to dissent from the adoption of the consensus.

96. The Commission unanimously agreed on the revised draft consensus. It was also agreed that the Chairman of the Commission should forthwith transmit the text to the President of the Security Council. 7/

97. The text of the consensus adopted at the 986th meeting of the Commission on 7 March 1968 reads as follows (E/CN.4/L.1031):

"1. The Commission on Human Rights hears with alarm and indignation the news of the illegal killing of three African political prisoners and freedom fighters by the racist illegal régime in Southern Rhodesia.

"2. The Commission considers this outrageous act on the part of the illegal régime in Southern Rhodesia as a clear and extreme denial as well as a flagrant and gross violation of human rights and fundamental freedoms of the African people.

"3. The Commission condemns the killing of the three political prisoners and freedom fighters by the racist régime in Southern Rhodesia, and is gravely concerned by the threat to international peace and security constituted by the current situation in Southern Rhodesia. Accordingly, the Commission calls upon the Government of the United Kingdom of Great Britain and Northern Ireland, the administering Power in the colony of Southern Rhodesia, to take immediate steps to restore the human rights and fundamental freedoms of the African people in the colony of Southern Rhodesia by the restoration of constitutionality, law and order as well as peace and security, and also to take urgent and immediate steps to save the lives of the remaining 100 or more political prisoners and freedom fighters unlawfully detained by the racist and illegal régime in Southern Rhodesia.

"4. The Commission draws the attention of the Security Council to the current situation in Southern Rhodesia, a matter of which the Council is already seized, so that the Council may take immediate and appropriate action, consistent with its responsibility under the Charter of the United Nations, to restore peace and security in the colony of Southern Rhodesia.

7/ Ibid., document S/8443.

"5. The Commission expresses the hope that the Government of the United Kingdom of Great Britain and Northern Ireland, the administering Power in the colony of Southern Rhodesia, will keep the Commission fully informed on the steps that the Government of the United Kingdom of Great Britain and Northern Ireland will have taken to restore constitutionality, law and order as well as the human rights and fundamental freedoms of the African people in the colony of Southern Rhodesia."

98. At its 989th meeting on 8 March 1968 the representative of Nigeria moved, and the Commission agreed to send, the following telegram to the United Kingdom Government:

"The United Nations Commission on Human Rights is alarmed to learn from press sources of the intention of the illegal régime in Southern Rhodesia to execute more innocent African political prisoners and freedom fighters on Saturday, 9 March 1968. The Commission urges Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland to take urgent and effective action to stop any further killing by the racist régime of the colony of Southern Rhodesia and to secure the immediate release of all the political prisoners and freedom fighters from detention."

99. At its 992nd meeting, the representative of Chile drew the attention of the Commission to the execution of two more political prisoners and freedom fighters by the illegal authorities in the colony of Southern Rhodesia in spite of universal condemnation of such outrageous acts, including the consensus of the Commission on 7 March 1968. He then proposed the text of a further draft consensus to be adopted by the Commission and the text of a draft telegram to be sent to the Secretary of State for Foreign Affairs of the United Kingdom.

100. The representatives of India and Nigeria, stressing that any new consensus ought to be stronger than the previous one, proposed amendments to the draft consensus and the draft telegram with a view to strengthening them. Although the representatives of France and of the United Kingdom made reservations on certain points, these texts, as amended, were unanimously accepted by the Commission.

101. The representative of the United Kingdom stated that while he would not disassociate himself from the action of the Commission, he could not accept the criticism of his Government's efforts which appeared in both the consensus and the telegram. The representative of France made reservations regarding the competence of the Commission to deal with the situation in Southern Rhodesia and stated that his acceptance of the two texts would not prejudice the fundamental position of his Government on the matter.

102. The text of the consensus (E/CN.4/L.1038) adopted at the 992nd meeting of the Commission, on 12 March 1968, reads as follows:

"The Commission on Human Rights learned with the utmost indignation and horror that, in spite of universal condemnation, including its consensus of 7 March 1968, and its appeal contained in the Commission's telegram of 8 March 1968 to the Government of the United Kingdom, two more African political prisoners and freedom fighters were executed yesterday by the racist illegal régime of the colony of Southern Rhodesia.

"The Commission is deeply shocked at this persistent denial and gross violations of the human rights of the African people by the racist illegal régime in Southern Rhodesia.

"The Commission considers that, by these barbarous acts, the illegal régime in Southern Rhodesia has placed itself outside the pale of civilized nations.

"The Commission renews its condemnation of such acts as well as its grave concern over the threat to international peace and security constituted by the current situation in Southern Rhodesia.

"The Commission expresses the earnest hope that the Security Council which is already seized of the whole question of Southern Rhodesia, will take immediate and appropriate action, consistent with its responsibility under the Charter of the United Nations, to restore peace and security in the area.

"The Commission deplures the inadequate efforts of the Government of the United Kingdom, the administering Power in the colony of Southern Rhodesia, to prevent such murders and once again calls upon that Government, the administering Power, urgently to take steps to restore the human rights and fundamental freedoms of the African people in the colony of Southern Rhodesia as well as constitutionality, law and order and peace and security in that territory. The Commission urges that Government, first and foremost, to take immediate and effective steps to save the lives of the remaining one hundred or more political prisoners and freedom fighters unlawfully detained by the racist and illegal régime in Southern Rhodesia."

103. The text of the telegram (E/CN.4/L.1041) to be sent to the United Kingdom Government, as adopted at the 992nd meeting of the Commission on 12 March 1968, reads as follows:

"The United Nations Commission on Human Rights hears with shock and horror the news of the execution of two more African political prisoners and freedom fighters by the illegal régime in Southern Rhodesia. The Commission recalls its previous appeals as well as universal condemnation of such acts. The Commission expresses its profound dissatisfaction at the efforts of Her Majesty's Government, the administering Power of the Colony of Southern Rhodesia, to prevent such flagrant and gross violations of human rights. Since the efforts of the Government of the United Kingdom have so far proved ineffective, the Commission again urges Her Majesty's Government to take immediate and more effective action to stop any further killings by the racist régime of the colony of Southern Rhodesia and to secure the immediate release of all the Africans detained who are political prisoners and freedom fighters."

B. Review of the situation referred to in resolution 2 (XXIII) of the Commission: report of the ad hoc Working Group of Experts

104. At its twenty-third session, the Commission 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, a communication dated 3 February 1967, in which the Acting Chairman drew the attention of the Commission to evidence of the continuing ill-treatment of prisoners, detainees and persons in police custody by South African Authorities [E/4322, chap. IV]. By its resolution 2 (XXIII) of 6 March 1967, the Commission decided, inter alia:

"... 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."

The Working Group was composed as follows: Mr. Felix Ermacora (Austria), Mr. Luis Marchand Stens (Peru), Mr. Ibrahim Boye (Senegal), Mr. Waldo Emerson Waldron-Ramsey (United Republic of Tanzania), and Mr. Branimir Jankovic (Yugoslavia) (ibid., para. 270).

105. At its forty-second session, the Economic and Social Council, in resolution 1236 (XLII), welcomed the decisions of the Commission on Human Rights set out in its resolution 2 (XXIII) and condemned the Government of South Africa for refusing to co-operate with the United Nations in expediting the work of the ad hoc Working Group of Experts established under that resolution. 8/

106. The Commission considered item 4 (b) at its 945th to 964th meetings held from 6 to 20 February 1968. It had before it, in addition to the report of the ad hoc Working Group of Experts (E/CN.4/950) a note by the Secretary-General (E/CN.4/961/Add.1) reviewing the situation referred to in resolution 2 (XXIII) of the Commission.

8/ See communications dated 13 and 17 April 1967 from the Permanent Representative of South Africa to the United Nations circulated in documents E/4340-E/CN.4/942 and Corr.1, and E/4340/Add.1-E/CN.4/942/Add.1.

Draft resolutions and amendments thereto

107. Two draft resolutions (E/CN.4/L.990 and E/CN.4/L.995) were introduced concerning the report of the ad hoc Working Group of Experts.

108. In its revised form, the first draft resolution (E/CN.4/L.990/Rev.1), proposed by Dahomey, India, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, United Arab Republic, United Republic of Tanzania and Yugoslavia, read as follows:

"The Commission on Human Rights,

"Having considered the report of the ad hoc Working Group of Experts established under its resolution 2 (XXIII) (E/CN.4/950),

"Taking note of the recommendation contained in paragraph 1540 of the report of the Special Rapporteur established under its resolution 7 (XXIII) (E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1 and Add.2-5),

"1. Endorses the conclusions and recommendations of the ad hoc Working Group;

"2. Decides to expand the ad hoc Working Group by one expert jurist from Asia, and empowers the Chairman to appoint such an expert;

"3. Decides further to enlarge the mandate of the ad hoc Working Group of Experts to include the following:

"(i) To investigate allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in South West Africa;

"(ii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Southern Rhodesia;

"(iii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Mozambique, Angola and all other Portuguese territories in Africa;

"(iv) To investigate, in particular, the consequences which flow from the illegal arrest and arraignment by the South African authorities of nationals of South West Africa, a Territory under the direct responsibility of the United Nations;

"(v) A thorough investigation of the conclusion contained in paragraph 1137 of the report of the ad hoc Working Group of Experts;

"4. Invites the ad hoc Working Group to submit its report to the twenty-fifth session of the Commission."

109. An amendment to this draft resolution was proposed by the representative of Austria, which in its revised form (E/CN.4/L.992/Rev.1), as orally changed, would add a third preambular paragraph to the draft resolution, reading as follows:

"Taking note of paragraph 1 and paragraph 3, in so far as it concerns the situations mentioned in paragraph 1, of resolution 3 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/947)."

110. A statement of the financial implications of the draft resolution, prepared by the Secretary-General, was circulated as document E/CN.4/L.997 (see annex I).

111. A draft resolution concerning the report of the ad hoc Working Group, submitted by the representatives of Congo (Democratic Republic of), India, Nigeria, Jamaica, Pakistan and the United Arab Republic, read, in its second revised form (E/CN.4/L.995/Rev.2) as follows:

"The Commission on Human Rights,

"Recalling 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),

"Also recalling its resolution 2 (XXIII) by which it established an ad hoc working group of experts composed of eminent jurists to, inter alia, investigate charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa,

"Taking into account resolution 2144 A (XXI) of the General Assembly on the 'Question of the violation of human rights and fundamental freedoms, including the policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories',

"Noting General Assembly resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa,

"Having considered the report of the ad hoc Working Group of Experts (E/CN.4/950),

"Deploring the evidence of inhuman practices of the Government of the Republic of South Africa against the opponents of the evil policy of apartheid,

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

"1. Commands the ad hoc Working Group of Experts for the valuable report it has submitted;

"2. Transmits the report of the ad hoc Working Group of Experts to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"3. Condemns any and every practice of torture and ill-treatment of prisoners in South African prisons and of persons in police custody in South Africa as reflected in the report of the ad hoc Working Group of Experts;

"4. Calls upon the Government of the Republic of South Africa to conform to the international standard minimum rules for the treatment of prisoners in particular in the following respects:

"(a) Young persons and juveniles should be kept away from older prisoners in every case;

"(b) Political prisoners and opponents of apartheid should not be subjected to discriminatory and harsh treatment because of their opposition to the policy of apartheid;

"(c) All prisoners, on Robben Island in particular, should be provided with shoes at all times;

"(d) The inhuman practices known as the 'tausa dance' and 'carry-on' should be immediately terminated in the South African gaols;

"(e) Action should be taken to put an immediate end to the institution of cheap African convict labour;

"(f) Every effort should be made to put an end immediately to any encouragement by prison officials of the practices of homosexuality and lesbianism amongst prisoners and detainees;

"(g) Food given to non-white prisoners should be the same as that given all other prisoners and should be improved to increase its nutritional value;

"(h) The clothing given to all prisoners should be such as is adequate for the climatic conditions at all times;

"(i) The bedding provided for prisoners should be adequate and should meet varying climatic conditions, and beds should be provided to all prisoners;

"(j) The toilet facilities provided in cells should be so constructed and located as to meet reasonable hygienic prison conditions; and

"(k) Due care and attention should be taken to ensure that only a reasonable number of prisoners be placed in any prison cell and that they should be of the same sex;

"5. Also calls upon the Government of the Republic of South Africa to bring to an end in every case all practices of torture and all cruel, inhuman and degrading treatment of detainees or prisoners during interrogation and during detention in prison, and to take immediate steps to ensure that the supervising authorities keep a close watch on the behaviour of the police and prison officials in conformity with the international rules concerning detainees, and to establish an effective system of remedies against violations of human rights in South African police stations and prisons;

"6. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following resolution:

'The Economic and Social Council,

'Recommends to the General Assembly the adoption of the following resolution:

"The General Assembly,

"Having considered the recommendations of the Economic and Social Council contained in resolution of the Council,

"Recalling its resolution 2144 A (XXI) 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', and its resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa,

"Gravely concerned at the evidence in the report of the ad hoc Working Group of Experts (E/CN.4/950) of the intensification of inhuman practices by the Government of the Republic of South Africa against the opponents of the policies of apartheid,

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

"1. Reaffirms its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms;

"2. Condemns any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African prisons and in South African police custody during interrogation and detention, as found in the report of the ad hoc Working Group of Experts;

"3. Calls upon the Government of the Republic of South Africa to:

"(i) Initiate investigations into the violations mentioned in the report of the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights with a view to establishing the degree of responsibility of the persons

listed in appendix II to chapter VII of the report for the purpose of punishing them accordingly;

"(ii) Afford the opportunity to all persons who have suffered damage to receive indemnification;

"(iii) Abolish the '180-day law' and the Terrorism Act under which opponents of the policy of apartheid are detained without charge or trial, as well as the 'Suppression of Communism Act', the 'Sabotage Act' and similar laws, and also to refrain from incorporating the principles contained in these laws into other laws;

"(iv) Immediately release Mr. Robert Sobukwe;

"(v) Immediately release all other political prisoners and opponents of apartheid in South African prisons and police detention;

"4. Requests the Member States of the United Nations to encourage maximum publicity to be given to this report within their territories;

"5. Calls upon the Government of South Africa to report to the Secretary-General on the measures taken or envisaged in accordance with paragraph 3 above;

"6. Requests the Secretary-General:

"(i) To take steps to draw the widest public attention to the report of the ad hoc Working Group of Experts;

"(ii) To report to the twenty-fourth session of the General Assembly on the implementation of this resolution."

112. At the 964th meeting, the sponsors of the draft resolution revised it orally as follows: (i) in operative paragraph 4 (e), the words "exploitation of African convict labour" were substituted for "institution of cheap African convict labour"; (ii) in paragraph 5, the words "each and every case" were substituted for "every case"; and (iii) paragraph 3 (v) of the draft resolution proposed for adoption by the General Assembly was amended to read: "Immediately release all other political prisoners and all persons held for their opposition to the policies of apartheid, whether in prisons or in police detention".

Issues discussed

113. In introducing the report of the ad hoc Working Group of Experts set up under resolution 2 (XXIII) of the Commission (E/CN.4/950), the Chairman of the Commission, speaking as Chairman-Rapporteur of the Group, stated that, in addition to examining documentary evidence, the Group had heard twenty-five witnesses, including persons of African, European and Asian descent, nearly all of whom had been South African citizens at the time of their imprisonment or detention. The report dealt mainly with the evidence submitted by these witnesses. They had been people who had committed no crime and wanted only to live like human beings

in dignity and justice, but had been subjected to torture and ill-treatment and were now forced to live separated from their families. The Working Group had taken as a basis of its consideration of the situation referred to it the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Standard Minimum Rules of the Treatment of Prisoners. The Group had met in New York, London, Dar es Salaam and Geneva but had been denied entry to South Africa.

114. Members of the Commission paid tribute to the thorough and impartial way in which the ad hoc Working Group had performed its task. It was pointed out that the Group's report had been approved unanimously. It was observed that the charges made against the South African Government in the documents transmitted to the Commission by the Special Committee on Apartheid had been substantiated. It was agreed that the evidence brought to light by the Working Group showed that the practices followed by the South African authorities in their prisons and police stations were an expression of the policy of apartheid and constituted a violation, not only of the United Nations Charter, the Universal Declaration of Human Rights and the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council in resolution 663 C (XXIV), but even of the Prison Act, 1959 of South Africa itself. Persons had been imprisoned indefinitely and without charge. They had been subjected to various kinds of ill-treatment, including torture and solitary confinement, and, as a result some had developed suicidal tendencies. Prison cells were badly over-crowded and sanitary conditions appalling. Common-law prisoners, even murderers, received better treatment than political detainees. Non-white political prisoners on Robben Island had had to live and work in very harsh conditions, and the lack of adequate clothing had caused them particular hardship. Detainees had not been allowed to see their lawyers and complaints made by them to the prison authorities were seldom followed up. Many Africans were found to have died in prison or shortly after release, and several witnesses had stated that genocide had begun in South Africa.

115. Some representatives, while declaring that they were impressed by the evidence contained in the report of the Working Group, expressed the opinion that the Group was not a judicial organ and therefore could not pass judgement.

116. It was agreed that wide publicity should be accorded to the findings of the Working Group and it was pointed out that evidence taken by it had shown that publicity was not without its effect on the policies of the South African Government.

117. Draft resolution E/CN.4/L.990/Rev.1 (see para. 108 above) proposed: to expand the membership of the Working Group by the addition of one expert jurist from Asia, to be appointed by the Chairman of the Commission; to enlarge the mandate of the Working Group in certain ways, and to have the Working Group submit its report to the twenty-fifth session of the Commission; the original draft resolution (E/CN.4/L.990) would have had the Group report to every session of the Commission.

118. With the exception of the proposed investigation of the question of genocide (see paras. 125 and 126 below), and subject to reservations concerning competence and financial implications made by certain representatives, the enlargement of the mandate of the Working Group was approved by most members of the Commission.

Such an expansion of its terms of reference, it was said, would supply the information the lack of which had been used by some members as a ground for avoiding decisions. Much remained to be investigated in the subject matter concerned. The fact that the proposed new investigations would be made by an organ of the Commission on Human Rights would emphasize their humanitarian, as distinct from their political, aspects. The Commission itself could not undertake such investigations, while the Working Group had proved itself capable of doing so and was a unique body, as well as a representative one. Attention was drawn to resolution 3 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommending the Commission to take a step similar to that now proposed, and an amendment (see para. 109 above) was proposed in order to incorporate reference to the Sub-Commission's recommendation into draft resolution E/CN.4/L.990/Rev.1.

119. Some representatives doubted the usefulness of extending the Group's mandate. It had previously had specific allegations referred to it, while the proposed subject matter of its investigations was now vague. In addition, access to the territories in question was again likely to be denied and, although the Group had nevertheless proved successful, its success should not cause it to be regarded as a precedent for subsequent similar enquiries. It was felt that the findings of the Group should be properly implemented by the Commission before further investigations were undertaken. It was also said that adequate information was already available on the matters referred to in paragraph 3 (i)-(iv) of draft resolution E/CN.4/L.990/Rev.1.

120. The majority of the members felt that the mandate of the Group could be usefully expanded in order to investigate the ill-treatment of political detainees and prisoners in South Africa, South West Africa, Southern Rhodesia, Mozambique, Angola and the Portuguese territory of Guinea Bissau.

121. The original proposal to make the Working Group a permanent body at this time was not pressed. This made it easier for several members of the Commission to accept the proposal that the mandate of the Working Group be expanded and that it should render a further report. It was pointed out that the earlier proposal was premature at a time when the Commission was considering ways of improving its procedure.

122. The proposals were the subject of some debate on financial and legal grounds. Attention was drawn to the cost involved, and also to the possible relevance to the subject under discussion of General Assembly resolution 2370 (XXII), which had arisen out of the comments in the Economic and Social Council and in the Advisory Committee on Administrative and Budgetary Questions on resolution 2 (XXIII) of the Commission (see A/6707 and Corr.1-3, paras. 60-73). 9/ The prevailing feeling was that the costs involved could be submitted as "unforeseen and extraordinary" expenses to the Advisory Committee and that there could be no legal objection to expanding the membership and mandate of a Group of which the Economic and Social Council had already approved. It was also said that some of the expenses involved could possibly be covered through savings on the funds allocated to other human rights activities.

9/ See also Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 74, document A/7014, paras. 59-62 and 109.

123. Some representatives were unable to accept the proposal contained in paragraph I of draft resolution E/CN.4/L.990/Rev.1, that the Commission should, without any qualification, endorse the conclusions and recommendations of the Working Group. It was regretted that members were not given the opportunity to choose which to approve and which not. Four of these conclusions or recommendations caused them particular difficulty. In paragraph 1148 of its report, the Working Group had recommended that the South African Government "hold responsible the persons listed in appendix II to chapter VII" of the report; it was pointed out in the Commission that part B of that appendix listed only "names of police officials said to have taken part in interrogations", without allegation of individual responsibility for ill-treatment of the persons under questioning. In paragraph 1140, the Group had concluded that: "All political prisoners and opponents of apartheid detained under the '90-day' and '180-day' laws are tortured under interrogation with the hope of extracting confessions and information". Some members of the Commission felt that this general statement was too sweeping, but the majority endorsed the conclusions of the Working Group.

124. In paragraph 1137 of its report, the Working Group had concluded:

"The intention of the Government of South Africa to destroy a racial group, in whole or in part, not being established in law, the evidence nevertheless reveals certain elements which correspond to the acts described in article II (a), (b) and (c) of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide and which may, as such, establish the existence of the crime of genocide."

In paragraph 1151, the Group had recommended "that a thorough study be undertaken to ascertain whether the elements of the crime of genocide exist in the system at present prevailing in South Africa". These two paragraphs gave rise to particular discussion. Not only did paragraph 1 of draft resolution E/CN.4/L.990/Rev.1 propose that the Commission endorse these paragraphs, paragraph 3 (v) proposed that the Working Group should undertake a thorough investigation of the conclusion reached in paragraph 1137 of its report. One view was that any expression of opinion concerning genocide was outside the province of a group appointed to investigate prison conditions. Another was that, under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 (III)), the various types of acts defined therein must be "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group" in order to constitute genocide and that there was no evidence of this intention on the part of the South African Government. According to a third opinion, it was unlikely that the Government of South Africa would want to exterminate its African population, which was indispensable to the economy of the country. Several members, however, believed that the South African authorities had already set the process of genocide in motion.

125. On the other hand, several speakers maintained that the Working Group had not characterized the practices of the South African Government as genocide and that all that was being proposed was a study to ascertain whether genocide existed in South Africa and that there seemed to be no objection to this. Statements by witnesses heard by the Working Group to the effect that genocide existed in South Africa were alluded to, as were also categories of evidence which showed that the acts defined in article II (a) and (e) of the Genocide Convention were being committed in South Africa against the African population. It was added that,

although the intention to destroy a group was not declared, as it had been by the Nazis in relation to the Jews, it could be inferred from the actions of the South African Government.

126. Some members felt that the definition of genocide as established in the Convention of 1948 was arrived at in the circumstances of the Nazi persecution of the Jews, and it was claimed that a broader definition was needed in order to accord it with subsequent developments in South Africa. Certain representatives, however, contended that the situation in South Africa constituted genocide even within the existing definition. On the other hand, it was said that the existing definition had a legal basis and should be observed.

127. Most members of the Commission were able to accept the proposal that they "endorse the conclusions and recommendations of the Working Group". One member stated that what mattered was whether they were morally convincing.

128. It was explained that draft resolution E/CN.4/L.995 contained all of the recommendations of the Working Group which called for action by the Commission or the General Assembly. This draft resolution, also as revised (see para. 111 above), was described as repetitions in relation to draft resolution E/CN.4/L.990/Rev.1, since it proposed decisions which were already implied in the general endorsement of the Working Group's conclusions and recommendations which appeared in the latter draft. Most members of the Commission however did not find the two approaches mutually exclusive. One view was that paragraph 4 of draft resolution E/CN.4/L.995/Rev.2 contained excessive detail. Another was that it was superfluous, as duplicating the Standard Minimum Rules for the Treatment of Prisoners. It was asked on what basis the draft resolution proposed that the Commission take some actions and the General Assembly others; relative urgency did not seem to be the test. Some members urged that the inclusion of an express provision to the effect that it was inadmissible to prosecute and sentence opponents of apartheid, whose struggle was manifestly just.

129. Some of the differences between the revisions of the draft resolution (E/CN.4/L.995 and Rev.1 and 2) were of a drafting nature. Those mentioned below, however, related to matters of substance and gave rise to some observations.

130. The original text of the draft resolution (E/CN.4/L.995) contained the following paragraph 5 (b): "Political prisoners and opponents of apartheid should not be especially ill-treated because of their opposition to the policy of apartheid". It was explained that this sub-paragraph, addressed to the Government of South Africa, was based on a recommendation of the Working Group which had had to investigate a factual situation in South Africa, in which political prisoners did exist and were particularly ill-treated. It was felt, however, that this wording would appear to condone the incarceration of political prisoners in South Africa, contrary to the decisions of other United Nations organs affirming the legitimacy of the struggle against apartheid. In the second revised text of the draft resolution (E/CN.4/L.995/Rev.2), therefore, the equivalent paragraph 4 (b) read: "Political prisoners and opponents of apartheid should not be subjected to discriminatory and harsh treatment because of their opposition to the policy of apartheid". Furthermore, the draft resolution recommended for adoption by the General Assembly contained an added paragraph 1, reading: "The General Assembly 1. Reaffirms its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms".

131. Paragraph 5 of the original text of the draft resolution included the following sub-paragraphs: "(c) Non-white prisoners on Robben Island, in particular, should be provided with shoes at all times; ... (g) Food given to non-white prisoners should be improved to increase the nutritional value; (h) The clothing given to African prisoners should be such as is given to all prisoners and as is adequate for the climatic conditions at all times". It was felt, however, that reference should be made in these sub-paragraphs to prisoners in general. Paragraph 4 of the text of the second revised draft resolution therefore included the following equivalent sub-paragraphs: "(c) All prisoners, on Robben Island in particular, should be provided with shoes at all times; ... (g) Food given to non-white prisoners should be the same as that given all other prisoners and should be improved to increase its nutritional value; (h) The clothing given to all prisoners should be such as is adequate for the climatic conditions at all times."

132. Paragraph 2 of the draft resolution recommended for adoption by the General Assembly in the original text would have the General Assembly call upon the Government of the Republic of South Africa to "(i) Initiate investigations into the violations mentioned in the report of the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights and hold responsible the persons listed in appendix II to chapter VII of the report and to punish them in accordance with the generally recognized principles of law". As stated in paragraph 123 above, it was pointed out in the Commission that part B of appendix II listed names of persons against whom there was no allegation of individual guilt. It was emphasized that no Government should punish an individual unless his guilt had been duly established by trial. Paragraph 3 of the draft resolution recommended for adoption by the General Assembly in the second revised text would, therefore, have the General Assembly call upon the Government of the Republic of South Africa to "(i) Initiate investigations into the violations mentioned in the report of the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights with a view to establishing the degree of responsibility of the persons listed in appendix II to chapter VII of the report for the purpose of punishing them accordingly".

133. Paragraph 2 of the draft resolution recommended for adoption by the General Assembly in the original text would have the General Assembly call upon the Government of the Republic of South Africa to: "(iv) Immediately release Mr. Robert Sobukwe". It was felt in the Commission, however, that to mention only one political prisoner in this way might be taken to signify approval of the incarceration of others. In this connexion it was pointed out that paragraph 5 of resolution 2 (XXIII) contained also the names of Mr. Nelson Mandela and Mr. Abram Fischer. Paragraph 3 of the draft resolution recommended for adoption by the General Assembly in the second revised text therefore included the following additional sub-paragraph: "(v) Immediately release all other political prisoners and opponents of apartheid in South African prisons and police detention".

134. In relation to paragraph 3 (v) of the draft resolution proposed for adoption by the General Assembly in the second revised text, some representatives pointed out that the South African Government did not recognize the existence in South Africa of political prisoners, but only of persons who had violated certain criminal laws. On the other hand, it was maintained that this did not alter the fact that, under any civilized law, the persons referred to in paragraph 3 (v) would be classified as political prisoners. Some representatives felt that

paragraph 3 (v) was contradicted by paragraph 4 (b) of the draft resolution since the former called for the immediate release of all political prisoners and opponents of apartheid whereas the latter called for their better treatment, assuming that they continued to be detained.

Adoption of resolutions

135. At the 960th meeting, the Commission voted on draft resolution E/CN.4/L.990/Rev.1, submitted by Dahomey, India, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Senegal, United Arab Republic, United Republic of Tanzania and Yugoslavia (see para. 108 above) and the amendment of Austria thereto as orally revised (E/CN.4/L.992/Rev.1, see para. 109 above) as follows:

(a) The amendment of Austria as orally revised was adopted by 21 votes to none, with 9 abstentions.

(b) The draft resolution, as amended, as a whole, was adopted by 22 votes to none, with 6 abstentions.

136. For the text of the resolution, as adopted by the Commission at its 960th meeting, on 16 February 1968, see below Chapter XVIII, resolution 2 (XXIV).

137. At the 987th meeting the Chairman announced that, in accordance with paragraph 2 of resolution 2 (XXIV), the additional expert for the ad hoc Working Group of Experts would be Mr. N.N. Jha (India).

138. At its 964th meeting on 20 February 1968 the Commission voted on draft resolution E/CN.4/L.995/Rev.2 submitted by Congo (Democratic Republic of), India, Nigeria, Jamaica, Pakistan and the United Arab Republic (see para. 111 above) as orally revised (para. 112 above) as follows:

(a) At the request of the representative of Nigeria, a separate vote by roll-call was taken on operative paragraph 3 of the draft resolution; it was adopted by 32 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(b) Operative paragraph 4 (b) of the draft resolution was voted on separately, at the request of the representative of the USSR; it was adopted by 29 votes to none, with 3 abstentions.

(c) At the request of the representative of Tanzania, a vote was taken by roll-call on operative paragraph 4 as a whole, as orally revised; it was adopted by 32 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(d) At the request of the representatives of Nigeria and the United Republic of Tanzania, the vote on operative paragraph 2 of the draft resolution proposed for adoption by the General Assembly was taken by roll-call and it was adopted by 32 votes to none. The voting was as follows:

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, Morocco, New Zealand, Nigeria, Pakistan, Peru, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

(e) Operative paragraph 3 of the draft resolution recommended for adoption by the General Assembly, voted on separately at the request of the representative of the United Republic of Tanzania, was adopted by 31 votes to none, with 1 abstention.

(f) Operative paragraph 4 of the draft resolution recommended for adoption by the General Assembly, voted on separately at the request of the representative of the United Republic of Tanzania, was adopted unanimously.

(g) Operative paragraph 5 of the draft resolution recommended for adoption by the General Assembly, voted on separately at the request of the representative of the United Republic of Tanzania, was adopted unanimously.

(h) Draft resolution E/CN.4/L.995/Rev.2 as a whole, was adopted unanimously.

139. For the text of the resolution, as adopted by the Commission at its 964th meeting, on 20 February 1968, see below chapter XVIII, resolution 5 (XXIV).

C. Study of situations which reveal a consistent pattern of violation of human rights as provided in resolution 8 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council

140. As mentioned in the note by the Secretary-General on agenda item 4 (E/CN.4/961), 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, had been dealt with successively in resolution 1102 (XL) of the Economic and Social Council, resolution 2 (XXII) of the Commission, resolution 1164 (XLI) of the Economic and Social Council and resolution 2144 (XXI) of the General Assembly.

141. By its resolution 8 (XXIII) of 16 March 1967, the Commission decided to give annual consideration to the item entitled: "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". In operative paragraph 2 of that resolution, it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit to the Commission "a report containing information on violations of human rights and fundamental freedoms from all available sources"; and in operative paragraph 6, it invited 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". Furthermore, the Commission requested that the Economic and Social Council should authorize it to examine relevant information contained in the communications listed by the Secretary-General pursuant to resolution 728 F (XXVIII) of the Economic and Social Council; and to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights.

142. In its resolution 1235 (XLII) of 6 June 1967, the Economic and Social Council, inter alia, authorized

"... the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with the provisions of paragraph 1 of the Commission's resolution 8 (XXIII), to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa and the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa; and to racial discrimination as practised notably in Southern Rhodesia, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959";

and it decided

"... that the Commission on Human Rights may, in appropriate cases, and after careful consideration of the information thus made available to it, in conformity with the provisions of paragraph 1 above, make a thorough study of

situations which reveal a consistent pattern of violations of human rights, as exemplified by the policy of apartheid as practised in the Republic of South Africa and the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and racial discrimination as practised notably in Southern Rhodesia, and report, with recommendations thereon, to the Economic and Social Council".

143. In resolution 3 (XX) of 6 October 1967 (E/CN.4/947, para. 95), the Sub-Commission noted, in operative paragraph 1, "that despite the repeated appeals and condemnations voiced by the various organs of the United Nations, flagrant violations of human rights are still being committed" in the Republic of South Africa, South West Africa, Southern Rhodesia, Angola, Mozambique and Guinea Bissau. In operative paragraph 2, the Sub-Commission drew "the attention of the Commission on Human Rights to some particularly glaring examples of situations which reveal consistent patterns of violations of human rights", namely the situations in Greece and Haiti. The Sub-Commission further recommended that the Commission establish a special committee of experts similar to the Working Group set up under Commission resolution 2 (XXIII), to consider the situations referred to in operative paragraphs 1 and 2. In an annex to resolution 3 (XX) the Sub-Commission submitted a report containing information on violations of human rights and fundamental freedoms from all available sources.

144. In addition to the texts of those resolutions and the report of the Sub-Commission, the members of the Commission had received confidential and non-confidential lists of communications as well as replies from Governments, which were distributed by the Secretary-General pursuant to Council resolution 728 F (XXVIII). Furthermore, in accordance with operative paragraph 2 of Council resolution 1235 (XLII), the Secretary-General distributed confidentially to the members of the Commission information contained in the communications received under Council resolution 728 F (XXVIII), the identity of the authors of those communications being withheld whenever they had so requested. At its 970th meeting, held on 26 February 1968, the Chairman announced that the texts of a number of communications addressed to him, and relating to the matters under consideration, would be made available to the members of the Commission on request, even though such communications had been received after the time-limit for distribution at the twenty-fourth session.

145. The Commission considered this item from its 964th to its 974th meetings, held from 20 to 28 February 1968. At its 966th, 970th and 972nd meetings, the Commission heard statements by the Observer from Haiti. At its 967th meeting, it heard a statement by the Observer for the League of Arab States.

Draft resolutions and amendments

146. At the 968th meeting, held on 23 February 1968, the representative of the United Republic of Tanzania submitted the following draft resolution (E/CN.4/L.991):

"The Commission on Human Rights,

"Recalling its resolution 8 (XXIII) in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities 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,

"Recalling further resolution 1235 (XLII) of the Economic and Social Council, which authorized the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa and the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and racial discrimination as practised notably in Southern Rhodesia, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959,

"Having received and discussed the report of the Sub-Commission,

"1. Regrets that the Sub-Commission failed to prepare a report on information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa, and racial discrimination as practised in Southern Rhodesia;

"2. Reaffirms its decision 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 countries and other dependent nations and territories';

"3. Requests the Sub-Commission to prepare a comprehensive and detailed report containing information on situations which reveal a consistent pattern of violations of human rights and fundamental freedoms including the policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories, as exemplified in:

"(a) South Africa,

"(b) South West Africa,

"(c) Southern Rhodesia,

"(d) Angola, Mozambique, Guinea Bissau and so-called Portuguese Guinea;

"4. Rejects the findings of the Sub-Commission that the situations in Greece and Haiti, of all possible States, represent glaring examples of situations which reveal consistent patterns of violations of human rights and fundamental freedoms as exemplified by the policy of apartheid and racial discrimination as practised in South Africa, Southern Rhodesia and South West Africa, on the basis of the evidence provided by the Sub-Commission;

"5. Requests the Sub-Commission to confine itself to its essential mandate as defined in paragraphs 2 and 6 of resolution 8 (XXIII) of the

Commission on Human Rights, and to make its report on paragraph 3 above to the twenty-fifth session of the Commission."

147. At the 971st meeting held on 26 February 1968, the operative paragraphs of the draft resolution of the United Republic of Tanzania were revised as follows (E/CN.4/L.991/Rev.1):

"1. Recalls the decision of the Economic and Social Council in its resolution 1230 (XLII) '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';

"2. Decides to give annual consideration to all situations, which it has reasonable cause to believe, reveal a consistent pattern of gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in South Africa and South West Africa, and racial discrimination as practised in Southern Rhodesia;

"3. Notes that the Sub-Commission was unable to prepare a report on information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa, and racial discrimination as practised in Southern Rhodesia;

"4. Reaffirms its decision 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 countries and other dependent nations and territories';

"5. Requests the Sub-Commission to prepare comprehensive and detailed reports containing information on situations which reveal a consistent pattern of gross violations of human rights and fundamental freedoms including the policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories, as exemplified in:

"(a) South Africa,

"(b) South West Africa,

"(c) Southern Rhodesia,

"(d) Angola, Mozambique, Guinea Bissau;

"6. Requests the Sub-Commission to report on paragraph 5 above to the twenty-fifth session of the Commission."

148. At the 972nd meeting, held on 27 February 1968, the representative of the United Republic of Tanzania further revised orally his draft resolution to delete operative paragraphs 5 and 6 therefrom.

149. At the same meeting, the representatives of Austria and the Philippines submitted amendments (E/CN.4/L.1007) to the revised draft resolution of the United Republic of Tanzania, which read as follows:

1. Insert after operative paragraph 1 the following:

"2. Recalls 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."

2. Renumber the following paragraphs accordingly.

3. At the beginning of operative paragraph 2 (new paragraph 3) replace the words "Decides to give" by "Decides to continue giving".

4. Replace operative paragraph 3 by the following (new paragraph 4):

"Reiterates its request that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, when performing its mandate under paragraph 6 of resolution 8 (XXIII) of the Commission on Human Rights, prepare, for the use of the Commission, a report containing information from all available sources relevant to the violations of human rights and fundamental freedoms which are under consideration."

150. At the 973rd meeting, held on 27 February 1968, the representative of the United Republic of Tanzania withdrew his revised draft resolution (see also para. 196 below).

151. At the 969th meeting, held on 23 February 1968, the representative of the United States of America submitted a draft resolution which read as follows (E/CN.4/L.1004):

"The Commission on Human Rights,

"Noting that, in addition to the gross violations of human rights resulting from official policies of apartheid and racial discrimination in southern Africa, the Commission has been requested, pursuant to resolution 2144 (XXI) of the General Assembly and resolution 1235 (XLII) of the Economic and Social Council, to consider violations of human rights and fundamental freedoms in all countries,

"Noting resolution 3 (XX) of the Sub-Commission adopted in response to resolution 8 (XXIII) in which the Commission requested a report containing information on violations of human rights and fundamental freedoms from all available sources, and invited 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,

"Noting further that appropriate regional bodies are already seized with certain situations, and that resolution 1159 (XLI) of the Economic and Social

Council, inter alia, invites the Secretary-General to arrange for the exchange of information between the Commission and regional governmental bodies on matters relating to human rights,

"Recognizing that, wherever situations exist that may involve a consistent pattern of violations of human rights, the Commission should be prepared to study and make recommendations as required by resolution 1235 (XLIII) of the Economic and Social Council, but that information sufficient for such recommendations has not been brought to the attention of the Commission,

"1. Notes the statements of Greece and Haiti in the Commission on Human Rights, and expresses the hope that they will make further information available to the Sub-Commission at its twenty-first session as well as to the twenty-fifth session of the Commission in 1969;

"2. Requests the Sub-Commission to continue its consideration of all situations which appear to involve consistent patterns of gross violations of human rights, taking advantage of information from all available sources;

"3. Requests the Secretary-General to inform the Commission and the Sub-Commission of pertinent reports or other information submitted regarding violations of human rights by regional inter-governmental human rights commissions and by non-governmental organizations in consultative status."

152. At the 970th meeting, held on 26 February 1968, the representative of the United Republic of Tanzania submitted amendments (E/CN.4/L.1006) to the draft resolution by the United States of America, which read as follows:

1. In the last preambular paragraph, replace the words "that may involve" by the words "which reveal".

2. In the same paragraph, after "human rights", add the following: "as exemplified by the policy of apartheid as practised in the Republic of South Africa and in the territory of South West Africa, and racial discrimination as practised in Southern Rhodesia".

3. In the same paragraph delete everything after the words "Economic and Social Council".

4. Replace operative paragraph 1 by the following: "Notes the statements of all the States members of the Commission".

5. Replace operative paragraph 2 by the following:

"Requests the Sub-Commission to bring to the attention of the Commission all situations which it has reasonable cause to believe reveal a consistent pattern of gross violations of human rights, as exemplified by the policy of apartheid as practised in the Republic of South Africa and the Territory of South West Africa, now illegally occupied by the Government of South Africa, and racial discrimination as practised in Southern Rhodesia."

6. Replace operative paragraph 3 by the following:

"Requests the Secretary-General to continue to make available to the Commission and the Sub-Commission pertinent information in the usual manner."

7. Add new operative paragraph 4.

"Decides to give annual consideration to all situations, which it has reasonable cause to believe reveal a consistent pattern of gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in South Africa and South West Africa, and racial discrimination as practised in Southern Rhodesia."

153. The draft resolution of the United States of America was revised at the 971st meeting, held on 26 February 1968, to read as follows (E/CN.4/L.1004/Rev.1):

"The Commission on Human Rights,

"Noting resolutions 3 (XXIV), 4 (XXIV) and 5 (XXIV) adopted by the Commission at its present session, denouncing the gross violations of human rights resulting from official policies of apartheid and racial discrimination in southern Africa;

"Recalling its resolution 8 (XXIII) requesting a report from the Sub-Commission containing information from all available sources on violations of human rights and fundamental freedoms;

"Having examined chapter IV of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on the Work of its twentieth session (E/CN.4/947);

"Noting that appropriate regional bodies are already seized with certain situations;

"Recognizing that, wherever situations exist that may involve a consistent pattern of gross violations of human rights, the Commission should be prepared to study and make recommendations as required by resolution 1235 (XLII) of the Economic and Social Council, but that insufficient information to establish such situations, except as mentioned in operative paragraph 1 of the Sub-Commission's resolution 3 (XX), has been brought to the attention of the Commission;

"1. Notes chapter IV of the report of the Sub-Commission;

"2. Further notes the statements of Greece and Haiti in the Commission on Human Rights and expresses the hope that they will make further information available to the Secretary-General."

154. At the 972nd meeting, on 27 February 1968, the representative of the United States of America withdrew his revised draft resolution (see also para. 196 below).

155. At the 970th meeting, held on 26 February 1968, the representatives of India, Pakistan and Yugoslavia, later joined by the representative of the Democratic Republic of the Congo, submitted a draft resolution which, after some minor revisions, read as follows (E/CN.4/L.1005/Rev.1):

"The Commission on Human Rights,

"Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

"Mindful of the principles embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

"Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war, and called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,

"Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967), of 14 June 1967, and called for humanitarian assistance,

"1. Notes with appreciation the decisions taken by both the Security Council and the General Assembly in compliance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of hostilities in the Middle East;

"2. Affirms the right of inhabitants displaced or deported since the outbreak of hostilities in the Middle East to return to their country and that the Government concerned has the obligation to take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;

"3. Requests the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2 above."

156. At the 973rd meeting held on 27 February 1968, upon the suggestions of the representatives of Chile and Italy, this draft resolution was orally revised as follows:

(a) In the second preambular paragraph, the word "principles" was replaced by the word "principle";

(b) In operative paragraph 1, the words "decisions taken" were replaced by the words "resolutions adopted";

(c) In operative paragraph 1, the words "in compliance with" were replaced by the words "in accordance with";

(d) In operative paragraph 2, the word "all" was inserted between "the right of" and "inhabitants", and the words "displaced or deported" were replaced by the words "who have left";

(e) In operative paragraph 2, the words "to their country", in the first clause, were deleted;

(f) In operative paragraph 2, the words "has the obligation to" were replaced by the word "should".

Issues discussed

157. Many representatives expressed their views as regards the situations which the Commission on Human Rights and the Sub-Commission were authorized to consider, under Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), and in the light of the relevant provisions of the Charter of the United Nations.

158. At the outset, and on various occasions later on in the debate, allegations of violations of human rights were made against the Governments of some States Members of the United Nations. These allegations as well as the replies made thereto by the representatives of the Governments concerned are briefly summarized below. They are more fully summarized in the records of the debates (E/CN.4/SR.964-974).

159. It was alleged that gross violations of human rights had been committed by the Government of Greece against many of its citizens, during and after the change of Government of 21 April 1967. References were made in that connexion to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to operative paragraph 2 of resolution 3 (XX) adopted by that body. The new Government of Greece had allegedly suspended several human rights provided for in the Constitution, including freedom from arbitrary arrest and detention, freedom of expression and freedom of association. Political rights had been suppressed. There had been numerous instances of arbitrary arrest, detention without trial, and arbitrary sentences by military tribunals. It was alleged that a number of political prisoners had been subjected to ill-treatment and torture and that certain of them had been killed. An official report of the Council of Europe had stated, *inter alia*, that, in all likelihood, there had been cases in which people had been ill-treated. The amnesty of December 1967 was said to have applied only to a relatively small number of political prisoners. It was contended that numerous organizations, including political parties and trade unions, had been arbitrarily banned or dissolved by the Government. It was further said that Greek citizens could be deprived of their nationality; that their property could be confiscated without right of appeal; and that public officials had been dismissed on the charge of holding communist or anti-national beliefs.

160. In reply, the representative of Greece denied that his Government had committed any violation of human rights. The Government had suspended temporarily certain articles of the Constitution, as an emergency measure, in view of serious and imminent threats to the security of the State and the life of the nation. This was in accordance with international law, in particular article 4 of the International Covenant on Civil and Political Rights and the corresponding provision of the European Convention on Human Rights. The representative of Greece stressed the fundamental difference which existed, in his opinion, between a temporary suspension of certain constitutional provisions on the one hand and "a consistent pattern of violations of human rights", as exemplified in southern Africa, on the other hand. Furthermore, the emergency situation in Greece could not be considered a gross violation of human rights. Mainly on those grounds, he contended that the Sub-Commission had exceeded its terms of reference by dealing with the situation in Greece. The two communications mentioned concerning Greece

in the Sub-Commission's report did not specifically name the Government of Greece and contained false and slanderous accusations. For instance, several prisoners who had been alleged to have been killed were alive and in good health; and some who had allegedly been sentenced to death were abroad in freedom. A report by the Council of Europe had stated that there was no direct proof on which it could be officially stated that torture had been officially used; and that no one had been put to death during or following the change of Government. Prosecutions had been made not on account of political beliefs but for acts aimed at the violent overthrow of the Government; and trials had been held openly in the presence of the foreign Press. The situation in Greece was characterized by a gradual and speedy process of restoration of normal democratic life. Thus, the amnesty of December 1967 had covered a large proportion of political prisoners and had since been extended to more persons. A new draft constitution would be submitted to referendum in April or, at the latest, in September 1968. By September 1968, also, freedom of assembly would be completely restored. Steps had also been taken to restore freedom of speech and it had been officially announced, in January 1968, that the last restrictions to freedom of the Press would shortly be lifted. In view of all those considerations, the representative of Greece said that his Government, in accordance with Article 2, paragraph 7 of the Charter, would oppose any action by the Commission on those matters.

161. It was alleged that the Government of Israel had waged a war of aggression against the Arab States in June 1967 and that, during and after that war, it had committed gross violations of the human rights of the civilian population. These allegations concerned, inter alia, the following matters. It was said that the Israel authorities had left a large number of persons without water in the desert, thus causing great loss of life. The authorities were alleged to have arbitrarily seized, looted and destroyed civilian property in the occupied territories. In certain areas, particularly, the Arab inhabitants were subjected to very harsh treatment including arbitrary arrest and detention and inadequate supply of food. Under those circumstances, a very large number of inhabitants had been forced to leave their homes and property and to seek refuge elsewhere. In spite of the recommendations made by the Security Council in resolution 237 (1967) and by the General Assembly in resolution 2252 (ES-V), the Government of Israel had not put a stop to such violations and it had not, in particular, taken any steps to facilitate the return of the refugees. It was also alleged that the Arab inhabitants of the territory which had been under the authority of the Government of Israel since 1948 were subjected to discrimination in many forms and were in fact second-class citizens.

162. In reply, the representative of Israel alleged that, since 1948, the aggressors had consistently been the Arab States. He denied that any violations of human rights had been committed by the Israel authorities against the Arab citizens of Israel or the Arabs living in territories now occupied by Israel. The Israel authorities had arranged for the relief of the persons left in the desert at the end of the war and for their return to their homeland. The Israel authorities had had to take security measures in certain occupied territories such as curfew, screening of suspicious persons, temporary detention and banishment to neighbouring countries, but those had been limited to what was necessary for the protection of law-abiding persons and had been in accordance with international law. Such areas were open to foreign visitors, the Press and the International Committee of the Red Cross. The Government of Israel had to take into account its legitimate security requirements, considering the continuous aggressive policies of the

neighbouring States. Nevertheless, the Government of Israel was fully co-operating with the Secretary-General and his Special Representative in their present efforts for a just solution of the refugee problem and a peaceful settlement of the whole Middle East problem. The reopening of unfounded charges only served to heighten tensions at a time when restraint was essential.

163. In the course of the debate on the protection of human rights in the Middle East, serious concern was expressed by one representative over the alleged discrimination and ill-treatment of the Jewish minorities in certain countries of that area. This matter had been brought to the attention of the Secretary-General and his Special Representative, whose mandates covered the human rights of all persons in the entire area.

164. In reply, the representative of the United Arab Republic denied these allegations in respect of his country. He said that Jewish citizens of his country enjoyed equal status with all other citizens; that Jewish persons of another nationality, like any other foreigners, were taken care of by the diplomatic and consular authorities of their countries; and that stateless Jews were under the responsibility of the competent United Nations agency in the area. Discrimination on the ground of religion was completely alien to the philosophy and traditions of Moslem States. The representative of the United Arab Republic also emphasized that the number of Egyptian officers who had died in the war of June 1967 was double the normal number in modern armies, which refuted allegations of abandonment of troops.

165. It was alleged that the Government of the United States of America had launched an aggressive war in Viet-Nam, and that it was grossly violating, inter alia, the right of the Viet-Nameese people to self-determination and the most basic right of that people to life. It was contended, in particular, that the United States armed forces were using weapons of mass destruction, bombing civilian population centres on a very large scale, and causing destitution and starvation by destroying the vegetation in many areas, and that, consequently, enormous numbers of innocent civilians were killed each year. It was also alleged that various persons had been tortured and executed without trial by, or at the instigation or with the assent of, the United States authorities.

166. In reply, the representative of the United States said that the legally constituted Government of South Viet-Nam had requested the United States to assist in repelling armed attacks supported and fomented from abroad. He denied that the United States forces or his Government had been guilty of any violation of human rights in Viet-Nam. They were, on the contrary, displaying a high-minded conduct in their struggle to stop aggression. The National Liberation Front of South Viet-Nam and the North Viet-Nameese troops were carrying on terrorist tactics, including the deliberate murder of innocent civilians, which had forced large numbers of persons to leave their homes. The North Viet-Nameese authorities had refused to repatriate wounded or sick prisoners of war or to meet the representatives of the International Committee of the Red Cross. Horrible suffering and destruction were the results of war, which was the very enemy of human rights. The United States Government had sought unsuccessfully to bring the question of Viet-Nam before the Security Council with a view to reaching a settlement of this tragic conflict.

167. In the course of the debate, it was also alleged by two members that, recently, in the USSR and the Ukrainian SSR, certain writers and other persons had been tried in camera and sentenced for having expressed or published views contrary to those held by those Governments. One member contended that similar trials had taken place in Poland.

168. The representatives of the States concerned stated that these allegations were unjustified and slanderous and that they showed a total lack of knowledge of the criminal laws and procedures in the countries in question and how they ensured that criminal cases were dealt with according to the dictates of law and justice. They felt that these attacks were aimed at diverting attention from the serious and well-documented situations where gross violations of human rights were being committed by the United States of America, Greece and Israel.

169. By resolution 3 (XX), the Sub-Commission had drawn the Commission's attention, inter alia, to the situation in Haiti. The Observer for Haiti made statements on the opinions expressed and the action taken by the Sub-Commission concerning his country. He said that these allegations, contained in certain individual communications, were totally unfounded and slanderous. They stemmed from some small opposition groups which, with the help of certain foreign elements, aimed at overthrowing the legally constituted Government and at checking its efforts towards social justice, stability and peace in Haiti. He denied that any political prisoners had been arbitrarily arrested, detained or ill-treated. One communication complained about alleged "slave trade" between Haiti and a neighbouring country; while in fact these seasonal migrations of workers, taking place in accordance with bilateral treaties, had not this character at all. It had been alleged that certain persons had been tried summarily, with no defence and no appeal allowed; while in fact such trials had been conducted with all the guarantees prescribed by ordinary law, including the right of appeal. His Government had been specifically accused, in some communications, of executing certain named political opponents; but these persons were in fact freed and had left Haiti. The Observer for Haiti concluded that, in his view, the Sub-Commission had grossly exceeded its mandate, since the situation in Haiti could never be equated with those defined in Council resolution 1235 (XLII). That body had preferred serious charges without any substantial basis. He felt that the attacks against his country were aimed at diverting attention from the most serious situations obtaining in southern Africa. His Government would invoke Article 2 (7) of the Charter to oppose any investigation by the Commission on his territory.

170. It was pointed out that Council resolution 1235 (XLII) did not empower the Commission on Human Rights and the Sub-Commission to deal with any alleged infringements of human rights but only with "gross violations" and with situations which revealed "a consistent pattern of violations of human rights". Commenting upon those terms, several members felt that both the nature and the scale of the alleged violations should be taken into account. The words "consistent pattern" were understood by a number of representatives as implying the repeated occurrence of violations over a substantial period of time as a result of a deliberate governmental policy. The view was also expressed that the concept of "gross" and "consistent violations" had nothing to do with time but should be interpreted in the light of Chapter VII of the United Nations Charter when such violations were a threat to international peace and security.

171. It was generally felt that the provisions of Article 2, paragraph 7, of the Charter should be duly taken into account, and that the Commission should therefore apply the utmost circumspection when considering alleged violations of human rights involving any Member State. However, various members expressed their concern lest Article 2, paragraph 7, should be invoked to allow or excuse violations of human rights in disregard of the obligations of Member States under Article 56 of the Charter. Several speakers considered it as a principle which was gaining wide recognition nowadays that appropriate action by the international community was legally permissible whenever a Government rendered itself guilty of cruelties against and persecution of its nationals in such a way as to deny their fundamental human rights and to shock the conscience of mankind. It was further recalled that the principle embodied in Article 2, paragraph 7, "shall not prejudice the application of enforcement measures under Chapter VII" of the Charter. Some representatives stressed the connexion which, in their view, existed between the provisions in Chapter VII of the Charter and flagrant and systematic violations of human rights, as they felt that such violations tended to give rise to situations involving threats to international peace and security.

172. Some representatives emphasized that the very title of item 4, as formulated and maintained in the relevant resolutions, contained the words: "including policies of racial discrimination and segregation and of apartheid", and that it made "particular reference to colonial and other dependent countries and territories". In their opinion, the scope of the item had been enlarged to cover "all countries" essentially to embrace only the flagrant violations of human rights in the Republic of South Africa; for, while these outrageous acts stemmed to a large extent from colonialism, they were currently being committed in a country which had the legal status of an independent State. They maintained that the essential mandate of the Commission and the Sub-Commission under this item was to concentrate on the policies of racial discrimination and segregation and of apartheid, particularly in colonial and other dependent countries and territories. In their opinion, draft resolution E/CN.4/L.1004 of the United States of America, especially in its initial formulation (see para. 151 above) seriously distorted the above-mentioned meaning of Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII).

173. It was emphasized, furthermore, by some members of the Commission, that, in its operative paragraph 2, the most recent resolution of the Economic and Social Council on the matter, resolution 1235 (XLII), authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights "as exemplified by the policy of apartheid as practised in the Republic of South Africa and in the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and to racial discrimination as practised notably in Southern Rhodesia". Operative paragraph 3 of the said resolution, authorizing the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights, contained an identical clause. In the view of those representatives, it was clear, therefore, that the terms of reference of the Commission and the Sub-Commission under item 4 related essentially to the inhuman policies of apartheid and racial discrimination practised in South Africa, South West Africa and Southern Rhodesia.

174. These representatives maintained that the qualifying clause in Council resolution 1235 (XLIII), as interpreted by them, was fully justified, since the occurrence of the most serious and flagrant violations of human rights and the existence of a consistent pattern of such violations stemming from the evil policies of apartheid and racial discrimination in southern Africa had been abundantly documented, widely recognized throughout the world, and condemned by the United Nations for an extensive period of time. Under Council resolution 1235 (XLIII), before dealing with situations in any other areas of the world, the Commission and the Sub-Commission should be fully satisfied, on the basis of incontrovertible evidence, that such situations could be equated to those which obtained in southern Africa. If the Commission and the Sub-Commission were to deal with alleged violations of human rights in countries outside southern Africa, without observing such principles and criteria, they would embark on a dangerous path and the question of the legality of such action under the Charter might well be raised. In the opinion of those members, by adopting resolution 3 (XX), the Sub-Commission had failed to comply with its essential mandate as set forth in Council resolution 1235 (XLIII), and it had laid itself open to such criticisms. The fact that the Sub-Commission had placed the emphasis, without sufficient evidence, on alleged violations of human rights in Greece and Haiti, while merely "noting" the persistence of gross violations in southern Africa, could have the damaging effect of diverting attention from the most urgent and important task of taking all necessary steps to combat the inhuman policies of apartheid and racial discrimination in southern Africa. Such a tendency, which might well meet the wishes of certain States, and which might be related to a certain lack of geographical balance in the membership of the Sub-Commission, should be discouraged. These views were reflected in the draft resolution submitted by the United Republic of Tanzania (see paras. 146-147 above).

175. While fully recognizing the importance of combating the gross and flagrant violations of human rights in southern Africa, other representatives maintained that the Commission and the Sub-Commission were equally entitled to consider gross violations of human rights, where necessary, in any other parts of the world. Experience tended to show, unfortunately, that gross and systematic violations of human rights could occur anywhere. By restricting themselves to any particular area, however serious the situations could be in such a region, the Commission and the Sub-Commission would in fact disregard the basic requirement of universality, which should govern all the activities of the United Nations. Fear was expressed that the adoption of the draft resolution of the United Republic of Tanzania might lead to such a result. It was contended that, as early as 1946, the Economic and Social Council had implicitly recognized the universal competence of the Commission as regards violations of human rights by granting it, in resolution 9 (II), the power to consider "any other matter" concerning human rights, besides the preparation of draft conventions and general recommendations. Furthermore, it was stressed that the Commission was under a direct mandate from the General Assembly, in accordance with resolution 2144 (XXI), to consider ways and means of improving the capacity of the United Nations to put a stop to violations of human rights "wherever they may occur". While it was true that the title of item 4, as embodied in various resolutions, expressly mentioned certain policies and made particular reference to dependent countries, it was equally true that, under this formulation, the Commission was authorized to consider the question of violation of human rights "in all countries". These words had been again quoted in operative paragraph 1 of Council resolution 1235 (XLIII), and paragraph 1 had been expressly referred to in paragraphs 2 and 3 thereof. According to those members, it was thus confirmed that

the mention of specific examples contained in Council resolution 1235 (XLII) was illustrative and not exhaustive in character. These representatives maintained that the Sub-Commission had not exceeded its terms of reference, which had been formulated in general terms in paragraphs 2 and 6 of Commission resolution 8 (XXIII) with the subsequent "concurrence" of the Economic and Social Council in paragraph 1 of resolution 1235 (XLII). These views were reflected in the draft resolution by the United States of America (see paras. 151 and 153 above) and in the amendments by Austria and the Philippines (see para. 149 above) to the revised draft resolution by the United Republic of Tanzania.

176. Many representatives stressed that, in their opinion, the Commission on Human Rights should concern itself with violations of human rights occurring in wartime or in relation to wars. War itself constituted the gravest denial of human rights. While the political aspects of wars or threats to the peace were to be considered by other organs of the United Nations, the Commission on Human Rights had the duty to consider the human rights aspects of those situations.

177. Several speakers stressed the importance of establishing procedures which would enable the Commission to formulate objective recommendations, after a most thorough, comprehensive and impartial examination of the cases. They felt that every effort should be made to insulate such examination from political considerations. This was the only way whereby the Commission and the Sub-Commission could obtain the full confidence of member States, the complainants, and the general public. Fear was expressed that, otherwise, States would hesitate to ratify the International Covenants on Human Rights and to submit to the implementation procedures provided therein.

178. Several representatives considered it essential, in particular, that the Commission should be provided by its Sub-Commission with comprehensive and relevant information on the basis of which a decision could be taken as to whether there existed a prima facie case of "a consistent pattern of violations of human rights". The mere submission of a mass of individual communications would not satisfy such a requirement, since it appeared that many such allegations were irrelevant or that the credibility of their authors was questionable. Some members suggested that a careful preliminary examination of such information should be conducted with a view to ascertaining, inter alia, their relevancy to human rights, and the extent to which the authors of the communications were themselves the victims of the alleged violations.

179. Some members felt that the Sub-Commission and the Commission should be enabled to receive and consider information from various sources besides the communications listed under Council resolution 728 F (XXVIII). Thus, the representative of the United States of America, supported by certain other members, proposed in draft resolution E/CN.4/L.1004, (see para. 151 above) that the Secretary-General should inform those bodies of pertinent information submitted by regional inter-governmental human rights commissions and by non-governmental organizations in consultative status. Some other speakers felt, however, that the proposed reference to regional organs was not appropriate, as, in their opinion, such matters should be kept within the United Nations family. One speaker suggested that the specialized agencies be expressly mentioned as an important source of relevant information. In his amendments (see para. 152 above) to the United States draft resolution, the representative of the United Republic of Tanzania proposed that the Secretary-General

should continue to make available to the Commission and the Sub-Commission "pertinent information in the usual manner".

180. Many representatives considered it as very important that the Governments concerned by any allegation under consideration be given full opportunity to provide information and to make comments; and that any such observations should be given due weight. In that connexion, some members drew attention to the procedure followed by various international bodies, in particular the ILO Committee of Experts on the Application of Conventions and Recommendations and the Human Rights Commission of the Council of Europe. Some speakers stressed that, in their view, the carrying on of a dialogue between the Commission and the States concerned would be likely to yield fruitful results.

181. The need for conducting at least part of the examination in private meetings was stressed by certain representatives. To give full publicity to any given case was a very important decision which should be taken only after due consideration. In the opinion of those members, it would be unfair to expose any State complained against to the glare of publicity before the Commission had reached certain conclusions on the basis of a thorough study of available evidence. It was questionable whether such a step would be in accordance with Article 2, paragraph 7, of the Charter.

182. Several members expressed some objections or reservations concerning the procedures followed by the Sub-Commission at its twentieth session. In their opinion, it appeared that the Sub-Commission had publicly accused two member States, and proposed far-reaching steps to investigate such allegations, merely on the basis of three unspecified individual communications (annex to resolution 3 (XX) of the Sub-Commission). Doubts were expressed as to whether any valid findings on such matters could have been made after an exceedingly rapid discussion during two and one half meetings in the Sub-Commission. A very large number of representatives felt that the Commission was unable to form any opinion or take any action on the two cases submitted by the Sub-Commission, for the report of that body (E/CN.4/947) did not provide sufficient information. It was noted with appreciation that the representatives of the States concerned had themselves provided some information and comments during the debate in the Commission.

183. Some members said that the Sub-Commission had not complied with its terms of reference because it had not submitted a factual report, as requested under paragraph 2 of Commission resolution 8 (XXIII); and because it had formulated conclusions and recommendations, a step which was not called for under the said resolution.

184. In view of the considerations mentioned above, and because they felt that the Sub-Commission had not complied with its essential mandate to concentrate on gross violations of human rights in southern Africa (see paras. 173 and 174 above), some members supported the draft resolution by the United Republic of Tanzania (see para. 146 above) expressing regret over the "failure" of that body to prepare an adequate report in accordance with Council resolution 1235 (XLII), "rejecting" its findings concerning the situations in Greece and Haiti, and requesting it to confine itself to its essential mandate. The opinion was expressed that the Sub-Commission was not the appropriate body to make findings on gross violations of human rights. Since Council resolution 1230 (XLII) provided that the Sub-Commission would no longer carry out the initial study of the periodic reports

submitted by Governments, the author of the revised draft resolution (see para. 147 above) felt that such body would no longer be able to take into account the important information contained in those reports. It was also said that the members of the Sub-Commission were responsible only to themselves, and that the composition of that body did not seem to be in harmony with the principle of equitable geographical distribution. As explained by its author, the proposal of the United Republic of Tanzania, in its latest formulation, as orally revised (see paras. 147 and 148 above), was intended to mean that the Commission itself would in the future deal with situations revealing a consistent pattern of gross violations of human rights. Unless specifically requested to do so by the Commission, the Sub-Commission would refrain from dealing with such situations.

185. Some members felt that the criticism of the Sub-Commission, as mentioned in the preceding paragraph, was not justified. They expressed the belief that the Sub-Commission had attempted to perform a very difficult task in the best possible manner, considering, in particular, that its mandate in the Commission's resolution 8 (XXIII) might not have been formulated with all the desirable clarity. It appeared from the report of the Sub-Commission and from the fourth preambular paragraph of its resolution 3 (XX) that it had not based its findings exclusively on a few individual communications. The Sub-Commission, under Commission resolution 8 (XXIII), was free to draw upon all available sources of information. Council resolution 1230 (XLII) did not debar it from making use of the periodic reports submitted by Governments for information purposes. The Sub-Commission was composed of highly respected experts whose qualifications and integrity could not be questioned. In the light of such considerations, the representative of the United States proposed in a draft resolution (see para. 151 above), inter alia, that the Sub-Commission be expressly requested to continue its consideration of all situations which appear to involve consistent patterns of gross violations of human rights. Considering the actual text of the proposal by the United Republic of Tanzania in its latest formulation (see paras. 147-148 above), various members thought that this draft resolution did not deal in fact with the competence of the Sub-Commission. Even if this proposal could be regarded as having the meaning intended by its author, and assuming that the Commission were to adopt it, that body alone was not empowered to change the terms of reference of its Sub-Commission which had been endorsed by the Economic and Social Council in operative paragraph 1 of resolution 1235 (XLII).

186. Some members considered it very important that any procedures adopted and any action taken by the Commission be "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 covenants and conventions on the protection of human rights and fundamental freedoms". It was feared that this principle of co-ordination at the international level, which was embodied in Commission resolution 2 (XXIII) and Council resolution 1235 (XLII), might have been abandoned in the draft resolution by the United Republic of Tanzania. Attention was drawn to the fact that one of the situations dealt with in resolution 3 (XX) of the Sub-Commission was being examined by a regional inter-governmental organization concerned with the protection of human rights.

187. Some views were expressed in general terms as regards the kind of action which the Commission could take once it had carried out a careful study of situations which revealed a consistent pattern of violations of human rights.

188. A few members were of the opinion that the Commission, besides other action of a less drastic character, should not hesitate to condemn the Governments which were proved guilty of the most serious and systematic violations of human rights. It should at least, in such cases, express its concern and indignation concerning such matters.

189. Some other representatives felt that it might not be appropriate for the Commission, which was not a judicial body, to express condemnations. It should rather concentrate on bringing about redress and improvements of the situations which were brought to its attention. The view was expressed that, to those ends, the Commission should essentially perform functions of information, persuasion, and, if necessary, moral pressure. It was essential, before taking final decisions, to maintain a dialogue with the Governments concerned with a view to obtaining from them, in the light of all the facts examined, an improvement of the situations. If such efforts proved to no avail, full publicity of the facts of the case and of the conclusions reached might be resorted to.

190. Some members expressed their opinions concerning the decisions which the Commission could appropriately take on the specific situations dealt with in paragraph 2 of resolution 3 (XX) of the Sub-Commission and on the other alleged situations which had been mentioned by various representatives in the Commission.

191. A few representatives were of the view that the Commission should condemn some of the Governments concerned or express its indignation over the particularly serious situations which were alleged to exist in their countries, and appeal to them for the restoration of the human rights involved.

192. It was generally agreed by the Commission, however, that the information submitted to it by the Sub-Commission was insufficient, so that the Commission was in no position to embark on a serious discussion of the facts, or, a fortiori, to reach any conclusion, even of a tentative character, on the situations mentioned in paragraph 2 of resolution 3 (XX) of the Sub-Commission.

193. A number of representatives also felt that the Commission could not take any action on the allegations made in the Commission, as, in particular, the facts involved had not been submitted to any preliminary examination and it seemed difficult to exclude political considerations from such public debates.

194. While recognizing that the Sub-Commission had not submitted enough data to substantiate any conclusion by the Commission on the merits of the allegations referred to in paragraph 2 of resolution 3 (XX), a few members felt that the Commission should not dismiss those cases until it had received sufficient information to enable it to make a judgement. The hope was expressed that, if the Sub-Commission and the Commission continued to consider those cases, the Governments concerned would make further information available to those bodies.

195. A few members were opposed to any suggestion that those two cases be referred back to the Sub-Commission. It was said that such action alone would be tantamount to admitting that those situations might possibly involve consistent patterns of violations of human rights, while, according to those members, they reflected only certain temporary difficulties which fell outside the mandate of the Sub-Commission. If the Commission, merely on the basis of some unverified

communications, were to request its Sub-Commission to continue considering those two cases, it would be bound also to request examination of all the other allegations contained in such communications. Such a course of action would be quite unfair to the States concerned, and its legality under the Charter would be highly debatable.

196. Near the end of the debate, the representative of the United States withdrew his draft (see para. 154 above). At the 973rd meeting the representative of the United Republic of Tanzania declared himself prepared to withdraw his revised proposal (see para. 150 above), if the Commission reached a consensus that no further proposals or amendments would be submitted and that no action would be taken by the Commission at this session on the matters dealt with in the two draft resolutions and the amendments thereto. After some representatives had spoken in favour of that motion, and there being no objection, the Chairman declared that the Commission had reached such a consensus.

197. A few representatives, with deep regret, felt that the outcome of the debate revealed the failure and inability of the Commission to take action, and even to express concern, as regards concrete situations which involved a consistent pattern of gross violations of human rights. It was quite unlikely that the Commission, under its present methods of work, would ever carry out such a task. Yet, the situation in the field of human rights was extremely serious in various parts of the world. Those representatives would have been prepared to accept the Tanzanian proposal (paras. 146-148 above) with certain amendments. In the circumstances, the Commission should concentrate on the consideration of human rights matters in general terms and also on the gross and consistent violations of human rights, as exemplified by the policies of apartheid, racism and colonialism practised in southern Africa. The best hope for the protection of human rights in the United Nations lay in the early and wide ratification of the International Covenants on Human Rights.

198. Some members stressed that, in their opinion, the present consensus could in no way be interpreted as affecting resolution 8 (XXIII) of the Commission and Council resolution 1235 (XLII). The absence of decision at the present session of the Commission could not have the effect of amending those resolutions or of making them inoperative. Consequently, the Commission remained fully authorized to consider, with the assistance of the Sub-Commission, situations of the type which was defined in those resolutions.

199. According to one representative, it was possible to draw from the debates certain other conclusions, in particular: that, in the view of the Commission, the Sub-Commission had not exceeded its terms of reference; that full account should be taken of the activities of regional organs which were seized with the same situations as were submitted to the Commission; and that the best manner of dealing with the situations referred to in Council resolution 1235 (XLII) was to establish a dialogue with the Governments concerned. Another speaker, however, did not consider that such views could be regarded as conclusions reached by the Commission as a whole; if they were conclusions, the Commission would have adopted a resolution to that effect.

200. As regards the draft resolution submitted by the Democratic Republic of the Congo, India, Pakistan and Yugoslavia (para. 155 above), the co-sponsors of the draft resolution, supported by a large number of representatives, emphasized the

urgent need for ensuring respect for the human rights of the civilian victims of the war of June 1967 in the Middle East, and, first and foremost, the need for implementing the right of all persons who had had to leave their homes since the outbreak of hostilities to return to their own countries. During and after that war, a vast number of persons had been forcibly placed in such a situation, and their miserable plight had been fully documented. It was clearly the duty of the Government of Israel to facilitate the return of the refugees to their own countries. The Security Council in its resolution 237 (1967) and the General Assembly, in resolution 225 (ES-V) had expressly dealt with those human rights problems, and the Commission on Human Rights was in turn duty bound to concern itself actively with those matters. The sponsors had followed a purely humanitarian approach. They had deliberately formulated their proposal in very moderate terms, with a view to reaching unanimous agreement within the Commission.

201. Speaking in more general terms, some representatives welcomed the draft resolution as an attempt to affirm the competence of the Commission to concern itself with concrete problems concerning human rights even in time of war or in relation with any war.

202. The representative of Israel strongly opposed the draft resolution. He contended that, since, in particular, its subject-matter was not on the agenda of the Commission, and the whole problem concerning peace in the Middle East was under consideration by the Security Council and the General Assembly, any resolution which the Commission might adopt on that matter would be ultra vires and, for that reason, his delegation would not participate in the voting. Far from being purely humanitarian in character, the proposal had political overtones, and it was one-sided. It mentioned only parts of article 13 of the Universal Declaration, of resolution 237 (1967) of the Security Council and of resolution 2252 (ES-V) of the General Assembly, out of contexts. For example, while operative paragraph 1 of the Security Council resolution was paraphrased, no mention was made of operative paragraph 2 thereof, which used the word "Governments", in the plural. The Security Council had used the terms "areas where military operations have taken place", thus indicating the absence of any agreed borderline, while the draft resolution referred to the "territories occupied as a result of the hostilities". Reference was made in the proposal to "inhabitants displaced or deported", while the General Assembly and the Security Council had avoided using the word "deported". This representative considered that such a resolution could be only harmful to the present efforts of the Secretary-General and his Special Representative to bring about a just and lasting peace in the Middle East, and to ensure full respect for the human rights of all persons in that region. The present attitude of the Government of Israel as regards the refugee problem was justified in the light of its security requirements, it being under constant harassment by neighbouring States. Article 4 of the International Covenant on Civil and Political Rights permitted derogations to the right of everyone to return to his own country in time of public emergency. He hoped that the refugee problem would be solved as soon as possible as part of the whole question of peace in the Middle East, thanks to the efforts of the Secretary-General and his Special Representative.

203. In reply to those remarks, several members categorically denied that the proposal was one-sided. Being concerned with the application of certain basic principles concerning human rights, the sponsors had in no way distorted the resolutions mentioned, but they had rightly emphasized the passages which dealt

directly with the human rights involved. It was stressed that, in paragraph 1 of resolution 237 (1967), the Security Council had expressly called upon "the Government of Israel", inter alia, to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities. These representatives denied that a purely humanitarian resolution, as was proposed, could in any way be harmful to the efforts of the Special Representative of the Secretary-General. On the contrary, by speeding, hopefully, the solution of human rights problems, the resolution might facilitate the settlement of the whole Middle East question.

204. Some members of the Commission, while supporting the idea of a humanitarian appeal, had certain reservations concerning the formulation of the proposal. They felt that, in its original form, it might not be quite in harmony, in some respects, with the resolutions of the Security Council and the General Assembly, and that it might give the impression of a certain lack of balance. The oral revisions to the draft (see para. 156 above), however, were generally considered as meeting these objections to a very large extent.

205. The sponsors declared themselves unable to accept a suggestion to delete the words "without delay", in operative paragraph 2 of their proposal. Since several months had elapsed after the request of the Security Council was first made, and the rights of the refugees to return to their country had not been implemented, it was imperative to press for this implementation.

206. One member declared that he supported the proposal as orally revised, on the understanding that it covered the same areas and the same peoples as resolution 237 (1967) of the Security Council.

207. A few other representatives declared themselves in favour of the draft resolution as orally revised, on the understanding that it would prejudice in no way the action of superior organs concerned with problems of the Middle East as regards the maintenance of international peace and security.

208. Still another member, while supporting the draft resolution, regretfully felt that the oral revision had weakened it. The word "deported" should have been maintained, as, in his opinion it described accurately the events which had led to the present sufferings of the Arab refugees expelled by the Israel occupation troops from their homeland.

Adoption of resolution

209. At its 973rd meeting on 27 February 1968, the Commission voted on the revised draft resolution by the Congo (Democratic Republic of), India, Pakistan, and Yugoslavia (E/CN.4/L.1005/Rev.1, as orally revised, see paras. 155 and 156 above). At the request of the representative of Lebanon, the vote was taken by roll call. The draft resolution was adopted unanimously by 29 votes to none. 10/ The voting was as follows:

10/ The representative of Israel requested that the fact that his delegation, although present had not participated in the vote be placed on record. The representative of Madagascar stated at the 991st meeting that if he had been present when the vote was taken he would have voted in favour of the draft resolution.

In favour: Argentina, Austria, Chile, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, India, Iran, Italy, Jamaica, Lebanon, Morocco, New Zealand, Nigeria, Pakistan, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

210. For the text of the resolution, as adopted by the Commission at its 973rd meeting, on 27 February 1968, see below chapter XVIII, resolution 6 (XXIV).

D. Report of the ad hoc Study Group set up under resolution 6 (XXIII) of the Commission

211. By its 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 present session, and report to the twenty-fourth session of the Commission". The study group was required to pay particular attention to:

"(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".

The Study Group was also instructed, under resolution 9 (XXIII) of the Commission "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", and "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".

212. The Economic and Social Council, in its resolution 1235 (XLII) of 6 June 1967, inter alia, took note of the provisions of paragraph 2 of resolution 9 (XXIII) of the Commission and requested the Commission to report to it on the result of the study undertaken by the ad hoc Study Group after having given consideration to the matter.

213. The ad hoc Study Group, whose members were Chile, Congo (Democratic Republic of), Iraq, 11/ Jamaica, Nigeria, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Arab Republic and United States of America, held meetings in September 1967 and January 1968 and submitted a report to the Commission (E/CN.4/966 and Add.1). Of the two substantive chapters of the report, chapter III related to item 4 (d) (i) and chapter IV, to item 4 (d) (ii).

214. The Commission considered item 4 (d) at its 974-979th meetings, held from 28 February to 1 March 1968.

Draft resolutions and amendments on regional commissions on human rights

215. At the 977th meeting, Nigeria submitted a draft resolution (E/CN.4/L.1012) which read as follows:

"The Commission on Human Rights,

"Recalling resolution 2144 A (XXI) adopted by the General Assembly on 26 October 1966 in which the Assembly invited the Economic and Social Council

11/ Upon the expiry, on 31 December 1967, of Iraq's membership in the Commission on Human Rights, that State ceased to be a member of the ad hoc Study Group.

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 resolution 1235 (XLII) of the Economic and Social Council in which the Council took note of the Commission's decision in resolution 9 (XXIII) instructing an ad hoc study group 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 violation of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions,

"Having considered the report of the ad hoc Study Group established under resolution 6 (XXIII) in document E/CN.4/966 and Add.1,

"Concerned at the fact that numerous instances of gross violation of human rights, as exemplified by the policy of apartheid as practised in the Republic of South Africa and in the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and to racial discrimination as practised notably in Southern Rhodesia, are still being intensified,

"Believing that regional action to put a stop to violations of human rights and fundamental freedoms is necessary and desirable,

"1. Requests the Secretary-General to transmit questionnaires to Member States on the advisability of the establishment, in those regions where none exists, of regional commissions, with the following possible functions:

(i) The promotion, among the peoples of the region, of an awareness and respect of human rights and fundamental freedoms in accordance with the Charter of the United Nations and the declarations and conventions adopted by the United Nations and by the specialized agencies in this field, through:

(a) educational and public information measures

(b) research and study

(c) seminars and fellowships;

(ii) The collection, collation and possible evaluation of the information regarding the observance of and respect for, or violation of, human rights, in the region;

(iii) The provision to Member States of the region, at their request, of advice in the field of human rights;

(iv) The making of general recommendations to Governments of Member States in the region, if such actions are considered advisable, for the adoption of measures to safeguard human rights and fundamental freedoms in conformity with the Charter of the United Nations, the declarations and conventions of the United Nations and those of the specialized agencies;

(v) The consideration of communications from States if this is found advisable;

(vi) The consideration of communications from individuals or groups of individuals if this is found advisable;

(vii) The annual examination and evaluation of all reported cases of violations during the year for inclusion in an annual report;

(viii) The mode of relationship between such regional commissions and the United Nations, and between such regional commissions and existing regional commissions;

"2. Further requests the Secretary-General to consider arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights exists at present for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights;

"3. Invites the existing regional commissions to consider and comment on the advisability of the mode of relationship among themselves and with the United Nations;

"4. Decides, at its twenty-fifth session, to consider the advisability of the establishment of a sub-committee to deal with the definition of situations which constitute gross violation of human rights and which reveal a consistent pattern of such violation;

"5. Also decides to consider at its twenty-fifth session the possibility of new sources of information on violations of human rights through greater co-operation with regional and international inter-governmental organizations and the intensification of the existing ones;

"6. Also decides that during every session of the Commission should establish such ad hoc working groups or committees as may be considered necessary for the consideration of particular items for the facilitation of the work of the Commission;

"7. Further decides to consider this item at its twenty-fifth session as a matter of priority."

216. At the 977th meeting, Austria and Nigeria submitted a draft resolution (E/CN.4/L.1012/Rev.1), revising the original proposal of Nigeria; it read as follows:

"The Commission on Human Rights,

"Recalling resolution 2144 A (XXI) adopted by the General Assembly on 26 October 1966 in which the 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 its resolution 6 (XXIII) in which it decided to set up an ad hoc study group to study in all its aspects, the proposal to establish regional commissions on human rights within the United Nations family,

"Noting the report of the ad hoc Study Group established under resolution 6 (XXIII) in document E/CN.4/966 and Add.1,

"1. Requests the Secretary-General to transmit the report of the ad hoc Study Group to Member States for their comments on the part concerning regional commissions;

"2. Also requests the Secretary-General to transmit the report of the ad hoc Study Group to regional inter-governmental organizations for their comments on the part dealing with the question of regional commissions;

"3. Further requests the Secretary-General to consider the possibility of arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights exists at present for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights;

"4. Decides to consider this question at its twenty-fifth session as a matter of priority."

217. At the 978th meeting, the co-sponsors further orally revised this draft resolution to include a fifth operative paragraph which read as follows:

"5. Requests the Secretary-General to report to the twenty-fifth session of the Commission on the comments made by Member States and regional inter-governmental organizations".

218. At the 977th meeting, the Democratic Republic of the Congo, India and the United Republic of Tanzania submitted a draft resolution (E/CN.4/L.1014) which read as follows:

"The Commission on Human Rights,

"Recalling resolution 2144 (XXI) adopted by the General Assembly on 26 October 1966, in which the 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';

"Bearing in mind resolution 1235 (XLIII) of the Economic and Social Council in which the Council took note of the Commission's resolution 9 (XXIII),

"1. Notes the report of the ad hoc Study Group contained in document E/CN.4/966 and Add.1;

"2. Requests the Secretary-General to transmit to the Member States the relevant part of the report of the ad hoc Study Group for their comments on the advisability of establishing the regional commissions on human rights;

"3. Further requests the Secretary-General to submit to the Commission at its twenty-fifth session a report containing such comments of Governments together with an analysis of them;

"4. Decides to consider the report of the Study Group at its twenty-fifth session."

219. At the same meeting the representative of India, on behalf of the co-sponsors, withdrew the above draft resolution in the light of the submission by Austria and Nigeria of a revised version (see para. 216 above) of the original proposal of Nigeria which, he stated, with the exception of one provision on which a separate vote would be asked, was essentially the same as that sponsored by the three Powers.

Draft resolutions and amendments on ways and means by which the Commission might be enabled or assisted to discharge its functions

220. At the 977th meeting, the representatives of Sweden and the United Kingdom submitted a draft resolution (E/CN.4/L.1011) the text of which, as orally revised, read as follows:

"The Commission on Human Rights,

"Noting the report of the ad hoc Study Group established under its resolution 6 (XXIII), in particular paragraphs 63 to 82 thereof,

"Noting also the report of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, General Assembly resolution 2150 (XXI) and Economic and Social Council resolution 1264 (XLIII) thereon,

"Recalling the report of the Committee for Programme and Co-ordination and Economic and Social Council resolution 1275 (XLIII) thereon,

"1. Believes that in view of its heavy agenda it will not be possible to reduce its total meeting time in the immediate future but that improvements in methods of work may permit such a reduction at a later stage;

"2. Establishes an ad hoc working group of ___ member States to be appointed by the Chairman to meet at Headquarters before the next session of the Commission to make detailed proposals regarding:

(a) the accumulation of agenda items with a view to the adoption of measures for their early completion;

(b) the reduction of the excessive documentation at present required by the Commission;

(c) the improvement of the Commission's internal procedures with a view to increasing its efficiency.

"3. Decides to consider the report of the ad hoc working group at its next session in connexion with the organization of its work."

221. At the 977th meeting, the representative of the United Republic of Tanzania submitted an amendment (E/CN.4/L.1015) to the draft resolution submitted by Sweden and the United Kingdom, which, as orally revised proposed to amend the introductory part of operative paragraph 2 to read as follows:

"2. Establishes an ad hoc working group of fifteen members based upon the principle of equitable geographical representation, composed of two States from Eastern Europe, three States from Western Europe and other States, seven States from Afro-Asia and three States from Latin America, to be appointed by the Chairman, to meet before the next session of the Commission to make detailed proposals regarding...".

222. At the 978th meeting, Sweden and the United Kingdom submitted a revised draft resolution (E/CN.4/L.1011/Rev.1) which as further revised orally read as follows:

"The Commission on Human Rights,

"Noting the report of the ad hoc Study Group established under its resolution 6 (XXIII), in particular paragraphs 63 to 82 thereof,

"Noting also the report of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, General Assembly resolution 2150 (XXI) and Economic and Social Council resolution 1264 (XLIII) thereon,

"Recalling the report of the Committee for Programme and Co-ordination and Economic and Social Council resolution 1275 (XLIII) thereon,

"1. Believes that, in view of its heavy agenda, it will not be possible to reduce its total meeting time in the immediate future but hopes that improvements in method of work may permit such a reduction at a later stage;

"2. Establishes an ad hoc working group of sixteen of its members to be appointed by the Chairman on the geographical pattern of the Commission on Human Rights itself as defined in Economic and Social Council resolution 1147 (XLI), to meet at Headquarters before the next session of the Commission to make detailed proposals regarding:

(a) the adoption of measures for the early completion of the items that have accumulated on its agenda;

(b) the reduction of the documentation at present required by the Commission;

(c) the Commission's procedures with a view to increasing its efficiency.

"3. Decides to consider the report of the ad hoc working group at its next session as a matter of priority."

223. A statement of financial implications prepared by the Secretary-General relating to the revised draft resolution of Sweden and the United Kingdom was circulated in document E/CN.4/L.1019 (see annex 1).

224. At the 979th meeting of the Commission, the representative of the United Kingdom on behalf of the sponsors, withdrew the revised draft resolution in view of the maintenance by the representative of the United Republic of Tanzania of his amendment (see para. 221 above) to that draft resolution. Whereupon the representative of the United Republic of Tanzania reintroduced the draft resolution as his own incorporating his amendment thereto as the introductory part of paragraph 2 with the following oral revision. In paragraph 2, the words "of its" were added between the words "fifteen" and "members", and the words "for five or six working days" were added between the words "to meet" and "before"; in paragraph 3, the words "as a matter of priority" were deleted.

Issues discussed

225. In introducing the report (E/CN.4/966 and Add.1) of the ad hoc Study Group established under resolution 6 (XXIII) of the Commission on Human Rights, the Chairman-Rapporteur of that group, Mr. Per Olof Forshell of Sweden, indicated that, despite the absence from the report of generally agreed conclusions or recommendations, the account given in the report of the group's deliberations on the questions assigned to it for study, would be useful and of considerable assistance to the Commission. He outlined, by referring to the relevant paragraphs in the report, some points, premises and propositions on which there was general agreement in the Study Group.

226. All representatives who spoke commended the Chairman-Rapporteur on the high quality and the thoroughness of his report, and stated that the report would prove of great value to the members of the Commission, to interested Governments and to anyone concerned with the subjects studied by the Group. In the opinion of many representatives, the fact that the report did not contain generally agreed conclusions or recommendations did not detract from its worth. Indeed, mindful of the Group's mandate and composition and the complexity and controversial nature of its task, some representatives expressed the opinion that the absence of conclusions and recommendations was natural and perhaps inevitable. Certain other representatives found the lack of conclusions and recommendations discouraging, and some of them felt that, without them, the Commission would find it difficult to take specific action on this report. As regards the action to be taken on the report of the Study Group various viewpoints were advanced.

227. Certain representatives emphasized that the task of the ad hoc Study Group had been fulfilled with the submission of its report, the contents of which might be consulted by interested Governments. There was no need for any substantive discussion of the report in the Commission; nor was any further action thereon called for. The Commission should dispose of the matter expeditiously by recording in its report to the Economic and Social Council that it took note of the report of the Study Group, and then move on to the consideration of other items which were urgent and important.

228. Some representatives, while recognizing the importance of the questions studied by the Group, pointed to the very little time left and the heavy workload facing the Commission before adjournment and suggested its consideration at a future session.

229. Certain representatives suggested that the report of the Study Group be referred for action by the International Conference on Human Rights since many of the topics dealt in it, particularly those concerning violations and implementation in the field of human rights, were germane to a number of items on the agenda of the conference. Other representatives felt that a conference comprising representatives of 123 States, with a crowded agenda, would hardly be able to reach conclusions and recommendations on matters which the Commission with thirty-two representatives was not in a position to adopt.

230. Some representatives thought that, although the Group had adequately dealt with some aspects of the questions under study there were other important facets which either the Group had not considered altogether, such as the delimitation of the geographical scope of regional commissions on human rights, or merited further exploration and more detailed analysis, such as the question of the modalities of preparing conventions on which regional commissions could be established. Therefore the ad hoc Study Group might be continued, with expanded membership, if so desired, to delve into questions requiring further examination and even to formulate, for the consideration of the Commission, conclusions and recommendations. Other representatives, however, argued that it would serve no purpose to ask the ad hoc Study Group to submit conclusions and recommendations without giving it clear directives and guidelines on which to base them. The need for explicit instructions from the Commission would be reinforced if the original composition of the group were to be maintained or another, similar to it, were decided upon. Many representatives opposed the continuation of the ad hoc Study Group and felt that it had accomplished as much as circumstances permitted, and that whatever action might be deemed feasible or desirable should be taken at the level, or at the instance, of the Commission.

231. Certain representatives felt that the report of the Study Group, submitted in pursuance of decisions of the Commission, which in turn had acted on directives from higher organs aiming at improving the capacity of the United Nations to deal with violations of human rights, should be carefully examined and acted upon. Some of the questions encompassed by the report were not only important but urgent. They bore on the ability of the Commission to reform and reorganize its modus operandi, to function efficiently and rationally and to become an effective instrument for coping with violations and denials of human rights as well as a source of ideas and procedures for the further promotion and protection of such rights. In this connexion, one representative stated that the execution of this task should be divorced from politics as much as possible, and the moral element should become paramount.

232. As regards the part of the report of the ad hoc Study Group concerning regional commissions on human rights (chapter III), some representatives stated their conviction that universal promotion and protection of human rights would benefit from action at regional levels. Such action would be of considerable value even if it merely supplemented or sustained the worldwide efforts of the United Nations. Reference was made to the valuable experience with regional machinery in Western Europe and Latin America, which pointed to the advantages of decentralization. One representative was of the opinion that the many ties and bounds already forged among States belonging to the same region could be further strengthened through regional systems, enhancing the likelihood of harmonious co-operation for the promotion and protection of human rights.

233. Certain other representatives felt that regional action might be premature. It was pointed out in this regard that regional political evolution toward concerted action could not be artificially accelerated.

234. Still other representatives asserted that regional action, including the establishment of new regional commissions on human rights, was unnecessary and even undesirable. In their view, the primary responsibility for the promotion and implementation of human rights lay with sovereign States. The most fruitful and productive method available to the Commission on Human Rights, and for that matter to the United Nations, was not to pursue further proposals to establish regional commissions but to urge States to become legally bound by the numerous international instruments concluded under the auspices of the Organization. Furthermore, progress in the enforcement of human rights could best be achieved by more effective utilization of existing international machinery, not by countenancing, or contributing to, the proliferation of organs.

235. Many representatives endorsed the statement on which there had been general agreement in the Study Group, namely, that regional human rights commissions could be established only on the direct and exclusive initiative of the States comprising a given region, and that there could be no question of any such body being initiated from outside the region or of the United Nations imposing its establishment on the States concerned. As regards the contention that Article 52 of the Charter barred the United Nations from making any approaches to States in respect of the establishment of regional commissions on human rights, some representatives stated that the Article could not be construed to mean that the United Nations could not arouse, suggest, or encourage, the States of a given region to consider the advisability of looking into the matter of establishing a regional commission or other appropriate machinery. In any case, the power to make actual decisions at all stages would rest with the Governments concerned.

236. Some representatives concurred in another point of general agreement in the Study Group, namely, that if States within a particular region of the world reached an accord to establish a regional commission on human rights, the decision as to its terms of reference would be within the exclusive competence of those States.

237. Most members agreed that, in view of the central role that would be played by Governments in connexion with any possible establishment of regional commissions on human rights, it was of basic importance for the Commission to invite and consider their views, comments and observations on the relevant part of the report of the ad hoc Study Group. Views differed, however, on the need to obtain comments from regional intergovernmental organizations.

238. Various opinions were expressed on the question of holding regional human rights seminars on topics that would relate to the usefulness and advisability of the establishment of regional commissions on human rights. Some representatives were in principle in favour of such seminars being held, but saw no prospect of their being organized in time for their deliberations to affect the issue in 1968. Other representatives, while admitting the valuable role played by seminars in stimulating thought, generating ideas and educating the public, felt that, since the initiative for holding seminars had to come from Governments, the United Nations should refrain from suggesting any aspects of the establishment of regional commissions as topics for seminars. Certain representatives, however, pointed out that it was not likely that States could be forced to act as host to, or participate

in, seminars on subjects which did not meet with their approval. Certain representatives argued that the question of the establishment of regional commissions on human rights was not a proper topic for seminars, which should discuss concrete and practical issues relating to generally recognized human rights and fundamental freedoms, and not abstractions of dubious usefulness.

239. The part of the report of the ad hoc Study Group relating to 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 (chapter IV), and in particular the sections concerned with measures that might improve the efficiency of work between and during sessions of the Commission, were thought by some representatives to be linked to items 24, 25 and 26 of the Commission's agenda. A common element in all these cases was concern for improving the effectiveness and efficiency of the work of the Commission, streamlining its procedures and encouraging the most advantageous utilization of its resources. It was felt that the groundwork for improvement could be laid by proposing the establishment of an ad hoc working group composed of members of the Commission whose task would be to submit detailed recommendations aiming at expediting the consideration of agenda items, reducing documentation and increasing the efficiency of the Commission's procedures. Other representatives said that they saw no need to establish a new body. They based this view on reasons of economy and substance, and thought that the Commission should concentrate on essential issues.

240. The question of the composition of the proposed ad hoc working group gave rise to some controversy in the Commission. In support of the formula proposed in the amendment of the United Republic of Tanzania (see para. 221 above) it was said that the group's task would be a comprehensive review of all the subjects on the Commission's agenda, which were of varying importance to the whole membership of the United Nations; its composition should therefore reflect the current geographical make-up of the Organization at large, and not merely that of the Commission on Human Rights or any other formula. Some representatives felt, however, that if equitable geographical representation was desired, one of the two clearly relevant procedures which had been used in the past should be applied to the composition of the group: either the Chairman should be authorized to appoint the members, after the customary consultations which usually resulted in a fair geographical balance, or a precise adaptation should be made on the pattern of geographical representation approved by the Economic and Social Council in its resolution 1147 (XLI) for the Commission itself.

241. Concerning the filling of vacancies in the working group which might arise as a result of the expiry of the term of membership on the Commission of the members of the group, some representatives felt that the Chairman should be authorized to name a replacement after normal consultation. Many representatives were in favour of prescribing that the replacement to be appointed by the Chairman should come from the same geographical group as the member whose term had lapsed. One representative added that the Chairman should make such an appointment in consultation with the outgoing member. Some members thought that a member of a committee or a working group of the Commission should continue to serve even after the expiry of its term on the parent body. This solution, however, was opposed by other representatives as being contrary to rule 20 of the rules of procedure of the functional commissions of the Economic and Social Council, and also as leading to an anomalous situation in which the member of a committee or group would not be eligible to sit as full member of the Commission at the session at which the report of the body on which he had continued to serve would be considered. This view prevailed (see para. 249 below).

242. As regards the length of the session of the ad hoc working group some representatives felt that it should meet for five or six working days at the venue of, and just before, the next session of the Commission. Other representatives favoured the group meeting at Headquarters for a period of time sufficient for it to deal with the vexing problems assigned to it.

243. Although the discussion on the second part of the report of the Study Group was concentrated on the setting up of a working group some representatives expressed views on the broader problem of how the United Nations could best be enabled to deal with violations of human rights. One representative recalled the need for the United Nations to devise procedures for dealing with communications concerning violations of human rights and another urged the Commission to move forward and take steps to formulate a definition of "gross violations of human rights" and of "situations revealing a consistent pattern of such violations". Still another representative stated that the aim and scope of resolution 9 (XXIII) of the Commission, and of the process which that resolution was thought to have started concerning the question of how the Commission could be enabled or assisted to deal with violations of human rights, not only remained unanswered, but was also in danger of being forgotten.

Adoption of resolutions

244. At its 978th meeting, the Commission voted on draft resolution E/CN.4/L.1012/Rev.1 submitted by Austria and Nigeria (see paras. 216-217 above), as follows:

(a) The paragraphs of the preamble were adopted by 29 votes to none, with 3 abstentions;

(b) At the request of the representative of the Ukrainian SSR, a separate vote was taken on each of the operative paragraphs:

(i) paragraph 1 was adopted by 30 votes to none, with 2 abstentions;

(ii) paragraph 2 was adopted by 27 votes to 3, with 2 abstentions;

(iii) paragraph 3 was adopted by 23 votes to 5, with 2 abstentions;

(iv) a separate vote at the request of the representative of the Ukrainian SSR was taken on retention of the words "as a matter of priority" in paragraph 4 and they were retained by 19 votes to 7, with 6 abstentions;

(v) paragraph 4 as a whole was adopted by 26 votes to 1, with 5 abstentions;

(vi) paragraph 5 was adopted by 27 votes to none, with 5 abstentions.

(c) The draft resolution, as a whole, as amended was adopted by 27 votes to none, with 5 abstentions.

245. For the text of this resolution, as adopted by the Commission at its 978th meeting, on 1 March 1968, see below, chapter XVIII, resolution 7 (XXIV).

246. At its 979th meeting, held on 1 March 1968, the Commission voted on the draft resolution submitted by the United Republic of Tanzania (E/CN.4/L.1011/Rev.1 and E/CN.4/L.1015 and see paras. 220-224 above), as follows:

(a) The paragraphs of the preamble were adopted by 25 votes to none, with 6 abstentions;

(b) A separate vote on each operative paragraph was taken at the request of the representative of the Ukrainian SSR:

(i) paragraph 1 was adopted by 24 votes to none, with 7 abstentions,

(ii) at the request of the representative of France, a separate vote was taken in paragraph 2 on the retention of the words "fifteen of its members based upon the principle of equitable geographical representation", and these words were retained by 23 votes to none, with 8 abstentions,

(iii) at the request of the representatives of France and the United States, a separate vote was taken in paragraph 2 on the retention of the words "composed of two States from Eastern Europe, three States from Western Europe and other States, seven States from Afro-Asia and three States from Latin America", and these words were retained by 18 votes to 10, with 3 abstentions in a roll-call vote requested by the representative of the United States. The voting was as follows:

In favour: Argentina, Congo (Democratic Republic of), Dahomey, India, Iran, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Austria, France, Italy, Jamaica, New Zealand, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Chile, Guatemala, Israel.

(iv) at the request of the representative of Nigeria, a separate vote was taken in paragraph 2 on the retention of the words "five or six days" and these words were retained by 13 votes to 2, with 15 abstentions.

(v) paragraph 2, as a whole, was adopted by 20 votes to 6, with 5 abstentions.

(vi) paragraph 3 was adopted by 23 votes to none, with 8 abstentions.

(c) The draft resolution, as a whole, was adopted by 21 votes to none, with 10 abstentions.

247. For the text of this resolution, as adopted by the Commission at its 979th meeting, on 1 March 1968, see below, chapter XVIII, resolution 8 (XXIV).

248. At its 979th meeting the Commission agreed that the ad hoc working group established under resolution 8 (XXIV) would not require summary records of its proceedings.

249. At the same meeting, the Commission agreed that if a member of the working group ceased to be a member of the Commission on 31 December 1968 the Chairman of the Commission would fill the vacancy by appointing another member of the Commission coming from the same geographical group as the outgoing member in consultation with the latter.

250. At the 986th meeting of the Commission, the Chairman announced that the ad hoc working group established under resolution 8 (XXIV) would be composed of representatives of the following fifteen States members of the Commission: Dahomey, France, Iran, Jamaica, Lebanon, Nigeria, Pakistan, Peru, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Venezuela.

IV. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

251. The Commission considered item 7 of its agenda relating to the prevention of discrimination and the protection of minorities at its 979th, 980th, 982nd and 983rd meetings on 1 March, 4 March and 5 March 1968. The item was divided into five parts: (a) Report of the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; (b) Outstanding reports of the seventeenth, eighteenth and nineteenth sessions of the Sub-Commission; (c) Draft principles on freedom and non-discrimination in the matter of religious rights and practices; (d) Draft principles on freedom and non-discrimination in the matter of political rights; (e) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country; and (f) Study of discrimination against persons born out of wedlock.

252. The Commission had before it the reports of the twentieth session (E/CN.4/947), the seventeenth session (E/CN.4/882 and Corr.1), the eighteenth session (E/CN.4/903) and the nineteenth session (E/CN.4/930) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It also had before it a note by the Secretary-General (E/CN.4/963) drawing attention to the relevant resolutions of the reports of the Sub-Commission which required action by the Commission and describing the present stage of consideration by United Nations organs of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, the draft principles on freedom and non-discrimination in the matter of political rights and the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

Draft resolutions

253. Two draft resolutions were introduced.

254. The first draft resolution, proposed by the United Kingdom (E/CN.4/L.1018), read as follows:

"The Commission on Human Rights,

"Considering resolutions 1165 (XLI) and 1240 (XLII) of the Economic and Social Council recommending that the Commission give early consideration to the outstanding reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Bearing in mind that the Commission, in preparing the draft declaration and draft convention on the elimination of all forms of religious intolerance, has given consideration to the Study of discrimination in the matter of religious rights and freedoms 12/ prepared by the Sub-Commission's Special Rapporteur, Mr. Arcot Krishnaswami, and to the draft principles on equality and non-discrimination in the matter of religious rights and freedoms prepared by the Sub-Commission,

12/ United Nations publication, Sales No.: 60.XIV.2.

"1. Takes note of the reports of the eighteenth, nineteenth and twentieth sessions of the Sub-Commission (E/CN.4/903, E/CN.4/930, E/CN.4/947);

"2. Decides to initiate, at the appropriate time, consideration of the reports prepared by Mr. Santa Cruz on discrimination in regard to political rights, by Mr. Ingles on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country and by Mr. V.V. Saario on discrimination against persons born out of wedlock, and the draft principles approved by the Sub-Commission and appended to their reports;

"3. Decides to consider at a later session resolution 7 (XX) of the Sub-Commission on additional measures to implement the Convention on the Prevention and Punishment of the Crime of Genocide."

255. At the 982nd meeting, the sponsor of the draft resolution orally revised the texts of operative paragraphs 1 and 2 as follows:

"1. Takes note of the reports of the eighteenth and nineteenth sessions of the Sub-Commission (E/CN.4/903 and E/CN.4/930);

"2. Decides to resume consideration, at an appropriate time, of the reports prepared by Mr. Santa Cruz on discrimination in regard to political rights, by Mr. Ingles on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and also to undertake, at an appropriate time, consideration of the report by Mr. V.V. Saario on discrimination against persons born out of wedlock."

256. The second draft resolution proposed by the United Republic of Tanzania read as follows (E/CN.4/L.1022):

"The Commission on Human Rights,

"Noting that the terms of office of the present members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities terminate on 31 December 1968,

"Considering that, at its next session, the Commission on Human Rights will have on its agenda the question of the election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Considering further that membership of the Sub-Commission was last determined in 1965 by the Economic and Social Council,

"Noting that the Economic and Social Council has since increased the membership of its functional commissions on a more equitable geographical basis,

"Requests the Economic and Social Council to adopt the following resolution:

'The Economic and Social Council,

'Noting resolution _____ of the Commission on Human Rights,

'Desirous of having greater representation of the different regions, legal systems, cultures as well as equitable geographical representation in the membership of the Sub-Commission,

'1. Decides to increase the membership of the Sub-Commission to twenty-five as from 1969;

'2. Requests the Human Rights Commission at its twenty-fifth session to elect twenty-five members of the Sub-Commission from nominations of experts made by Member States of the United Nations on the following basis:

From Afro-Asian States:	12 members
From Western European and other States:	6 members
From Latin American States:	4 members
From Eastern European States:	3 members'"

257. At the 983rd meeting, the sponsor of the draft resolution orally revised the text of operative paragraphs 1 and 2 by replacing the number "twenty-five" by "twenty-six" and increasing the allocation of membership from Latin America to five.

258. A statement of financial implications relating to the draft resolution of the United Republic of Tanzania prepared by the Secretary-General was circulated as document E/CN.4/L.1023 and Corr.1 (see annex I).

Issues discussed

259. The Commission was unable, owing to lack of time, to discuss in detail any of the sub-items proposed for its consideration. However, the members engaged in a discussion of the item as a whole.

260. Appreciation was expressed of the contribution of the Sub-Commission and of its various achievements. However, a few members were of the opinion that the Sub-Commission had not devoted in the past enough attention to the question of protection of minorities thus neglecting the plight of a variety of peoples subjected in different ways and degrees to abusive treatment. They stressed the need for systematic consideration of the problem of protection of minorities and for a clarification of the concept of minorities. They welcomed the decision of the Sub-Commission contained in resolution 9 (XX) to include in its programme of future work a study of the implementation of the principles set out in article 27 of the International Covenant on Civil and Political Rights.

261. One representative questioned the desirability of the very existence of the Sub-Commission. In his view this organ had been hardly effective and had constituted a financial waste for the United Nations. He was reminded by other representatives that all tasks undertaken by the Sub-Commission had been carried out in a masterly way and that this organ had given abundant proof of its efficiency. If the results of its efforts had not always been used, the responsibility fell on the Commission which for several years had failed to review the work of the Sub-Commission and act on it.

262. A few representatives questioned the validity of the procedure by which the experts of the Sub-Commission nominated their alternates. Their view was that alternates, as well as members, should be proposed by Governments, and confirmed by the Commission.

263. Concern was voiced by some representatives at the recrudescence of anti-Semitism in certain countries as evidenced by the recent appearance in newspapers, of cartoons and articles of that nature. They strongly felt that it was the special responsibility of the United Nations and particularly of the Sub-Commission to bring to light such situations whenever they might occur in order to help deter those who commit violations and help maintain international peace as had already been expressed by the Sub-Commission at its twentieth session (E/CN.4/947, paras. 85-86).

264. Other representatives, while opposing anti-Semitism in general, expressed concern at the resurgence of Zionism in some countries. They emphasized the fact that the allegations were completely unfounded and slanderous, aimed at distracting attention from the gross violations of human rights committed in other parts of the world. Some members said that anti-Semitism was being exploited to serve political objectives.

265. Many members of the Commission expressed support for the enlargement of the Sub-Commission proposed in the draft resolution of the United Republic of Tanzania (see paras. 256 and 257 above) in order that it reflect the present membership of the United Nations and thus give a more equitable representation to the different areas, legal systems and cultures existing in the world. This move was considered timely in view of the fact that at its next session the Commission on Human Rights will have on its agenda the question of the election of the members of the Sub-Commission.

266. While agreeing with the view that there was a need for a better distribution of the membership of the Sub-Commission, some members opposed the proposed increase on the ground that it would wreck the corporate spirit of that organ and therefore its efficiency. Therefore in their opinion the modification of the membership of the Sub-Commission could be carried out preferably by a reapportionment of its present composition. Doubt was also expressed whether this proposal could be discussed under the item under consideration.

267. The draft resolution submitted by the United Kingdom (see para. 254 above) was orally revised by its sponsor (see para. 255 above) after an exchange of views which indicated that members were willing to take note of the reports of the eighteenth and nineteenth sessions of the Sub-Commission (E/CN.4/903 and E/CN.4/930) but not as yet of the report of the twentieth session (E/CN.4/947) which contained a number of resolutions calling for action by the Commission and deserving careful consideration. They supported therefore the revised draft which was of a procedural nature and not controversial.

Adoption of resolutions

268. At its 983rd meeting on 5 March 1968, the Commission voted on draft resolution E/CN.4/L.1022, submitted by the United Republic of Tanzania, as orally revised (see paras. 256 and 257 above), as follows:

(a) The paragraphs of the preamble were adopted by 25 votes to none, with 6 abstentions;

(b) The words "as well as equitable geographical representation in the membership of the Sub-Commission" in the second paragraph of the preamble of the draft resolution proposed for adoption by the Economic and Social Council were voted on separately at the request of the representative of the United States and retained unanimously;

(c) The second paragraph of the preamble of the draft resolution proposed for adoption by the Economic and Social Council was adopted by 25 votes to 1, with 5 abstentions;

(d) Operative paragraph 1 was voted on separately at the request of the representative of the Soviet Union and adopted by 24 votes to 7;

(e) Operative paragraph 2 was voted on separately at the request of the representative of the Soviet Union and adopted by 20 votes to 7 with 4 abstentions;

(f) The draft resolution as a whole was adopted by 23 votes to 7, with 1 abstention.

269. For the text of the resolution, as adopted by the Commission at its 983rd meeting, on 5 March 1968, see below, chapter XVIII, resolution 9 (XXIV).

270. At its 983rd meeting, on 5 March 1968, the Commission adopted draft resolution E/CN.4/L.1018, submitted by the United Kingdom, as orally revised (see paras. 254 and 255 above), by 28 votes to none, with 3 abstentions.

271. For the text of the resolution, as adopted by the Commission at its 983rd meeting, on 5 March 1968, see below, chapter XVIII, resolution 10 (XXIV).

V. STUDY OF THE QUESTION OF THE REALIZATION OF THE ECONOMIC AND SOCIAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

272. Under rule 6 (5) of the rules of procedure of the functional commissions of the Economic and Social Council, the Chairman of the Commission on Human Rights at its twenty-third session, Mr. P.E. Nedbailo (Ukrainian Soviet Socialist Republic), proposed the inclusion of the item entitled "Study of the question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights", as an additional item in the agenda of the twenty-fourth session. The Chairman submitted an explanatory memorandum (E/CN.4/958/Add.1)

273. At its 943rd meeting, on 5 February 1968, the Commission decided to include this additional item in its agenda.

274. The Commission considered this item at its 981st, 983rd and 984th meetings held on 4, 5 and 6 March 1968. In addition to the explanatory memorandum mentioned above, it had before it the report of the United Nations seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights, held at Warsaw, Poland, in August 1967 (ST/TAO/HR/31).

Draft resolution

275. On 28 February 1968, Austria, Chile, India, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic and Yugoslavia submitted a draft resolution which read as follows (E/CN.4/L.1010):

"The Commission on Human Rights,

"Considering that under Articles 55 and 56 of the Charter of the United Nations all Members of the United Nations have pledged themselves to take joint and separate action in co-operation with the Organization to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recalling General Assembly resolution 421 E (V) which points out that civil and political rights and freedoms of the individual and his economic, social and cultural rights are interconnected and interdependent,

"Recalling also the adoption by the General Assembly in its resolution 2200 (XXI) of the International Covenant on Economic, Social and Cultural Rights,

"Bearing in mind General Assembly resolution 1776 (XVII) and Economic and Social Council resolution 958 D (XXXVI) on the necessity for further promotion and encouragement of respect for human rights and fundamental freedoms as well as General Assembly resolution 2027 (XX) on measures to

accelerate the promotion of respect for human rights and fundamental freedoms,

"Noting the attempts by various States to advance the implementation of economic and social rights, and, notably, the concern to make available remedies for the violations of these rights,

"Noting with appreciation the report of the United Nations seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights, held in Warsaw in August 1967,

"Noting article 22 of the Universal Declaration of Human Rights regarding the free development of the individual in economic, social and cultural fields through national efforts and international co-operation 'and in accordance with the organization and resources of each State',

"Convinced of the need for further measures to attain the complete realization of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

"1. Decides to appoint Mr. _____ as its Special Rapporteur to report and to make recommendations to the Commission at its twenty-fifth session on the implementation of economic and social rights, contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights;

"2. Requests the Secretary-General and specialized agencies to render to the Special Rapporteur all necessary assistance in preparing his report, including providing him with documentation concerning the subject of the report;

"3. Further requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on the subject of the realization of the economic and social rights and to invite the co-operation of interested specialized agencies;

"4. Expresses the hope that, during the discussion at the International Conference on Human Rights in Teheran, due attention will be paid to problems of implementation of economic and social rights;

"5. Decides to place the question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights on the agenda of its twenty-fifth session."

276. At the 984th meeting, held on 6 March 1968, the draft resolution was revised (the revised text (E/CN.4/L.1010/Rev.1) was adopted without change, see para. 294 below).

277. The Secretary-General submitted a statement (E/CN.4/L.1024) of the financial implications of the original draft resolution. At the 984th meeting held on

6 March 1968, the Director of the Division of Human Rights made a statement concerning the financial implications of the revised proposal.

Issues discussed

278. It was stressed by several members, and generally agreed, that the enjoyment of economic and social rights was in all respects as important as that of civil and political rights. The two categories of rights were interdependent and interconnected. These basic considerations had been fully recognized by the United Nations, particularly in the Universal Declaration of Human Rights, General Assembly resolution 421 E (V) and the International Covenants on Human Rights, as well as in an ever-increasing number of national constitutions; and they were reaffirmed in the draft resolution (see paras. 275 and 276 above). References were frequently made also to the conclusions of the Warsaw seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights (ST/TAO/HR/31).

279. Some representatives stressed that, in their view, the enjoyment of economic and social rights was a basic prerequisite of the realization of civil and political rights. For example, if States did not guarantee a right to work, education, health and an adequate level of living, the genuine enjoyment of civil and political rights would be seriously diminished. Some other representatives felt, however, that full respect for civil and political rights did not necessarily follow or depend upon the realization of economic and social rights, and that, in addition, other factors should be taken into consideration.

280. Some members of the Commission, while recognizing the equal importance of the two categories of rights, held the view that they were different in character and in the ways they should be enforced. The opinion was expressed that the proposal might not take these considerations sufficiently into account, notably by using words such as "remedies" and "violations" which were more meaningful as regards civil and political rights. The sponsors said that the purpose of their draft resolution was not to ignore the differences which might exist between the two categories of rights, but to call for greater attention to be given by the United Nations and the Commission in particular, to economic and social rights.

281. Most speakers declared that economic and social rights were legal rights and should be fully and effectively implemented.

282. The sponsors as well as several members stressed that, in accordance with Articles 55 and 56 of the Charter and with articles 2 and 4 of the International Covenant on Economic, Social and Cultural Rights, States had the obligation to take appropriate measures for the implementation of economic and social rights. The important fact that the achievement of that objective depended, inter alia, on the degree of economic development of each country, in no way prejudiced that basic obligation. The efforts made by many States in the field of economic and social rights were duly noted. However, the sponsors were convinced of the need for further measures to attain the complete realization of such rights.

283. According to some representatives, the abolition of the exploitation of man by man was a fundamental prerequisite of the realization of economic and social rights. Some other speakers emphasized that, in their opinion, such rights could

be implemented in many different ways, within the framework of different economic, social and political systems. Certain members expressed the view that any study which would be undertaken on such matters, at the request of the Commission, should be strictly non-political in character.

284. It was noted by several representatives that a large number of States had found it essential to provide for the gradual realization of economic and social rights within the framework of, and in accordance with, comprehensive plans for economic and social development. States had to deal with the difficult problem of establishing priorities, taking into account their available resources. It was considered of the greatest importance that such plans and priorities be established in accordance with the requirements of justice and equality, and with full respect for all human rights and fundamental freedoms, including civil and political rights. Special measures should be taken, where necessary, in favour of the underprivileged groups of the population, and their participation in the establishment of priorities encouraged.

285. It was emphasized that States should set up, where they had not already done so, appropriate judicial and other machinery to ensure full compliance with economic and social legislation. Reference was made to the debates which had taken place at the Warsaw seminar, concerning, inter alia, inspection procedures and the provision of administrative and judicial remedies.

286. Some speakers stressed the significant role which could be played by various organizations, such as trade unions and women's organizations, in the implementation of economic and social rights.

287. Without denying the obligation of each State to take all possible steps towards the realization of economic and social rights, several speakers emphasized that this goal could not be reached or even approached in many parts of the world, due to the scarcity of available resources. Referring to various reports and findings of United Nations bodies, they said that the considerable gap between the national income of industrialized countries and that of the developing countries was currently widening. These representatives stressed that, in their opinion, the international community, and primarily the richer nations, had the duty to extend all possible assistance to the developing countries with a view to overcoming such difficulties. They felt that the draft resolution in its original form (see para. 275 above) did not place sufficient emphasis on the problems of the developing countries. They recalled the debates and conclusions of the Kabul and Dakar seminars in that respect. Upon their suggestion, the sponsors of the draft resolution revised their proposal to include a reference to those seminars (see para. 276 above). It was the intention of the sponsors that the problems of developing countries should be fully taken into account.

288. The draft resolution was based on the view, held by several representatives, that the Commission on Human Rights could contribute significantly to the implementation of economic and social rights. Some members, however, felt that matters directly relevant to most of those rights were being dealt with in great detail by other organs of the United Nations, particularly the Commission for Social Development and various economic bodies, and by the specialized agencies. They wondered whether the Commission on Human Rights could add any concrete and important element to the work of those organs and agencies. Perhaps, as was

suggested by one member, the specific role of the Commission would be to draw attention to the basic moral and humanitarian issues involved in that field, as distinct from its technical and economic aspects.

289. The sponsors, supported by several representatives, stressed that, in their opinion, the essential function of the Commission on Human Rights in that field should be to undertake an integrated study of all the relevant problems which were at present being dealt with by many United Nations bodies and specialized agencies from different viewpoints, and to formulate comprehensive recommendations designed to stimulate progress in the field of economic and social rights. It was proposed in the original draft resolution (see para. 275 above) that a Special Rapporteur be appointed at the present session to prepare such a study and to make recommendations to the Commission. It was also proposed that further seminars be held on the realization of economic and social rights, and the hope was expressed that the International Conference on Human Rights would pay due attention to such matters.

290. While the latter proposal did not give rise to any objection, several speakers expressed reservations as regards the appointment of a Special Rapporteur. It was said that, since the contemplated study would be a very comprehensive and complex one and since its completion would require time, it would be preferable to proceed at least in two stages. First, the Secretary-General could be requested to gather relevant information and to prepare a preliminary study for submission if possible at the twenty-fifth session of the Commission. At that stage, the Commission would consider whether it would be advisable to appoint a Special Rapporteur or to take any other appropriate measures.

291. Some representatives were not convinced that the appointment of a Special Rapporteur, at any stage, would lead to results which could not be achieved by less expensive and more or equally effective means.

292. In the view of several members, due care should be taken to avoid duplication of work. Express provisions should therefore be made for consultations with interested specialized agencies.

293. The draft resolution was revised mainly to include various points of view, although it did not embody suggestions that some definite indications be given in the text as regards the subject-matters of the preliminary study by the Secretary-General; and that such a study should be directed, inter alia, towards ascertaining the role that the Commission could play in the field of economic and social rights. A few members felt that operative paragraph 2 of the revised text might be interpreted to some extent as prejudging the question of the appointment of a Special Rapporteur.

Adoption of resolution

294. At the 984th meeting of the Commission, held on 6 March 1968, draft resolution E/CN.4/L.1010/Rev.1, submitted by Austria, Chile, India, Philippines, Poland, Senegal, Ukrainian Soviet Socialist Republic, Yugoslavia (see para. 276 above) was unanimously adopted.

295. For the text of the resolution, as adopted by the Commission at its 984th meeting, on 6 March 1968, see below, chapter XVIII, resolution 11 (XXIV).

VI. PERIODIC REPORTS ON HUMAN RIGHTS
FREEDOM OF INFORMATION

296. At its 985th meeting, on 6 March 1968, the Commission decided to consider the item "Periodic reports on human rights" together with the item "Freedom of information". These items were discussed at the 984th and 985th meetings of the Commission.

Periodic reports on human rights

297. The Commission had before it a note by the Secretary-General giving background information (E/CN.4/967) and the following:

(a) Reports on freedom of information for the period from 1 July 1964 to 30 June 1967 received from the Governments of Argentina, Austria, Byelorussian SSR, Cameroon, Chile, China, Congo (Democratic Republic of), Denmark, Federal Republic of Germany, Finland, France, India, Israel, Italy, Ivory Coast, Japan, Kuwait, Libya, Liechtenstein, Luxembourg, Morocco, Netherlands, New Zealand, Pakistan, Philippines, San Marino, Senegal, Sierra Leone, Switzerland, Thailand, Togo, Turkey, Ukrainian SSR, United Kingdom (reporting also in respect of Hong Kong, Bahamas, Mauritius, Falkland Islands, Bermuda, Gibraltar, Cayman Islands, Brunei, St. Helena, Fiji, Gilbert and Ellice Islands, the Virgin Islands, Swaziland, St. Vincent and British Honduras), Union of Soviet Socialist Republics, United States of America and Yugoslavia (E/CN.4/948 and Add.1-17);

(b) Reports relating to freedom of information received from the United Nations Educational, Scientific and Cultural Organization and from the Universal Postal Union, as well as communications from the International Telecommunications Union and the International Labour Organisation (E/CN.4/951 and Add.1);

(c) The report of the ad hoc Committee on Periodic Reports on Human Rights on the work of its 1968 session (E/CN.4/968) which included a draft resolution recommended for adoption by the Commission (para. 45), as well as a number of recommendations not incorporated in the draft resolution. Paragraph 20 of the report set out the consensus of the Committee regarding the filling of vacancies occurring as a result of the termination of the terms of office of members of the Committee. Paragraph 28 recorded the Committee's views on the question of co-ordination between the United Nations and the specialized agencies concerned in administering the periodic reporting system, so as to avoid duplication in the activities of respective organizations;

(d) A subject and country index to the reports on freedom of information prepared by the Secretary-General (E/CN.4/953/Rev.1);

(e) The comments received in accordance with operative paragraph 14 of resolution 1074 C (XXXIX) from the non-governmental organizations listed below, as well as comments made on them by Member States concerned and made available to the Commission by the Secretary-General:

Category B: Inter-American Press Association (together with comments thereon by the Governments of Canada, Brazil, Jamaica, Honduras and Venezuela)

International Catholic Child Bureau

International Federation of Journalists

International Federation of Newspaper Publishers

Register: International Electrotechnical Commission (British Electrotechnical Committee)

International Public Relations Association (Inter-American Federation of Public Relations Association) (together with comments thereon by the Government of Venezuela) and

International Confederation of Professional and Intellectual Workers (Confederation of Professional and Intellectual Workers of France (together with comments thereon by the Government of France); Federation of Intellectual and Professional Organizations, The Hague (together with comments thereon by the Government of the Netherlands));

(f) An analytical summary of the reports and other material on freedom of information for the period 1 July 1964 to 30 June 1967, prepared by the Secretary-General in accordance with Commission resolution 16 (XXIII) (E/CN.4/952/Rev.1);

(g) The memorandum indicating the status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations which contains information on the matter as of 31 December 1967 (E/CN.4/907/Rev.2) prepared by the Secretary-General in accordance with Council resolution 1074 C (XXXIX);

(h) Comments and recommendations made by the Commission on the Status of Women under Council resolution 1074 C (XXXIX) upon consideration of the reports under review were contained in chapter XI of the report on the work of its twenty-first session (E/4472);

298. In addition to the above documents pertaining mainly to freedom of information, the Commission had before it a report on civil and political rights received from the Government of Thailand (E/CN.4/892/Add.27); reports on economic, social and cultural rights from the Governments of China, India, Iran, Ireland, Jamaica, Liechtenstein, Pakistan, Singapore, Thailand and Turkey (E/CN.4/917/Add.16, E/CN.4/917/Add.20-24); and an additional report from UNESCO (E/CN.4/918/Add.3). These reports were received after the twenty-third session of the Commission on Human Rights had been completed.

Freedom of information

299. By Economic and Social Council resolution 718 (XXVII), of 24 April 1959, the Secretary-General was requested to prepare a substantive report for submission to the Council in 1961 on developments in the field of freedom of information. The

Secretary-General appointed Dr. Hilding Eek, Professor of International Law, Stockholm, Sweden, as a consultant on this matter and presented the consultant's report (E/3443 and Add.1-2) to the Council at its thirty-first session. By the same resolution the Secretary-General was requested (a) to facilitate the Commission's regular review of freedom of information by providing an annual report on developments affecting freedom of information, and (b) to prepare, in co-operation with the Governments of Member States, the specialized agencies, particularly UNESCO, non-governmental organizations in consultative status and the professional organizations concerned, a substantive report on developments in the field of freedom of information since 1954. Accordingly, the Secretary-General prepared annual reports on freedom of information for 1960-1961 (E/CN.4/822 and Add.1-3), for 1961-1962 (E/CN.4/838 and Add.1-3), for 1962-1963 (E/CN.4/862 and Add.1-3) and for 1963-1964 (E/CN.4/878 and Add.1-2). At its eighteenth session in 1962, the Commission had before it the Secretary-General's annual report on freedom of information for 1960-1961 and the report on developments in the field of freedom of information since 1954. Owing to lack of time, the Commission decided to postpone their consideration to its nineteenth session. At that and subsequent sessions, the Commission was unable to consider the reports.

300. The Committee on Periodic Reports on Human Rights, established under Commission resolution 3 (XX) on 14 March 1964, was requested in part B of that resolution "to examine the reports on freedom of information which are at present before the Commission". In part II of the report on its 1964 session, (E/CN.4/876 and Corr.1), the Committee dealt with the reports on freedom of information, but, at the time of its twenty-fourth session, the Commission had not considered that part of the Committee's report.

301. Resolution 1074 C (XXXIX), entitled "Periodic Reports on Human Rights and Reports on Freedom of Information", adopted by the Economic and Social Council on 28 July 1965, did not request the Secretary-General to submit annual reports on freedom of information, as had been done under Council resolution 718 II (XXVII). Under Council resolution 1074 C (XXXIX), States Members of the United Nations and members of the specialized agencies are invited to submit reports on freedom of information on a triennial basis, the first such report to cover the period from 1 July 1964 to 30 June 1967. Accordingly, after the annual report on freedom of information for 1963-1964, no further annual reports were prepared.

302. The Economic and Social Council, by its resolution 1165 (XLI) of 5 August 1966, recommended to the Commission to "resume consideration of the item 'Freedom of information'".

303. At its twenty-fourth session, the Commission had before it the documents referred to in paragraphs 299 and 300 above.

Issues discussed

304. In introducing the report of the ad hoc Committee on Periodic Reports on Human Rights (E/CN.4/968), the Committee's Chairman, Mr. Wyzner (Poland), expressed the view that the draft resolution which had been unanimously approved by the Committee might serve as a basis for the Commission's discussion.

305. Members of the Commission who spoke on the items emphasized the importance of freedom of information for the functioning of free society and for the promotion

of peace and security among nations. Some members expressed the view that Governments should not interfere with the Press and other information media, and cited various examples to illustrate their points. Other representatives expressed the view that freedom of information should not serve as a means of encouraging nazi propoganda, neonazism, apartheid, racism or colonialism or of suppressing wars of national liberation. It was also indicated that information media were responsible for the accuracy of information disseminated and should avoid abuse of freedom of information. The opinion was expressed that it was of paramount importance that the information disseminated be objective, and that freedom of information would be destroyed if facts were not treated objectively. Responsibility for this rested not only with Governments but also with newsmen and managers of mass information media. It was also indicated that vigilant protection of freedom of information by national courts was of great importance. A reference was made during the discussion to the draft Convention on Freedom of Information, under consideration by the General Assembly, and the opinion was expressed that the Convention should provide for measures to ensure court protection for the free expression of opinion. Some members of the Commission gave an account of the situation in the field of freedom of information in their respective countries, referring, inter alia, to constitutional provisions and other regulations in force.

306. There was general agreement on the importance of freedom of opinion and expression as a basic human right, without which other rights could not be secured, and on the view that suppression of freedom of information was often a first step towards suppression of other human rights. Several members of the Commission referred to activities in their respective countries aimed at promoting freedom of opinion and expression.

307. As far as reports on freedom of information were concerned, it was regretted by some members that only a relatively small number of States Members had submitted such reports. The system of periodic reporting, operating under Economic and Social Council resolution 1074 C (XXXIX), was considered to be useful.

308. Appreciation was expressed for the work done by the ad hoc Committee on Periodic Reports at its 1968 session as well as for the Committee's report (E/CN.4/968). The draft resolution as recommended by the ad hoc Committee (ibid., para. 45) met with the general approval of members of the Commission. The representative of Iran orally suggested to add, at the end of operative paragraph 8 of the draft resolution, the words: "including information on apartheid and racial discrimination in southern Africa". This was accepted by the members of the Commission who were also members of the ad hoc Committee. Also, at the suggestion of the representative of Poland in his capacity as Chairman of the ad hoc Committee, some minor drafting changes were introduced in the first and second preambular paragraphs of the draft resolution in order to bring up to date the references to the documentation before the Commission.

Adoption of resolution

309. At its 985th meeting, the Commission unanimously adopted the draft resolution as recommended by the ad hoc Committee on Periodic Reports (E/CN.4/968, para. 45), as orally amended in the course of its consideration in the Commission.

310. For the text of the resolution, as adopted by the Commission at its 985th meeting, on 6 March 1968, see below, chapter XVIII, resolution 12 (XXIV).

311. With reference to the question of filling vacancies which might occur in the ad hoc Committee as a result of termination of the terms of office of its members, certain members of the Commission expressed concern for establishing proper procedure for the timely filling of such vacancies. In this connexion it was agreed that the Chairman of the Commission should be authorized to fill the vacancy created by the expiration of the term of office of Costa Rica, by a member from the same region. The Chairman was also authorized in case of any future vacancy arising from a member of the ad hoc Committee on Periodic Reports ceasing to be a member of the Commission on Human Rights, to fill this vacancy by appointing a member from the same region as the outgoing member. It was also suggested that the question of the membership of the ad hoc Committee on Periodic Reports might be included as a separate sub-item of the item on "Periodic Reports on Human Rights" on the provisional agenda of the twenty-fifth session of the Commission on Human Rights.

312. At the 990th meeting, the Chairman announced that Venezuela would take the place of Costa Rica in the ad hoc Committee on Periodic Reports.

VII. DRAFT DECLARATION AND DRAFT INTERNATIONAL CONVENTION ON THE
ELIMINATION OF ALL FORMS OF INTOLERANCE AND DISCRIMINATION
BASED ON RELIGION OR BELIEF

313. The Commission considered item 12 of its agenda relating to the draft Declaration and draft International Convention on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief at its 986th meeting on 7 March 1968.

314. The Commission had before it a note by the Secretary-General (E/CN.4/959) containing, inter alia, General Assembly resolution 2295 (XXII).

315. By this resolution, the General Assembly, bearing in mind the decisions of the Third Committee (a) not to mention any specific examples of religious intolerance in the draft International Convention on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief, and (b) to amend the title, the preamble and article 1 of the draft Convention proposed by the Commission on Human Rights, and having been unable to complete the consideration of the draft Convention owing to its heavy agenda and the lack of time, decided to accord priority during its twenty-third session to the item entitled:

"Elimination of all forms of religious intolerance:

"(a) Draft Declaration on the Elimination of All Forms of Religious Intolerance;

"(b) Draft International Convention on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief."

316. In a brief exchange of views, some members pointed out that the action of the General Assembly did not preclude the Commission from considering the draft Declaration even though, for lack of time, it could not do so at this session. Other members expressed the view, however, that the General Assembly had not entrusted the Commission with any further task relating to the item.

317. At its 986th meeting, on 7 March 1968, the Commission decided to take note of the General Assembly resolution.

VIII. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

318. The Commission on Human Rights, at its twenty-third session, considered the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, referred to it by the Economic and Social Council in resolution 1126 (XLI) of 26 July 1966. The Commission gave preliminary consideration to the report of Mr. Mohamed Awad, the Council's Special Rapporteur on Slavery (E/4168/Rev.1) and in resolution 13 (XXIII) of 21 March 1967, inter alia, requested 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. The Sub-Commission was requested 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. In the same resolution, the Commission decided to retain the item on its agenda and to give further consideration to the Special Rapporteur's report at its twenty-fourth session.

319. The consideration by the Sub-Commission of the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, is summarized in the report of the twentieth session of the Sub-Commission to the Commission on Human Rights (E/CN.4/947, chap. V). The Sub-Commission adopted resolution 4 (XX) on this question (ibid., para. 111) which, inter alia, contained the following proposals to the Commission for recommendation to the Economic and Social Council:

(a) Operative paragraphs 3 to 5 of resolution 4 A (XX) of the Sub-Commission read as follows:

"3. Requests the Commission on Human Rights to recommend to the Economic and Social Council:

"(a) that the Sub-Commission be authorized to undertake a study of the measures which might be taken in the case of States which fail to carry out their obligations under the Slavery Convention of 1926 and the Supplementary Convention of 1956;

"(b) the initiation of a study of the possibilities of international police action to interrupt and punish the transportation of persons in danger of being enslaved;

"(c) the establishment of a list of experts in economic, sociological, legal and other relevant disciplines whose advice shall be available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations;

"4. Requests the Secretary-General:

"(a) to invite the Governments of States which have not yet replied to the questionnaire on slavery to do so as soon as possible or to transmit replies prepared by the appropriate authorities for each country or territory under their jurisdiction, administration or protection, and to transmit the information received to the Sub-Commission at its twenty-first session;

"(b) to continue his efforts to obtain the information called for under article 8 (2) of the Supplementary Convention of 1956 from all States Parties to the Convention, and to make that information available to the Sub-Commission at its twenty-first session;

"(c) to assign one or more officers in the Division of Human Rights to the exclusive study of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of apartheid and colonialism;

"5. Decides to retain this item on the agenda of forthcoming sessions of the Sub-Commission until slavery and the slave trade, in all their practices and manifestations, have been eliminated in all parts of the world."

(b) Operative paragraphs 2 and 3 of resolution 4 (B) (XX) of the Sub-Commission read as follows:

"2. Requests the Commission on Human Rights to recommend to the Economic and Social Council that it remind Governments that the United Nations and the specialized agencies have available under their regular technical assistance programmes facilities for assisting Governments in eliminating slavery and the slave trade and helping them to solve the economic and social problems resulting from the elimination of slavery;

"3. Requests the Secretary-General to undertake, through the Administrative Committee on Co-ordination, the promotion and co-ordination of measures to be taken by the specialized agencies and other competent United Nations bodies to eliminate slavery, the slave trade and similar institutions and practices and to draw their attention to the suggestions made by the Special Rapporteur on slavery at the 527th meeting of the Sub-Commission held on 9 October 1967."

320. On the recommendation of the Commission in its resolution 13 (XXIII), the Economic and Social Council in resolution 1232 (XLII) of 6 June 1967, inter alia, requested the Commission on the Status of Women to study the report of the 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. Accordingly, the Commission on the Status of Women at its twenty-first session (29 January-19 February 1968) considered the question of "Measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women". It adopted resolution 4 (XXI) which, inter alia, contained a draft resolution for adoption by the Economic and Social Council. In accordance with the request contained in operative paragraph 3 of that resolution, the Secretary-General transmitted (E/CN.4/971) the draft resolution

proposed by the Commission on the Status of Women for adoption by the Economic and Social Council, to the Commission on Human Rights "so that the comments of that Commission may be before the Economic and Social Council when the draft resolution is considered".

321. By the same resolution 1232 (XLII), the Council requested 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. In accordance with that request, the Secretary-General circulated a note verbale to Member States on 25 September 1967, drawing their attention to resolution 1232 (XLII) and asking whether they would be interested in acting as host to such a seminar. The Secretary-General informed the Commission at its twenty-fourth session that he was in consultation with interested Governments concerning such seminars (E/CN.4/964, para. 13).

322. In considering item 13 of its agenda at its 986th, 987th and 990th meetings, held on 7 and 8 March 1968, the Commission had before it: the report on slavery by the Special Rapporteur; chapter V of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/947); the note of the Secretary-General on this question (E/CN.4/962); and the note of the Secretary-General transmitting resolution 4 (XXI) of the Commission on the Status of Women (E/CN.4/971).

Draft resolutions and amendments

323. Two draft resolutions were introduced.

324. The first draft resolution (E/CN.4/L.1032) proposed by the Ukrainian SSR read as follows:

"The Commission on Human Rights,

"Having considered the note by the Secretary-General contained in document E/CN.4/962 and the report of the Secretary-General contained in document E/CN.4/sub.2/280,

"Having studied the request of the Commission on the Status of Women that the Commission on Human Rights should submit comments on the draft resolution on the question of slavery proposed by the Commission on the Status of Women for adoption by the Economic and Social Council (E/CN.4/971),

"Having considered further part A, paragraph 3, and part B, paragraph 2, of resolution 4 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/947),

"1. Decides to recommend that the Economic and Social Council should consider the request of the Sub-Commission contained in part A, paragraph 3, of the resolution concerning activities for the further study of the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and also part B, paragraph 2, of that resolution concerning technical assistance to Governments in eliminating slavery and the slave trade;

"2. Supports the draft resolution on that question which was proposed for adoption by the Economic and Social Council in resolution 4 (XXI) of the Commission on the Status of Women entitled 'Measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women'."

325. Subsequently the representative of the Ukrainian SSR withdrew his draft resolution in the light of the oral revisions made in their joint draft resolution (see para. 327 below) by the representatives of Austria, Italy, Jamaica, New Zealand the Philippines and Venezuela.

326. The second draft resolution, proposed by Austria, Italy, Jamaica, New Zealand, the Philippines and Venezuela (E/CN.4/L.1033) 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 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,

"Having requested 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, Mr. Mohamed Awad (E/4168/Rev.1), 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 other 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,

"Having given consideration to the Special Rapporteur's report at the twenty-third and twenty-fourth sessions,

"Having considered also resolution 4 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

"Having taken into account resolution 4 (XXI), adopted by the Commission on the Status of Women, on measures which the United Nations could adopt to eradicate all forms of slavery and the slave trade affecting the status of women,

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

'The Economic and Social Council,

'Noting the recommendations of the Commission on Human Rights in resolution... (XXIV) on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

'1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956;

'2. Further authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to initiate a study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations;

'3. Requests the Secretary-General to establish a list of experts in economic, sociological, legal and other relevant disciplines whose advice shall be available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations;

'4. Reminds Governments that the United Nations and the specialized agencies have available under their regular technical assistance programme facilities for assisting Governments in eliminating slavery and the slave trade and in helping them to solve resulting economic and social problems.'"

327. The sponsors of the draft resolution orally revised their proposal to incorporate suggestions made by several members of the Commission, including the representatives of Sweden, the Ukrainian SSR and the United Republic of Tanzania, as follows: the words "requested it" in the first preambular paragraph were replaced by "requested the Commission", the words "having given consideration to" in the third preambular paragraph were replaced by "having taken note of", and the words "having considered also" in the fourth preambular paragraph were replaced by the word "noting"; a new operative paragraph 1 was inserted containing the same text as operative paragraph 2 of the draft resolution submitted by the Ukrainian SSR; in operative paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council the words "Requests the Secretary-General to establish..." were replaced by the words "Requests the Secretary-General, in consultation with the Sub-Commission and subject to confirmation by the Commission on Human Rights, to establish..."

328. At the 990th meeting, the representative of the United Republic of Tanzania submitted the following oral amendments to that part of the draft resolution which contained a draft resolution for adoption by the Economic and Social Council:

(a) Add at the end of operative paragraph 1 "and the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism".

(b) Add at the end of operative paragraph 3 "including the slavery-like practices of apartheid and colonialism".

(c) In operative paragraph 4, after the words "and the slave trade" insert "including the slavery-like practices of apartheid and colonialism".

(d) Add a new operative paragraph 5, reading as follows: "Requests all Governments to exert their full influence and resources to assist in the total eradication of the slavery-like practices of apartheid and colonialism as practised particularly in Southern Rhodesia, South West Africa and South Africa".

(e) Add a new operative paragraph 6, reading as follows: "Affirms that the master and servant laws currently enforced in Southern Rhodesia, South West Africa and South Africa constitute clear manifestations of slavery and the slave trade".

Issues discussed

329. The debate on this question focused on the proposals made by the Sub-Commission in its resolution 4 (XX) (E/CN.4/947, para. 111) and in particular on those proposals to the Commission recommended for action by the Economic and Social Council.

330. There was general support for the recommendations made by the Sub-Commission which requested the Secretary-General to invite Governments which have not yet replied to the Questionnaire on Slavery to do so as soon as possible and to continue to obtain the information called for under article 8, paragraph 2, of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. The Commission agreed that, in view of its previous decision in resolution 13 (XXIII), of 21 March 1967, in which the Sub-Commission was requested to undertake regular consideration of the question of slavery in all its forms, it was appropriate for the Sub-Commission to initiate new studies on this question. There was wide support for the suggestion that the Economic and Social Council be requested to authorize the Sub-Commission to prepare two studies: one on the implementation of the Slavery Convention of 1926 and the Supplementary Convention of 1956; and another on international police action to interrupt and punish the transportation of persons in danger of being enslaved.

331. Several representatives expressed support for the recommendations made by the Commission on the Status of Women in its resolution 4 (XXI), of 14 February 1968, on measures which the United Nations could adopt to eradicate all forms of slavery and the slave trade affecting the status of women.

332. On behalf of draft resolution E/CN.4/L.1033 (para. 326 above), it was stated that the proposals made by the Sub-Commission in its resolution 4 (XX), which were endorsed in the six-Power draft resolution, represented a first step in a renewed effort on the part of the United Nations to eradicate all vestiges of slavery. There was universal agreement among Governments that this most flagrant violation of human rights be dealt with in a positive fashion. It was stated that the joint draft resolution sought to enlist the co-operation of Governments and international agencies in this endeavour and indicated that the technical assistance programmes of the United Nations could be useful to this end.

333. The representative of the United Republic of Tanzania made certain proposals regarding the joint draft resolution which he considered essential to strengthen the draft resolution. He stated that the study envisaged in operative paragraph 1 of the draft resolution for the Economic and Social Council should be broadened to include action taken by various United Nations bodies on the question of the slavery-like practices of apartheid and colonialism and in particular the action taken by the Economic and Social Council and the General Assembly. In connexion with the third operative paragraph of the same draft resolution, he stated that the list of experts proposed in that paragraph should be examined by the Commission on Human Rights since its views should be sought on this important question. Moreover, the technical assistance programmes of the United Nations family could be used to eliminate not only slavery and the slave trade but also the slavery-like practices of apartheid and colonialism. He suggested that the Commission request Governments to use their influence and resources to eliminate apartheid and colonialism, particularly as practised in Southern Rhodesia, South West Africa and South Africa. He noted that the Special Rapporteur's study of apartheid and racial discrimination in southern Africa (E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1 and Add.2-5) had concluded that the master and servant laws in force in Southern Rhodesia, South West Africa and South Africa constituted flagrant examples of slavery; he therefore proposed that the joint draft resolution be amended to incorporate this conclusion. He submitted certain oral amendments to the joint draft resolution (see para. 328 above) to incorporate his views.

334. Several members stated that there was no fundamental difference between the two draft resolutions submitted to the Commission. While the Ukrainian SSR's draft resolution (para 324 above) endorsed the proposal in part A, paragraph 3 and part B, paragraph 2 of the Sub-Commission's resolution 4 (XX), the joint draft resolution (para. 326 above) elaborated on those proposals. They expressed the view that the sponsors of the joint draft resolution might make some changes and incorporate operative paragraph 2 of the draft resolution of the Ukrainian SSR in their draft resolution and thereby assist the Commission in having a single text before it.

335. The joint draft resolution, as orally revised (para. 327 above), which led to the withdrawal of the draft resolution of the Ukrainian SSR, was acceptable to most members of the Commission. As regards the amendment of the United Republic of Tanzania, to broaden the study envisaged in operative paragraph 1 of the draft resolution for the Economic and Social Council, several representatives felt that this amendment would make the study unnecessarily complicated and too broad in scope. Some members considered that the inclusion of the reference "slavery-like practices of apartheid and colonialism" in operative paragraph 4 of the draft resolution for the Economic and Social Council was unnecessary since there were already in existence separate and distinct assistance programmes for them. With regard to the new operative paragraph 5 for the draft resolution for the Economic and Social Council proposed by the representative of the United Republic of Tanzania, some members also objected to it on the ground that it was confined to the slavery-like practices of apartheid and colonialism, which were being examined and dealt with by other organs of the United Nations. Some members also doubted whether it could be categorically stated, as proposed in the amendment of the representative of the United Republic of Tanzania, to add a new operative paragraph 6 stating that the master and servant laws currently in force in Southern Rhodesia, South West Africa and South Africa constituted a clear manifestation of the slave trade. Other members supported the reference to those laws as a move towards the formulation of criteria for identifying specific policies and practices similar to slavery.

Adoption of resolution

336. At its 990th meeting, the Commission voted on draft resolution E/CN.4/L.1033, submitted by Austria, Italy, Jamaica, New Zealand, the Philippines and Venezuela, as orally revised (see paras. 326-327 above) and the amendments submitted thereto by the representative of the United Republic of Tanzania (see para. 328 above).

337. The voting on the first part of the draft resolution was as follows:

(a) The paragraphs of the preamble were adopted unanimously;

(b) The two operative paragraphs were adopted by 27 votes to none, with 1 abstention.

338. The voting on the part of the draft resolution containing the draft resolution for adoption by the Economic and Social Council was as follows:

(a) The preamble was adopted by 26 votes to none, with 2 abstentions;

(b) The amendment of the representative of the United Republic of Tanzania to operative paragraph 1 was adopted by 21 votes to none, with 9 abstentions;

(c) Operative paragraph 1, as amended, was adopted by 26 votes to none, with 4 abstentions;

(d) Operative paragraph 2 was adopted by 28 votes to none, with 1 abstention;

(e) The amendment of the representative of the United Republic of Tanzania to operative paragraph 3 was adopted by 24 votes to none, with 6 abstentions;

(f) Operative paragraph 3, as amended, was adopted by 27 votes to none, with 2 abstentions;

(g) The amendment of the representative of the United Republic of Tanzania to operative paragraph 4 was adopted by 22 votes to none, with 7 abstentions;

(h) Operative paragraph 4, as amended, was adopted by 27 votes to none, with 2 abstentions;

(i) The amendment of the representative of the United Republic of Tanzania to add a new operative paragraph 5 was adopted by 21 votes to none, with 8 abstentions;

(j) The amendment of the representative of the United Republic of Tanzania to add a new operative paragraph 6 was adopted by 22 votes to none, with 6 abstentions.

339. The draft resolution, as a whole, as amended, was adopted by 27 votes to none, with 2 abstentions.

340. For the text of the resolution, as adopted by the Commission at its 990th meeting, on 8 March 1968, see below, chapter XVIII, resolution 14 (XXIV).

IX. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF PERSONS
WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

341. The question of the punishment of war criminals and of persons who have committed crimes against humanity has been considered by the Commission on Human Rights at its twenty-first, twenty-second and twenty-third sessions and by the Economic and Social Council at its thirty-ninth, forty-first and forty-second sessions.

342. In accordance with operative paragraphs 1 and 2 of Council resolution 1158 (XLI), the Secretary-General had submitted a report containing information received from Governments on the measures they had taken to prevent the application of statutory limitations to war crimes and crimes against humanity, to ensure the arrest, extradition and punishment of persons guilty of such crimes, and to make available to other States any documents in their possession relating to such crimes (E/CN.4/927 and Add.1-9).

343. In accordance with operative paragraphs 3 and 4 of Council resolution 1158 (XLI), the Commission on Human Rights, at its twenty-third session, had considered a preliminary draft convention prepared by the Secretary-General (E/CN.4/928) on the non-applicability of statutory limitations to war crimes and crimes against humanity. Due to lack of time, it was unable to complete the preparation of that draft convention. Upon the recommendation of the Commission on Human Rights and the Economic and Social Council, the General Assembly, at its twenty-second session, considered the matter. A Joint Working Group of the Third and Sixth Committees submitted the text of a draft convention on the non-applicability of statutory limitations to war crimes and crimes against humanity. ^{13/} By its resolution 2338 (XXII), the General Assembly, *inter alia*, requested the Secretary-General to issue a report before the twenty-third session of the General Assembly, containing the comments received from Member States on the text of the draft convention prepared by the Joint Working Group. The General Assembly also decided to give high priority to the completion of the draft convention with a view to its adoption at its twenty-third session.

344. In operative paragraph 4 of resolution 1158 (XLI), the Economic and Social Council also had requested the Secretary-General to carry out a study as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto. The Commission was informed that the preparatory work for that study had been commenced.

345. The Commission had before it, in addition to the above-mentioned resolutions, the report submitted by the Secretary-General in accordance with operative paragraph 2 of Council resolution 1158 (XLI) (E/CN.4/927 and Add.1-9), as well as a note by the Secretary-General (E/CN.4/965).

^{13/} See Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 60, document A/C.3/L.1503, para. 9.

346. The Commission considered this item at its 986th and 987th meetings, held on 7 March 1968.

Draft resolution

347. Poland submitted the following draft resolution (E/CN.4/L.1016):

"The Commission on Human Rights,

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

"Noting with satisfaction that the General Assembly in its resolution 2338 (XXII) of 18 December 1967 decided 'to give high priority to the completion of the draft Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, with a view to its adoption at its twenty-third session',

"Further noting that the Economic and Social Council, in its resolution 1158 (XLI) of 5 August 1966, invited the Commission on Human Rights 'to consider and make any further recommendations it believes desirable with a view to developing international co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity',

"1. Requests the Secretary-General: (a) to submit the study as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto, entrusted to him under Economic and Social Council resolution 1158 (XLI) in time for consideration by the twenty-fifth session of the Commission; (b) to include in the above study the examination of the question of appropriate compensation to the victims of war crimes and crimes against humanity;

"2. Decides to give high priority to the consideration of the question of punishment of war criminals and of persons who have committed crimes against humanity at its twenty-fifth session."

348. At the 987th meeting of the Commission, held on 7 March 1968, this draft resolution was orally revised as follows:

(a) A fourth preambular paragraph was added, as follows: "Noting also that compensation has already been paid to certain victims of war crimes and crimes against humanity"; and

(b) In operative paragraph 1 (b), the words: "question of appropriate compensation" were replaced by the words: "criteria for determining compensation" (see also para. 361 below).

349. At the 987th meeting, the Director of the Division of Human Rights reported on the financial implications of the proposal (see annex I).

Issues discussed

350. The purpose of the proposal (see para. 347 above), as explained by its author, was to express the resolve of the United Nations to continue and intensify their efforts to ensure the just and effective punishment of war criminals and of persons who have committed crimes against humanity, as well as a determination to ensure appropriate compensation to the victims of war crimes and of crimes against humanity. The draft convention on the non-applicability of statutory limitation to war crimes and crimes against humanity, important as it was, did not cover many other aspects of the problem which were mentioned in the draft resolution.

351. Several members stressed that the serious difficulties encountered as regards the extradition of war criminals and of persons who had committed crimes against humanity should be considered in the study requested by Council resolution 1158 (XLI). Some representatives said that various States, and, in particular, the Federal Republic of Germany, had refused to grant extradition on the ground that the period of limitation provided for in their legislation had already expired as regards the crimes of which the persons concerned were accused. Some other members expressed the view, more generally, that there was an important connexion between the subject-matters of the study requested in Council resolution 1158 (XLI) and certain problems involved in the preparation of the draft convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

352. A few representatives felt that certain excuses or mitigating circumstances were abusively invoked in certain States to inflict only light penalties on persons guilty of serious war crimes or crimes against humanity. In their opinion, such matters should be dealt with in the study.

353. In the view of some members, it was doubtful whether the question of compensation to the victims of war crimes and crimes against humanity, mentioned in operative paragraph 1 (b) of the proposal by Poland, fell within the scope of the item; and they said that such a question had not been included by the Economic and Social Council among the subject-matters of the study requested in resolution 1158 (XLI). The author of the proposal, supported by some other members, maintained that the question of compensation to victims of war crimes and crimes against humanity was an integral part of the item before the Commission, which should be considered in its entirety. They also felt that prior approval by the Economic and Social Council was not necessary, since, in their view, resolution 1158 (XLI) was in no way intended to limit the scope of the Commission's study and recommendations.

354. On the substance of his proposal, the author, supported by various representatives, stressed that the question of appropriate compensation to the victims of war crimes and crimes against humanity called for an urgent and careful study. They said that large numbers of victims of nazi atrocities, who had suffered serious harm, had not yet received any compensation. Certain grave defects might be pointed out in the legislation and practice in that respect, in particular in the Federal Republic of Germany. Those members expressed the view, in particular, that the relevant laws of that State, where most war criminals came from, were very insufficient and discriminatory as regards compensation to the victims.

355. Without denying in any way the importance of the problems referred to in operative paragraph 1 (b) of the proposal, some other members said that compensation had been provided to a very large extent to the victims of war crimes and crimes against humanity. They felt, in particular, that the Federal Republic of Germany, recognizing its moral obligations towards those persons, had made considerable efforts to that end.

356. Still some other representatives said that compensation had been paid to certain victims in some countries, a fact which was noted in the revised proposal (see para. 348 (a) above); but that a number of victims in other countries did not benefit from such measures.

357. According to some members, who supported the proposal in its original form, the preparation of the study mentioned in operative paragraph 1 (b) would not be unduly difficult, since the Secretary-General could take into consideration a number of existing and well-defined principles in the matter.

358. A number of representatives felt that the consideration of the numerous and complex problems involved would place a heavy additional burden on the Secretary-General. In particular, the question should be considered whether the obligation to pay compensation should fall on the individuals guilty of such crimes or on Governments. Since it was claimed that the amount of damages was considerable, full compensation would exceed the capabilities of individuals and, if only for practical reasons, payment out of public funds would have to be considered. In that connexion, the question would arise whether the State's obligation towards the victims was moral or legal in character. Other members felt, however, that the State's obligation to provide appropriate compensation to the victims was of a strictly legal nature.

359. Several members expressed objections or reservations as regards the proposal to study the question of "appropriate" compensation (see para. 347 above). In their opinion, such a request would in fact oblige the Secretary-General to evaluate the laws and practices of States and, perhaps, to formulate adverse judgements thereon. They said that such activities should remain outside the scope of his functions. It was also said that the difficulties of the Secretary-General would be compounded by the lack of clear directives addressed to him. Taking those observations into account, the representative of Poland deleted the word "appropriate" and proposed to use the term "principles". This being still considered insufficiently precise by certain members, the words "criteria which have been used ..." were proposed. This formula was generally considered more satisfactory by those members.

360. Some other representatives opposed such a formula as being restricted to the past, while it was essential, in their view, that the study should cover, in addition, questions concerning the crimes which were committed at present and those which might be committed in the future. They proposed that the words "which might be used" should be included to qualify the word "criteria". This formula was regarded by various speakers, however, as likely to increase the above-mentioned difficulties of the Secretary-General.

361. The representative of Poland finally proposed, at the suggestion of the representatives of Greece and Sweden, and as a compromise formula, that the phrase should read: "criteria for determining compensation" (see para. 348 (b) above),

it being understood that the study on that subject would consist of: (a) a description of the criteria which had been used thus far; and (b) a compilation of the views received from Member States at the request of the Secretary-General concerning the criteria which might be used in the future. A few members felt that, in the absence of precisions concerning the object of the request for comments under (b), and in view of the abstract character of the questions asked, Governments' replies might prove to be few and of limited usefulness. The formula and the understanding relating thereto, as proposed by the representative of Poland, were unanimously accepted by the members of the Commission.

362. Several representatives stated that their approval of the revised draft resolution did not prejudge in any way the position of their Governments as regards the draft convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

Adoption of resolution

363. At its 987th meeting, the Commission unanimously adopted the draft resolution submitted by Poland (E/CN.4/L.1016), as orally revised (see paras. 347 and 348 above).

364. For the text of the resolution, as adopted by the Commission at its 987th meeting, on 7 March 1968, see below, chapter XVIII, resolution 13 (XXIV).

X. MEASURES FOR THE SPEEDY IMPLEMENTATION OF THE UNITED NATIONS DECLARATION
ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
MEASURES TO BE TAKEN AGAINST NAZISM AND RACIAL INTOLERANCE

365. At its 987th meeting, on 7 March 1968, the Commission decided to consider jointly item 5, "Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination", and item 6, "Measures to be taken against nazism and racial intolerance". The Commission considered both items jointly at its 987th to 990th meetings on 7 and 8 March 1968.

366. The Commission had before it a note by the Secretary-General (E/CN.4/960 and Add.1) containing, inter alia, information relating to the consideration of both items in United Nations organs and General Assembly resolution 2331 (XXII) entitled "Measures to be taken against nazism and racial intolerance", and resolution 2332 (XXII) entitled "Measures for the speedy implementation of international instruments against racial discrimination". The note also recalled that, in its resolution 10 (XXIII), the Commission had called upon all States to observe annually the International Day for the Elimination of Racial Intolerance on 21 March as proclaimed by the General Assembly in resolution 2142 (XXI) of 26 October 1966. The Commission also had before it an explanatory memorandum on measures to be taken against nazism and racial intolerance, submitted by the Chairman of the Commission at its twenty-third session (E/CN.4/958).

Draft resolution

367. A draft resolution relating to measures to be taken against nazism and racial intolerance submitted by the Ukrainian Soviet Socialist Republic (E/CN.4/L.1009) read as follows:

"The Commission on Human Rights,

"Guided by the provisions of General Assembly resolution 2331 (XXII) (Measures to be taken against nazism and racial intolerance), in which it is recognized that measures should be taken to halt nazi activities wherever they occur,

"Concerned at the fact that there has recently been a sharp increase in the activities of groups and organizations disseminating the ideology of nazism, which has been decisively condemned by the United Nations,

"Noting resolution 1 (XX) adopted on 5 October 1967 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (special study of racial discrimination in the political, economic, social and cultural spheres), in which the Sub-Commission has invited the Special Rapporteur to give due consideration in his report to the problem of measures which should be taken to halt nazi activities wherever they occur,

"Considering it urgent and important that all States, in pursuance of the above-mentioned General Assembly resolution, should take immediate and effective measures against manifestations of nazism and racial intolerance,

"1. Once again resolutely condemns nazism and similar ideologies and practices, which are based on terror and racial intolerance, as a gross violation of human rights and fundamental freedoms and of the principles and purposes of the Charter of the United Nations, and as a serious threat to world peace and the security of peoples;

"2. Endorses the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that, in the special study of racial discrimination in the political, economic, social and cultural spheres, due consideration should be given to measures which should be taken to halt nazi activities;

"3. Requests the Sub-Commission, after considering the draft report on the above-mentioned question, as provided for in operative paragraph 2 of the Sub-Commission's resolution 1 (XX), to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur;

"4. Requests the Secretary-General to make available to the Commission, at its twenty-fifth session, that part of the Special Rapporteur's report which deals with the problem of halting nazi activities;

"5. Decides to retain this question on the Commission's agenda;

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

'The General Assembly,

'Recalling its resolution 2331 (XXII) on measures to be taken against nazism and racial intolerance,

'Reaffirming that nazism is incompatible with the objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments,

'Expressing its deep concern at the fact that, in spite of General Assembly resolution 2331 (XXII), the activities of groups and organizations propagating the ideology of nazism have not only not been halted but have actually been intensified,

'Bearing in mind that activities of this kind have in the past led to barbaric acts which outraged the conscience of mankind and to other heinous violations of human rights, and eventually to a war which brought indescribable suffering to mankind,

'1. Once again resolutely condemns nazism, as well as all other ideologies and practices which are based on terror and racial intolerance, as a gross violation of human rights and freedoms and of the principles of the Charter of the United Nations, and as a threat to world peace and the security of peoples;

'2. Urgently calls upon all States to take legislative and other positive measures without delay to outlaw groups and organizations which are disseminating nazi propaganda and are engaged in nazi activities, and to prosecute them in the courts;

'3. Calls upon all States and peoples, as well as national and international organizations, to strive for the eradication, as soon as possible and once and for all, of renascent nazi and other ideologies and practices which are based on terror and racial intolerance;

'4. Requests the Secretary-General to submit to the General Assembly a survey of information which may be available to him on measures taken or envisaged, both at the national and international levels, with a view to halting nazi activities;

'5. Invites States to co-operate with the Secretary-General by providing him with information of this kind;

'6. Decides to consider this question at its twenty-fourth session.'

368. At the 988th to 989th meetings several oral amendments to the draft resolution were proposed by various members of the Commission. In the light of these oral amendments, the representative of the Ukrianian Soviet Socialist Republic submitted a revised draft resolution (E/CN.4/L.1009/Rev.1) reading as follows:

"The Commission on Human Rights,

"Guided by the provisions of General Assembly resolution 2331 (XXII) (Measures to be taken against nazism and racial intolerance), in which it is recognized that measures should be taken to halt nazi activities wherever they occur,

"Expressing concern at the recent activities of groups and organizations propagating nazism and other ideologies based on racial intolerance and terror, which have been decisively condemned by the United Nations,

"Noting resolution 1 (XX), adopted on 5 October 1967, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (special study of racial discrimination in the political, economic, social, and cultural spheres), in which the Sub-Commission has invited the Special Rapporteur to give due consideration in his report to the problem of measures which should be taken to halt nazi activities wherever they occur,

"Noting that the above-mentioned General Assembly resolution called on all States to take immediate and effective measures against manifestations of nazism and racial intolerance,

"1. Once again resolutely condemns all ideologies, including nazism and apartheid, which are based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the principles and purposes of the Charter of the United Nations, and as a serious threat to world peace and the security of peoples;

"2. Requests the Sub-Commission, after considering the draft report on the above-mentioned question, as provided for in operative paragraph 2 of the Sub-Commission's resolution 1 (XX), to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur;

"3. Requests the Secretary-General to make available to the Commission, at its twenty-fifth session, that part of the Special Rapporteur's report which deals with the problem of halting nazi and similar activities;

"4. Decides to retain this question on the Commission's agenda;

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

'The General Assembly,

'Recalling its resolution 2331 (XXII) on measures to be taken against nazism and racial intolerance,

'Reaffirming that nazism and the ideology and policy of apartheid which is similar to it are incompatible with the objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments,

'Expressing its deep concern at the fact that, in spite of General Assembly resolution 2331 (XXII), the activities of groups and organizations propagating nazism and similar ideologies still continue,

'Bearing in mind that such ideologies have in the past led to barbarous acts which outraged the conscience of mankind and to other heinous violations of human rights, and eventually to a war which brought indescribable suffering to mankind,

'1. Once again resolutely condemns nazism, apartheid, and all similar ideologies and practices, which are based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the principles of the Charter of the United Nations, and as a threat to world peace and the security of peoples;

'2. Urgently calls upon all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislative and other positive measures to outlaw groups and organizations which are disseminating propaganda for nazism,

the policy of apartheid and other forms of racial intolerance, and to prosecute them in the courts;

'3. Calls upon all States and peoples, as well as national and international organizations, to strive for the eradication, as soon as possible and once and for all, of nazi and similar ideologies including apartheid, which are based on racial intolerance and terror;

'4. Requests the Secretary-General to submit to the General Assembly a survey of information which may be available to him on international instruments, legislation, and other measures taken or envisaged, both at the national and international levels, with a view to halting nazi activities, and similar activities, such as apartheid;

'5. Invites States to co-operate with the Secretary-General by providing him with information of this kind;

'6. Decides to consider this question at its twenty-fourth session.'

369. At the 989th meeting, the representative of Sweden orally proposed an amendment to the revised draft resolution by the insertion of the words "Members of the United Nations and of the specialized agencies" between the words "Invites States" and "to co-operate" in operative paragraph 5 of the draft resolution for adoption by the General Assembly.

370. At the 990th meeting, the representative of the United Kingdom orally proposed an amendment to the revised draft resolution by the replacement of the words "Expressing concern" in the second preambular paragraph by the words "Noting the concern that has been expressed". The amendment was accepted by the sponsor.

Issues discussed

371. There was general agreement that nazi ideologies and practices as well as racial intolerance should be condemned wherever they occur. According to certain representatives, the situation concerning manifestations of nazism and racial intolerance had worsened since the question was considered by the Commission at its twenty-third session. There was, in certain parts of the world, particularly in the Federal Republic of Germany, a resurgence of nazism which posed a real threat to peoples and to the cause of peace throughout the world. Some members noted that the main force of resurgent neo-nazism in the Federal Republic of Germany was the National Democratic Party, whose programme had been inherited from the Hitlerite fascist party and was permeated with the spirit of revanchism and racism. This dangerous revival of nazism had become possible because of the indulgence towards neo-fascists in the Federal Republic of Germany. An entirely different situation existed in the other German State - the German Democratic Republic - where laws had been adopted and practical steps taken against the revival of nazism.

372. Other representatives, while recognizing the dangers of nazism and of racial intolerance, were of the opinion that there was no such serious threat of the resurgence of nazism in the world as had been described and that it was not necessary to have another resolution so soon after General Assembly resolution 2331 (XXII) of 18 December 1967. It was pointed out that nazism, like other

extreme rightist movements, could best be defeated by the development of healthy democracy permitting free exchange of opinion. In this connexion, it was pointed out that the one country singled out for specific mention as a country affected by the resurgence of nazism was a country where there was a virile democratic society as well as free political parties and a free press. This was demonstrated by recent elections in which democratic parties had received 90 per cent of the vote.

373. The difference of views on the question of the danger of nazism in the world was also reflected in the discussion of the draft resolution proposed by the Ukrainian Soviet Socialist Republic (see para. 367 above). Those who supported the draft resolution held that it would meet a major need. They felt that the draft resolution was important, not only because nazism remained one of the worst practices of racial intolerance, but also because of the crime of genocide with which it was associated. Some representatives, in supporting the draft resolution, invited the sponsor to include in the relevant operative paragraphs a condemnation of apartheid and racial discrimination equally with a condemnation of nazism. One member pointed out that zionism as practised in Israel at present was fully comparable with past nazism in Germany and should be condemned in the resolution as an ideology similar to nazism. Another member stated that the attempt to equate zionism with nazism was not only a manifestation of ignorance but entirely irrelevant. Those representatives opposed to the Ukrainian resolution maintained that the facts did not warrant the type of resolution that was before the Commission and that if indeed there was a resurgence of nazism it was merely necessary to draw the attention of the General Assembly to the situation.

374. Concerning operative paragraph 2 of the draft resolution proposed for adoption by the General Assembly, certain representatives deplored the proposal to take legislative and other positive measures without delay to outlaw groups and organizations disseminating nazi propaganda. In their view, nazism and racial intolerance could not be effectively combated by being outlawed and by the suppression of freedom of speech.

375. Other representatives pointed out that the refusal of a number of Governments on some pretext or other to outlaw nazi groups and organizations and to prevent propaganda for nazism could not but be regarded as an encouragement of nazism and racial intolerance.

376. The revised draft resolution of the Ukrainian SSR was considered by some members to be more acceptable since it took into account many suggestions and most of the observations made by the members of the Commission. Certain members however maintained that the revised text still went beyond the scope of General Assembly resolution 2331 (XXII).

377. In relation to formulations suggested in the Commission, which resulted in the proposed operative paragraph 4 of the proposed draft resolution for adoption by the General Assembly, the sponsor explained that what was requested from the Secretary-General was to survey information which was already available to him. Under paragraph 5 of the draft resolution, Governments themselves would be invited to co-operate with the Secretary-General by providing him with information of the kind referred to. The representative of the Secretary-General pointed to some difficulties which might arise as to the interpretation to be given to the words

"and similar activities". He indicated that it would not be appropriate for the Secretary-General to take responsibility for identifying situations as involving "nazi activities" without the Commission or another competent political organ making the scope of the proposed survey more precise in this regard.

Adoption of resolution

378. At its 990th meeting, on 8 March 1968, the Commission voted on the revised draft resolution of the Ukrainian SSR (E/CN.4/L.1009/Rev.1 - see para. 368 above).

379. The voting was as follows:

(a) The paragraphs of the preamble were adopted unanimously.

(b) The words "and as a serious threat to world peace and the security of peoples" in operative paragraph 1 were voted on separately at the request of the United States and retained by 17 votes to 6, with 3 abstentions.

(c) Operative paragraph 1 was adopted by 21 votes to 1, with 5 abstentions.

(d) Operative paragraph 2 was adopted by 24 votes to none, with 3 abstentions.

(e) The words "and similar" in operative paragraph 3 were voted on separately at the request of the United States and retained by 16 votes to 3, with 5 abstentions.

(f) Operative paragraph 3 was adopted by 21 votes to none, with 6 abstentions.

(g) Operative paragraph 4 was adopted by 24 votes to none, with 3 abstentions.

380. Operative paragraph 5, requesting the Economic and Social Council to recommend to the General Assembly the adoption of a draft resolution was adopted by 25 votes to none.

381. The voting on the draft resolution for the General Assembly was as follows:

(a) The paragraphs of the preamble were adopted unanimously.

(b) The words "and as a threat to world peace and the security of peoples" in operative paragraph 1 were voted on separately at the request of the United States and retained by 19 votes to 5, with 3 abstentions.

(c) Operative paragraph 1 was adopted by 23 votes to none, with 4 abstentions.

(d) Operative paragraph 2 was adopted by 25 votes to 1, with 2 abstentions.

(e) The words "and once and for all" in operative paragraph 3 were voted on separately at the request of the United Kingdom and retained by 16 votes to 3, with 7 abstentions.

(f) Operative paragraph 3 was adopted by 22 votes to none, with 4 abstentions.

(g) Operative paragraph 4 was adopted by 19 votes to none, with 8 abstentions.

(h) At the request of the Nigerian representative, the vote on the oral amendment of Sweden to operative paragraph 5 (see para. 369 above) was taken by roll call, and it was adopted by 17 votes to 4, with 6 abstentions. The voting was as follows:

In favour: Argentina, Austria, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, Israel, Italy, Jamaica, Lebanon, New Zealand, Philippines, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

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

Abstaining: Iran, Nigeria, Pakistan, United Arab Republic, United Republic of Tanzania, Yugoslavia.

(i) At the request of the representative of Nigeria, the vote on operative paragraph 5 was taken by roll call, and it was adopted by 22 votes to none, with 5 abstentions. The voting was as follows:

In favour: Argentina, Austria, Congo (Democratic Republic of), Dahomey, France, Greece, Guatemala, Israel, Italy, Jamaica, Lebanon, New Zealand, Philippines, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: India, Iran, Nigeria, Pakistan, United Republic of Tanzania.

(j) Operative paragraph 6 was adopted by 23 votes to none, with 4 abstentions.

382. At the request of the representative of the Union of Soviet Socialist Republics, the vote on the draft resolution as a whole, as amended, was taken by roll call and it was adopted by 24 votes to none, with 4 abstentions. The voting was as follows:

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

Against: None.

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

383. For the text of the resolution, as adopted by the Commission at its 990th meeting, on 8 March 1968, see below, chapter XVIII, resolution 15 (XXIV).

International Day for the Elimination of Racial Discrimination

384. The Commission, at its 982nd meeting, on 5 March 1968, decided that its Chairman or Vice-Chairman would participate in the special meeting, on 21 March 1968, to commemorate the International Day for the Elimination of Racial Discrimination being organized by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

XI. CAPITAL PUNISHMENT

385. At its fourteenth session, the General Assembly, in resolution 1396 (XIV) of 20 November 1959, invited the Economic and Social Council to initiate a study of the question of capital punishment, of the laws and practices relating thereto, and of the effects of capital punishment, and the abolition thereof, on the rate of criminality. The Council, in resolution 747 (XXIX), of 6 April 1960, accordingly requested the Secretary-General to prepare a factual review of the various aspects of the question of capital punishment, consulting as he deemed appropriate what was then known as the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, set up under General Assembly resolution 415 (V). ^{14/} A report entitled Capital Punishment ^{15/} prepared by a consultant, as well as observations thereon by the ad hoc Advisory Committee of Experts [E/3724, Sect. III], were submitted by the Secretary-General to the thirty-fifth session of the Council, which, in resolution 934 (XXXV), inter alia, expressed its appreciation of the report and the observations and urged member Governments to take certain steps concerning the question of capital punishment.

386. At the eighteenth session of the General Assembly, the Third Committee, in connexion with its consideration of the section of the report of the Economic and Social Council dealing with capital punishment, ^{16/} felt that the subject of capital punishment, which had been considered by the Social Commission, should be considered from the standpoint of human rights by the Commission on Human Rights. ^{17/} Upon the Third Committee's recommendation the General Assembly, in resolution 1918 (XVIII), of 5 December 1963, inter alia, requested the Council to invite the Commission on Human Rights to study the report and the comments mentioned above and to make such recommendations on the matter as it deemed appropriate. It also requested the Secretary-General, after examining the report of the Commission on Human Rights and with the co-operation of the Consultative Group on the Prevention of Crime and the Treatment of Offenders, to present a report, through the Council, to the General Assembly not later than at its twenty-second session on new developments with respect to the law and practice concerning the death penalty and new contributions of the criminal sciences in the matter. The council, at its resumed thirty-sixth session, decided at its 1308th meeting, to forward Assembly resolution 1918 (XVIII) to the Commission on Human Rights.

^{14/} This body is now called the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.

^{15/} United Nations publication, Sales No.: 62.IV.2.

^{16/} See Official Records of the General Assembly, Eighteenth Session, Supplement No. 3 (A/5503), chap. IX, sect. IV.

^{17/} Ibid., Eighteenth Session, Annexes, agenda item 12, document A/5606, paras. 44-46.

387. The Commission, by its resolution 15 (XXII) of 30 March 1966, decided to consider the item at its twenty-third session as a matter of priority but, owing to lack of time, was unable to do so and postponed the item to its twenty-fourth session.

388. At its twenty-second session, the General Assembly, in resolution 2334 (XXII) of 18 December 1967, inter alia, requested the Council to instruct the Commission to consider the question of capital punishment, including a draft resolution submitted to the Assembly by Council resolution 1243 (XLII), and to transmit its recommendations on the matter through the Council to the General Assembly at its twenty-third session. The Council, at its resumed forty-third session, decided, at its 1514th meeting, to forward the Assembly's resolution to the Commission on Human Rights.

389. The Commission considered this item at its 990th meeting, on 8 March 1968. It had before it a note by the Secretary-General (E/CN.4/955 and Corr.1 and 2) which mentioned the various documents before the Commission and contained the text of the draft resolution submitted to the General Assembly by Council resolution 1243 (XLII).

Draft resolution

390. Austria, Italy, Sweden and Venezuela submitted the following draft resolution (E/CN.4/L.1013 and Add.1):

"The Commission on Human Rights,

"Recalling General Assembly resolution 1918 (XVIII) of 10 December 1963, in which the Commission through the Economic and Social Council was requested to study the report entitled Capital Punishment and the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders and to make such recommendations on the matter as it deemed appropriate.

"Recalling further General Assembly resolution 2334 (XXII) of 18 December 1967, in which the Commission through the Economic and Social Council was instructed to consider the question of capital punishment, including the draft resolution transmitted by Council resolution 1243 (XLII), and to submit, through the Economic and Social Council, its recommendations on the matter to the General Assembly at its twenty-third session,

"Having studied the report entitled Capital Punishment and the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders as well as the report entitled Capital Punishment; developments 1961 to 1965 18/ prepared at the request of the Economic and Social Council in its resolution 934 (XXXV) of 9 April 1963, which was endorsed by the General Assembly in its resolution 1918 (XVIII), of 10 December 1963,

18/ United Nations publication ST/SOA/SD/10.

"Taking note of the conclusion drawn by the Advisory Committee from the report entitled Capital Punishment viz., that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

"Taking note also of the view expressed in the report entitled Capital Punishment; developments 1961 to 1965, that there is an over-all tendency in the world towards fewer executions,

"Noting, as the Committee does, that the major trend among experts and practitioners in the field is towards the abolition of capital punishment,

"Recognizing, however, the duty of the Commission closely to follow the developments in this matter and to advance, by whatever action that is appropriate and timely, the principle laid down in article 3 of the Universal Declaration of Human Rights according to which everyone has the right to life, liberty and security of person,

"Recalling Council resolution 934 (XXXV) of 9 April 1963, in paragraph 2 of 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 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 were contemplating a change in their laws or practices,

"Having considered against this background and in accordance with its mandate given in General Assembly resolution 2334 (XXII) of 18 December 1967, the question of capital punishment, including the draft resolution annexed to Council resolution 1243 (XLII), of 6 June 1967, in which amendments have been made in order to take into account the discussion on the substance within the Commission at this session as well as within the Economic and Social Council at its forty-second session,

"1. Recommends to the Economic and Social Council that the draft resolution annexed hereto be submitted to the General Assembly at its twenty-third session;

"2. Expresses the hope that the Council when transmitting the draft resolution recommends that it be adopted by the General Assembly at its twenty-third session;

"3. Recommends to the Council to draw renewed attention of Governments of member States to sub-paragraphs (a), (b) and (d) of paragraph 2 of its resolution 934 (XXXV) of 9 April 1963, at the same time asking Governments to inform the Secretary-General after an appropriate interval and at his request of any new developments in regard to matters dealt with with respect to the law and practice in their countries concerning the death penalty;

"4. Decides to devote attention, as appropriate, to the question of capital punishment at one of the Commission's forthcoming sessions.

"Annex

"The General Assembly,

"Recalling that article 3 of the Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,

"Recalling further that article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

"Having considered the report entitled Capital Punishment in the light of the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders and the report entitled Capital Punishment; developments 1961 to 1965,

"Taking note of the conclusion drawn by the Advisory Committee from the report entitled Capital Punishment viz., that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

"Taking note also of the view expressed in the report entitled Capital Punishment; developments 1961 to 1965, that there is an over-all tendency in the world towards fewer executions,

"Noting, as the Committee does, that the major trend among experts and practitioners in the field is towards the abolition of capital punishment,

"Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

"1. Invites Governments of States Members of the United Nations:

(a) 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, inter alia, by providing:

- (i) That a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or, as the case may be, to petition for pardon or reprieve;
- (ii) That a death sentence shall not be carried out until the procedures of appeal and, as the case may be, pardon have been terminated;

(b) To consider whether the careful legal procedures and safeguards referred to under (a) above may not be further strengthened by the fixing of a certain time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;

(c) To inform the Secretary-General:

- (i) Not later than 10 December 1970 of actions which may have been taken in accordance with (a) above and to which results their considerations in accordance with (b) above have led;
- (ii) Annually as from 1 January 1969, of any death sentences subsequently passed and carried out in their countries and of the crimes for which these sentences have been imposed;

"2. Requests the Secretary-General to ascertain from Governments of States Members of the United Nations their present attitude - with indication of the reasons therefor - to possible further restriction of the use of the death penalty or to its total abolition, and to invite those Governments to state whether they are contemplating such restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;

"3. Further requests the Secretary-General:

- (i) To submit a report on the matter dealt with in paragraphs 1 (c) (i) and 2 to the Commission on Human Rights through the Economic and Social Council at its... session;
- (ii) To make available every third year to the Commission on Human Rights through the Economic and Social Council the information given in accordance with paragraph 1 (c) (ii)."

391. Following a brief exchange of views in the Commission, the sponsors announced the following oral revisions in their draft:

- (i) In the sixth preambular paragraph the words "Noting, as the Committee does, that the major trend among experts..." were replaced by "Noting the view of the Committee that the trend among experts...";
- (ii) In the seventh preambular paragraph the words beginning with "article 3 of the Universal Declaration..." to the end of the paragraph were replaced by "article 5 of the Universal Declaration of Human Rights according to which no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";
- (iii) In the sixth preambular paragraph of the annex, the same changes were made as in the sixth preambular paragraph of the draft resolution;
- (iv) In operative paragraph 9 (a) (ii) of the annex, the words "and, as the case may be, pardon..." were replaced by "or, as the case may be, of petition for pardon or reprieve...";
- (v) In operative paragraph 1 (c) (i) of the annex the words "... and to which results their considerations in accordance with (b) above have led" were replaced by "... and of the results to which their considerations in accordance with (b) above may have led";

- (vi) Operative paragraphs 1 (c) (ii) and 3 (ii) of the annex were placed in square brackets followed by a foot-note reading:

"In view of the division of opinion on these sub-paragraphs the Commission did not pronounce itself on their possible inclusion in the resolution recommended for adoption by the General Assembly,"; and

- (vii) In operative paragraph 2, of the annex the words "ascertain from Governments of States Members of the United Nations their present attitude" were replaced by "invite Governments of States Members of the United Nations to inform him of their present attitude"; the words "to invite those Governments" were accordingly deleted.

Issues discussed

392. Discussion of the item was relatively brief, in view of the short time remaining at the Commission's disposal.

393. There was general sympathy with the humanitarian purposes of the four-Power draft resolution and several representatives considered that the draft would be more widely acceptable than previous drafts submitted on the question of capital punishment. Different opinions were voiced, however, concerning specific provisions of the draft resolution.

394. While a number of representatives supported the view that the trend among experts and practitioners in the field was toward the abolition of capital punishment, others considered that there was no such single clear trend; but that a tendency might be considered to exist toward reducing the number and category of offences for which capital punishment might be imposed. It was pointed out that where the death penalty continued to be applied, stringent safeguards should protect the accused.

395. Some representatives stressed that the resolution to be adopted should not give the impression that Governments which retained capital punishments were guilty of a violation of human rights, or that the United Nations was trying to pressure Governments into abolishing the death penalty altogether. Neither article 3 nor article 5 of the Universal Declaration of Human Rights, it was stated, prohibited capital punishment as such. Reference was made in particular to the information which Governments would be asked to submit to the Secretary-General, and it was suggested that the Commission, in the short time at its disposal, should not take a decision on paragraphs 1 (c) (ii) and 3 (ii) of the draft resolution it was recommending for adoption by the General Assembly.

396. In the light of those comments, the sponsors revised their text as set out in paragraph 391 above.

397. Some representatives expressly reserved their Governments' position with regard to the attitude they would adopt when the matter came before the Council or the General Assembly. One representative, reserving his Government's position, stressed that, in his country, the question of the death penalty was complicated by the concurrent existence of several systems of law, including Islamic law.

Adoption of resolution

398. At its 990th meeting, the Commission voted on draft resolution E/CN.4/L.1013 and Add.1 submitted by Austria, Italy, Sweden and Venezuela, as orally revised (see paras. 390 and 391 above) and adopted it by 19 votes to none, with 3 abstentions.

399. For the text of the resolution, as adopted by the Commission at its 990th meeting, on 8 March 1968, see below, chapter XVIII, resolution 16 (XXIV).

XII. TELEGRAM TO THE GOVERNMENT OF ISRAEL

400. At the 990th meeting of the Commission, the representative of Yugoslavia, referring to a newspaper report of the demolition of certain Arab homes in Old Jerusalem by Israeli authorities, proposed, on behalf of his own delegation and those of Pakistan and India, that, as had been done previously in cases of urgency, a telegram be dispatched to the Government of Israel reading as follows:

"The United Nations Commission on Human Rights is distressed to learn from newspapers of Israeli acts of destroying homes of Arab civilian population inhabiting the areas occupied by the Israeli authorities subsequent to the hostilities of June 1967. The Commission on Human Rights calls upon the Government of Israel to desist forthwith from indulging in such practices and to respect human rights and fundamental freedoms."

401. The representative of Israel opposed the proposal's being treated as a consensus and, invoking rule 51 of the rules of procedure of the functional commissions of the Economic and Social Council, requested that it be introduced in writing and that its consideration be deferred until the next meeting on a following day. However, the Commission, after a procedural debate, decided by 14 votes to 1, with 8 abstentions, to discuss and vote forthwith on the proposal.

402. Representatives who favoured immediate voting on the proposal argued that it concerned a clear-cut humanitarian case of violation of human rights and fundamental freedoms on which the Commission should express itself without delay. One representative who opposed the immediate voting contended that the incident in question, being a small part of an extremely complex political situation, did not possess the character of an obvious violation of human rights on which instant action was required. Some representatives who abstained on the procedural vote were of the view that the Commission should not take a position on a problem which was but one aspect of a question of which other, and higher and more competent, organs of the United Nations were seized.

403. By 17 votes to 1, with 7 abstentions, the Commission adopted the proposal of India, Pakistan and Yugoslavia. 19/

404. Some of the representatives voting in favour of the proposal stated that it concerned only matters of human rights, and that by adopting it the Commission would be discharging its duty of responding quickly to an instance of undeniable violation of recognized human rights. The representatives supporting the proposal declared that, in doing so, they were motivated exclusively by humanitarian considerations, and that their vote on this specific issue did in no way affect the position of their Governments on the broader aspects of the problem in the context of its consideration by the political organs of the United Nations. Consideration by such organs should not be used as a pretext for avoiding action

19/ The representative of Italy stated at the 992nd meeting that his delegation, having received confirmation of the accuracy of the Press reports, wished to associate itself with the Commission's decision.

by the Commission on Human Rights. One representative stated that the destruction of homes was regrettable from the humanitarian point of view and that, if the information was accurate, there was need to call Israel's attention to the situation so that it could restrain its action.

405. Some representatives repeated many of the arguments adduced in connexion with the procedural vote concerning the advisability of adopting a consensus. Some representatives stated that the situation in the area concerned was, in all its aspects, the object of efforts being pursued under the auspices of the Security Council. These efforts would be jeopardized if the Commission acted on only one element of a situation which was intricate and controversial. One representative contended that the acts of the Israeli military authorities were rendered imperative by terrorism and sabotage engaged in, in violation of the cease-fire agreement, by Arab irregulars trained and encouraged by Arab Governments which proclaimed to be in a state of war with Israel. He also said that the destruction of homes in the circumstances in which it had happened, regrettable though it was, did not amount to violation of human rights as the concept was understood to apply to territories under military occupation, and there was no disregard of the norms applicable to such territories. It was, in his view, obvious therefore that the proposal, instead of being based on a sincere concern for the protection of human rights, was politically inspired. Furthermore, if the Commission were to express concern over the alleged violation of the human rights, it should also castigate the violation of the human rights of the Jews living in Arab countries. Other representatives said that the terrorists and saboteurs referred to were none but nationalists and freedom fighters who were struggling to liberate their countries from the forces of occupation.

406. It was explained on behalf of the sponsors that the proposal was entirely of a humanitarian character.

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

407. At its 990th meeting, the Commission was informed that, as from 31 December 1967, Costa Rica, whose term of office in the Commission had expired, had ceased to be a member of the Committee which was preparing the study. The Commission authorized the Chairman to fill the vacancy created by the expiration of the term of office of Costa Rica by a member of the Commission from the same region. The Chairman was also authorized in case of any future vacancy arising from a member of the Committee ceasing to be a member of the Commission to fill such vacancy by appointing a member of the Commission from the same region as the outgoing member.

XIV. COMMUNICATIONS CONCERNING HUMAN RIGHTS

408. At the 942nd meeting, on 5 February 1968, the Secretary-General distributed to the members of the Commission a confidential list of communications (H.R. Communications List No. 18 and Add.1-2), replies of Governments (H.R. Communications Nos. 552-614, E/CN.4/941 and E/CN.4/944) and a confidential document of a statistical nature (H.R. Communications/Stat.9). In conformity with resolution 1235 (XLII) of the Economic and Social Council, copies of the communications referred to in H.R. Communications List No. 18/Add.1-2 were made available to the members of the Commission (see paras. 140-145 above). A non-confidential list of communications containing a brief indication of the substance of each communication, however addressed, which deals with the principles involved in the promotion of universal respect for, and observance of, human rights (E/CN.4/CR.37), was also distributed.

409. The Commission did not consider this item of its agenda because of lack of time.

XV. IMPLEMENTATION OF RECOMMENDATIONS OF THE AD HOC COMMITTEE
OF EXPERTS TO EXAMINE THE FINANCES OF THE UNITED NATIONS
AND THE SPECIALIZED AGENCIES

REVIEW OF THE HUMAN RIGHTS PROGRAMME AND ESTABLISHMENT OF
PRIORITIES, CONTROL AND LIMITATION OF DOCUMENTATION

REVIEW OF THE COMMISSION'S PROCEDURES AND METHODS OF WORK
WITH A VIEW TO EXPEDITING THE CONSIDERATION OF THE ITEMS
OF ITS AGENDA

410. The Commission had before it a note by the Secretary-General (E/CN.4/970) containing information relevant to these items. In the note, the Secretary-General drew the attention of the Commission to the report of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (A/6343), and Economic and Social Council resolution 1264 (XLIII) thereon and to the report of the Committee for Programme and Co-ordination (E/4383/Rev.17) and the Economic and Social Council resolution 1275 (XLIII) thereon. Attention was also drawn to various relevant decisions of the General Assembly and the Council as well as reports of the Advisory Committee on Administrative and Budgetary Questions which had a bearing upon the Commission's work programme, and a draft of the Commission's programme of work, on the basis of decisions taken prior to its twenty-fourth session, was also submitted (E/CN.4/970/Add.1). Although, because of lack of time, the Commission did not find it possible to consider these items of its agenda as such, it discussed some of the questions arising under them and adopted resolution 8 (XXIV) in connexion with its consideration of agenda item 4 (d) (ii) (see chapter III, paras. 225-247 above and chapter XVIII, resolution 8 (XXIV) below).

XVI. POSTPONEMENT OF AGENDA ITEMS TO THE TWENTY-FIFTH SESSION
OF THE COMMISSION

411. At its 990th meeting, on 8 March 1968, the Commission decided to postpone until its twenty-fifth session all the items on the agenda of its twenty-fourth session which it had not been able to consider.

XVII. ADOPTION OF THE REPORT

412. At its 991st and 992nd meetings, held on 11 and 12 March 1968, the Commission considered the draft report on the work of its twenty-fourth session (E/CN.4/L.1025 and Add.1-14). The draft report, as amended in the course of the discussion, was adopted by 26 votes to none, with 1 abstention. 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, Dahomey, France, Greece, India, Iran, Israel, Italy, Jamaica, Lebanon, Madagascar, New Zealand, Nigeria, Pakistan, Philippines, Poland, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia.

Against: None.

Abstaining: United States of America.

XVIII. RESOLUTIONS ADOPTED BY THE COMMISSION ON HUMAN RIGHTS
AT ITS TWENTY-FOURTH SESSION

1 (XXIV). Organization of the work of the session

For the text of this resolution, see para. 20, above

2 (XXIV). Report of the ad hoc Working Group of Experts
on the treatment of political prisoners in the
Republic of South Africa 20/

The Commission on Human Rights,

Having considered the report of the ad hoc Working Group of Experts established under its resolution 2 (XXIII) (E/CN.4/950),

Taking note of the recommendation contained in paragraph 15⁴⁰ of the report of the Special Rapporteur established under its resolution 7 (XXIII) (E/CN.4/949 and Corr.1, and Add.1 and Add.1/Corr.1, and Add.2-5),

Taking note of paragraph 1 and paragraph 3, in so far as it concerns the situations mentioned in paragraph 1, of resolution 3 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/947),

1. Endorses the conclusions and recommendations of the ad hoc Working Group;
2. Decides to expand the ad hoc Working Group by one expert jurist from Asia, and empowers the Chairman to appoint such an expert;
3. Decides further to enlarge the mandate of the ad hoc Working Group of Experts to include the following:
 - (i) To investigate allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in South West Africa;
 - (ii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Southern Rhodesia;
 - (iii) To investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Mozambique, Angola and all other Portuguese territories in Africa;
 - (iv) To investigate, in particular, the consequences which flow from the illegal arrest and arraignment by the South African authorities of nationals of South West Africa, a Territory under the direct responsibility of the United Nations;

20/ See paras. 104-136.

(v) A thorough investigation of the conclusion contained in paragraph 1137 of the report of the ad hoc Working Group of Experts;

4. Invites the ad hoc Working Group to submit its report to the twenty-fifth session of the Commission.

3 (XXIV). Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa 21/

The Commission on Human Rights,

Bearing in mind the obligation assumed by 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 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",

Taking into account General Assembly resolution 2145 (XXI) by which the General Assembly terminated South Africa's Mandate over South West Africa,

Considering General Assembly resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa and resolutions 2324 (XXII) and 2325 (XXII) on the question of South West Africa,

Recalling its resolution 7 (XXIII) under which it appointed a Special Rapporteur to study, inter alia, United Nations past action in its efforts to eliminate the policy and practices of apartheid,

Having considered the report of the Special Rapporteur appointed under its resolution 7 (XXIII) (E/CN.4/949 and Corr.1, and Add.1 and Add.1/Corr.1 and Add.2-5),

Taking into account the documents and recommendations of the seminars on apartheid held in Brazil in 1966 and in Zambia in 1967,

Gravely concerned by the evidence of inhuman practices of the Government of the Republic of South Africa and of the illegal racist minority régime in Southern Rhodesia against the non-white population of South Africa, South West Africa and Southern Rhodesia,

Deploring the fact that despite the efforts of the United Nations, the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia continue to intensify the policies of apartheid and of racial discrimination,

21/ See paras. 24-72.

Noting that the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia are finding support for the policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, cultural and other ties and relations with them and affording them military assistance,

Considering that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

A

1. Reaffirms that the practice of apartheid is a crime against humanity and the situation in southern Africa constitutes a threat to international peace and security;
2. Condemns the Government of the Republic of South Africa for its perpetuation and intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its affront and insult to human conscience;
3. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white population in southern Africa;
4. Further condemns the recent arrest and trial of thirty-seven South West Africans under an illegal and unjust law, and the unlawful conviction and sentencing of thirty-three of them;
5. Expresses dissatisfaction at the fact that several Governments, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and the illegal régime in Southern Rhodesia;
6. Calls upon all those Governments which have diplomatic, commercial, military, cultural and other relations with South Africa to desist from such relations in accordance with the resolutions of the General Assembly and of the Security Council.

B

1. Commends the Special Rapporteur for his comprehensive and objective report and for the conclusions and recommendations therein;
2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/949/Add.4);
3. Requests the Secretary-General to transmit the report of the Special Rapporteur to the International Conference on Human Rights to be held in Teheran, together with the summary of the discussion in the Commission on that report;
4. Recommends to the International Conference on Human Rights to give consideration to the recommendations contained in paragraph 1549 of that report;
5. Requests the Special Rapporteur, with the approval of the Conference, to introduce the report to it.

C

1. Invites non-governmental organizations, trade unions, church, student and other organizations to intensify their efforts in focusing public opinion on the repressive legislation, arbitrary imprisonment and other inhuman acts by the Government of South Africa and the illegal régime of Southern Rhodesia against the opponents of apartheid and racial discrimination;

2. Requests the Secretary-General to intensify, through all United Nations information media, the efforts to inform the people of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination, laying particular stress on the positive alternative of a multi-racial society based on the principle of racial equality;

3. Requests the Secretary-General to prepare in consultation with the Special Rapporteur for publication and wide circulation, particularly to legal and juridical associations, a summary of the study of the laws and practices of the Government of South Africa and of the illegal régime in Southern Rhodesia as submitted in the report of the Special Rapporteur.

D

1. Considers it essential to ensure closer consultation between the Commission on Human Rights and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. Transmits the report of the Special Rapporteur to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Draws the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to this report;

4. Requests the Secretary-General to inform the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the initiation and progress of investigations by the Commission on matters of gross violation of human rights in southern Africa.

E

1. Requests the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to the twenty-fifth session of the Commission and to pay particular attention to the following:

- (a) Developments since his present report;
- (b) Survey of the policies and practices of racial discrimination in the African Territories under Portuguese domination;
- (c) The possibility of establishing a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of that Territory;
- (d) Appropriate measures for the dissemination of information to the peoples of southern Africa on the evils of apartheid and racial discrimination, as well as the United Nations efforts to combat these evils, by radio broadcasts and other means;

2. 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);

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

4. Authorizes the Special Rapporteur to consult with 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 and the United Nations Council for South West Africa, in the course of preparation of his report.

4 (XXIV). Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa 22/

The Commission on Human Rights,

Recalling its resolution 7 (XXIII) under which it appointed 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,

Having considered the report of the Special Rapporteur as contained in documents E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1, and Add.2-5,

Convinced of the urgent need for the United Nations to take more effective action to eliminate apartheid and racial discrimination in all its forms and manifestations,

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

/For the text, see chapter XIX, draft resolution I/

5 (XXIV). Report of the ad hoc Working Group of Experts on the treatment of political prisoners in the Republic of South Africa 23/

The Commission on Human Rights,

Recalling 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),

Also recalling its resolution 2 (XXIII) by which it established an ad hoc working group of experts composed of eminent jurists to, inter alia, investigate charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa,

Taking into account resolution 2144 A (XXI) of the General Assembly on the "Question of the violation of human rights and fundamental freedoms, including the policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories",

Noting General Assembly resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa,

Having considered the report of the ad hoc Working Group of Experts (E/CN.4/950),

Deploring the evidence of inhuman practices of the Government of the Republic of South Africa against the opponents of the evil policy of apartheid,

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

1. Commends the ad hoc Working Group of Experts for the valuable report it has submitted;
2. Transmits the report of the ad hoc Working Group of Experts to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
3. Condemns any and every practice of torture and ill-treatment of prisoners in South African prisons and of persons in police custody in South Africa as reflected in the report of the ad hoc Working Group of Experts;
4. Calls upon the Government of the Republic of South Africa to conform to the international standard minimum rules for the treatment of prisoners in particular in the following respects:

(a) Young persons and juveniles should be kept away from older prisoners in every case;

23/ See paras. 104-139.

(b) Political prisoners and opponents of apartheid should not be subjected to discriminatory and harsh treatment because of their opposition to the policy of apartheid;

(c) All prisoners, on Robben Island in particular, should be provided with shoes at all times;

(d) The inhuman practices known as the "tausa dance" and "carry-on" should be immediately terminated in the South African gaols;

(e) Action should be taken to put an immediate end to the exploitation of African convict labour;

(f) Every effort should be made to put an end immediately to any encouragement by prison officials of the practices of homosexuality and lesbianism amongst prisoners and detainees;

(g) Food given to non-white prisoners should be the same as that given to all other prisoners and should be improved to increase its nutritional value;

(h) The clothing given to all prisoners should be such as is adequate for the climatic conditions at all times;

(i) The bedding provided for prisoners should be adequate and should meet varying climatic conditions, and beds should be provided to all prisoners;

(j) The toilet facilities provided in cells should be so constructed and located as to meet reasonable hygienic prison conditions; and

(k) Due care and attention should be taken to ensure that only a reasonable number of prisoners be placed in any prison cell and that they should be of the same sex;

5. Also calls upon the Government of the Republic of South Africa to bring to an end in each and every case all practices of torture and all cruel, inhuman and degrading treatment of detainees or prisoners during interrogation and during detention in prison, and to take immediate steps to ensure that the supervising authorities keep a close watch on the behaviour of the police and prison officials in conformity with the international rules concerning detainees, and to establish an effective system of remedies against violations of human rights in South African police stations and prisons;

6. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following resolution:

/For the text, see chapter XIX, draft resolution II./

6 (XXIV). Question of human rights in the territories occupied as a result of hostilities in the Middle East 24/

The Commission on Human Rights,

Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

24/ See paras. 140-210 above.

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,

Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967), of 14 June 1967, and called for humanitarian assistance,

1. Notes with appreciation the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;

2. Affirms the right of all the inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;

3. Requests the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2 above.

7 (XXIV). Question of the establishment of regional commissions on human rights 25/

The Commission on Human Rights,

Recalling resolution 2144 A (XXI) adopted by the General Assembly on 26 October 1966 in which the 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 its resolution 6 (XXIII) in which it decided to set up an ad hoc study group to study in all its aspects, the proposal to establish regional commissions on human rights within the United Nations family,

Noting the report of the ad hoc Study Group established under resolution 6 (XXIII) in document E/CN.4/966 and Add.1,

1. Requests the Secretary-General to transmit the report of the ad hoc Study Group to Member States for their comments on the part concerning regional commissions;

25/ See paras. 211-245.

2. Also requests the Secretary-General to transmit the report of the ad hoc Study Group to regional inter-governmental organizations for their comments on the part dealing with the question of regional commissions;

3. Further requests the Secretary-General to consider the possibility of arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights exists at present for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights;

4. Decides to consider this question at its twenty-fifth session as a matter of priority;

5. Requests the Secretary-General to report to the twenty-fifth session of the Commission on the comments made by Member States and regional inter-governmental organizations.

8 (XXIV). Question of ways and means which may enable or assist the Commission to discharge its functions 26/

The Commission on Human Rights,

Noting the report of the ad hoc study group established under its resolution 6 (XXIII) (E/CN.4/966 and Add.1), in particular paragraphs 63 to 82 thereof,

Noting also the report of the ad hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (A/6343) and General Assembly resolution 2150 (XXI) and Economic and Social Council resolution 1264 (XLIII) thereon,

Recalling the report of the Committee for Programme and Co-ordination (E/4383/Rev.1) and Economic and Social Council resolution 1275 (XLIII) thereon,

1. Believes that, in view of its heavy agenda, it will not be possible to reduce its total meeting time in the immediate future but hopes that improvements in methods of work may permit such a reduction at a later stage;

2. Establishes an ad hoc working group of fifteen of its members based upon the principle of equitable geographical representation, composed of two States from Eastern Europe, three States from Western Europe and other States, seven States from Afro-Asia and three States from Latin America, to be appointed by the Chairman, to meet for five or six working days before the next session of the Commission to make detailed proposals regarding:

(a) the adoption of measures for the early completion of the items that have accumulated on its agenda;

(b) the reduction of the documentation at present required by the Commission;

(c) the Commission's procedures, with a view to increasing its efficiency;

26/ See paras. 211-250 above.

3. Decides to consider the report of the ad hoc working group at its next session.

9 (XXIV). Composition of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 27/

The Commission on Human Rights,

Noting that the terms of office of the present members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities terminate on 31 December 1968,

Considering that, at its next session, the Commission on Human Rights will have on its agenda the question of the election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering further that membership of the Sub-Commission was last determined in 1965 by the Economic and Social Council,

Noting that the Economic and Social Council has since increased the membership of its functional commissions on a more equitable geographical basis,

Requests the Economic and Social Council to adopt the following resolution:

/For the text, see chapter XIX, draft resolution III./

10 (XXIV). Prevention of discrimination and protection of minorities 28/

The Commission on Human Rights,

Considering resolutions 1165 (XLI) and 1240 (XLII) of the Economic and Social Council recommending that the Commission give early consideration to the outstanding reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that the Commission, in preparing the draft declaration and draft convention on the elimination of all forms of religious intolerance has given consideration to the Study of Discrimination in the Matter of Religious Rights and Freedoms 29/ prepared by the Sub-Commission's Special Rapporteur, Mr. Arcot Krishnaswami, and to the draft principles on equality and non-discrimination in the matter of religious rights and freedoms prepared by the Sub-Commission,

1. Takes note of the reports of the eighteenth and nineteenth sessions of the Sub-Commission (E/CN.4/903 and E/CN.4/930);

27/ See paras. 251-269.

28/ See paras. 251-271.

29/ United Nations publication, Sales No.: 60.XIV.2.

2. Decides to resume consideration, at an appropriate time, of the reports prepared by Mr. Santa Cruz, on discrimination in regard to political rights, by Mr. Ingles, on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and also to undertake, at an appropriate time, the consideration of the report by Mr. V.V. Saario on discrimination against persons born out of wedlock;

3. Decides to consider at a later session resolution 7 (XX) of the Sub-Commission on additional measures to implement the Convention on the Prevention and Punishment of the Crime of Genocide.

11 (XXIV). Study of the question of the realization of economic and social rights contained in the Universal Declaration of Human Rights 30/

The Commission on Human Rights,

Considering that under Articles 55 and 56 of the Charter of the United Nations all Members of the United Nations have pledged themselves to take joint and separate action in co-operation with the Organization to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 421 E (V) which points out that civil and political rights and freedoms of the individual and his economic, social and cultural rights are interconnected and interdependent,

Recalling also the adoption by the General Assembly in its resolution 2200 (XXI) of the International Covenant on Economic, Social and Cultural Rights,

Bearing in mind General Assembly resolution 1776 (XVII) and resolution 958 D (XXXVI) of the Economic and Social Council on the necessity for further promotion and encouragement of respect for human rights and fundamental freedoms as well as General Assembly resolution 2027 (XX) on the measures to accelerate the promotion of respect for human rights and fundamental freedoms,

Noting the efforts of various States to advance the implementation of economic and social rights, and notably, the concern to make available remedies for the violations of these rights,

Noting with appreciation the report of the United Nations Seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights, held in Warsaw in August 1967 (ST/TAO/HR/31),

Recalling the reports of the United Nations Seminars on human rights in developing countries held in Kabul in May 1964 and in Dakar in February 1966 (ST/TAO/HR/21 and 25),

Noting article 22 of the Universal Declaration of Human Rights regarding the right of everyone, as a member of society, to the realization of the economic, social and cultural rights indispensable for his dignity and the full development of his personality,

30/ See paras. 272-295 above.

Convinced of the need for further measures to attain the complete realization of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

1. Requests the Secretary-General to prepare, in consultation with interested specialized agencies, a preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, with a view to submitting it to the Commission in time for its consideration at the twenty-fifth session;

2. Decides to consider, at its twenty-fifth session, the question of the appointment of a Special Rapporteur to be entrusted with the task of preparing a comprehensive report on the issues mentioned in paragraph 1, on the basis of the preliminary study, discussions in the Commission and other available material;

3. Further requests the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on the subject of the realization of the economic and social rights with particular reference to developing countries, and to invite the co-operation of interested specialized agencies;

4. Expresses the hope that, during the discussion at the International Conference on Human Rights in Teheran, due attention will be paid to problems of implementation of economic and social rights;

5. Decides to place the question of the realization of the economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights on the agenda of its twenty-fifth session.

12 (XXIV). Periodic reports on human rights:
freedom of information 31/

The Commission on Human Rights,

Having considered, with the assistance of its ad hoc Committee on Periodic Reports on Human Rights, the reports, information and comments on freedom of information received from Member States, specialized agencies and non-governmental organizations in consultative status under Economic and Social Council resolution 1074 C (XXXIX) (E/CN.4/948 and Add.1-16 and E/CN.4/951 and Add.1), as well as additional reports on economic, social and cultural rights (E/CN.4/917/Add.16 and Add.20-24), an additional report on civil and political rights (E/CN.4/892/Add.27), and an additional report by UNESCO (E/CN.4/918/Add.3),

Having noted with appreciation the analytical summary of the periodic reports on freedom of information (E/CN.4/952/Rev.1) prepared by the Secretary-General under resolution 16 (XXIII),

Recalling its resolution 16 (XXIII),

31/ See paras. 296-312.

Noting the decision of Economic and Social Council resolution 1230 (XLII), of 6 June 1967, that the provisions of resolution 16 (XXIII) of the Commission render unnecessary the initial study of periodic reports by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as provided for in paragraph 15 of Economic and Social Council resolution 1074 C (XXXIX),

Noting that comments, observations and recommendations of the Commission on the Status of Women on the periodic reports were not available to the ad hoc Committee,

Regretting that many Member States had not yet submitted reports on freedom of information to the Secretary-General, and that only a few of the non-governmental organizations active in the field of freedom of information had submitted their comments in time for the ad hoc Committee's consideration,

Considering that any assessment of the situation relating to freedom of information arising from the reports is necessarily based on a partial survey,

1. Expresses its appreciation to those Governments and specialized agencies, particularly UNESCO, which have submitted reports on freedom of information covering the period from 1 July 1964 to 30 June 1967, in accordance with Economic and Social Council resolution 1074 C (XXXIX);

2. Urges those Governments which have not yet submitted full reports on freedom of information for the period under review to do so as soon as possible;

3. Expresses the hope that all States Members of the United Nations and of the specialized agencies, the specialized agencies concerned and the interested non-governmental organizations in consultative status will submit reports and objective information on civil and political rights as envisaged for the period ending 30 June 1968, when so requested by the Secretary-General;

4. Requests the Secretary-General to draw the attention of Governments, specialized agencies and non-governmental organizations to the desirability of submitting their reports and information on civil and political rights as early as possible, and to make the reports received available to the ad hoc Committee on Periodic Reports well in advance of the opening of its 1969 session;

5. Believes that the additional reports on economic, social and cultural rights confirm the trends described in operative paragraph 5 of resolution 16 A (XXIII), and that the additional report on civil and political rights confirms the trends described in operative paragraph 4 of resolution 12 (XXII);

6. Believes, in particular, that the reports on freedom of information reveal the following trends, characteristics and problems of special importance and common interest:

(a) The positive influence upon Member States of instruments prepared under the auspices of the United Nations and UNESCO, and of other activities of these organizations, to promote and protect the enjoyment of the right of freedom of information according to standards established in those instruments;

(b) The constructive efforts in law and in practice in States with varying systems of government, and at different stages of development, to promote

recognition and enjoyment of freedom to seek, gather, receive and impart information and ideas of all kinds, on the national as well as on the international level, and in particular the increasing availability of information media including newspapers, periodicals, radio and television broadcasting and receiving equipment, books and cinemas;

(c) The common interest of States in the problem of defining any necessary limitations on the right of freedom of information, as set out in article 29 of the Universal Declaration of Human Rights, including limitations on the dissemination of propaganda for war or on the advocacy of national, racial, or religious hatred that constitutes an incitement to discrimination, hostility or violence;

(d) The concern of a number of States that the freedom to express opinions, including opinions concerning persons occupying official positions, should be protected subject to the protection of national security, public order, public health or morals;

(e) The adoption in certain States of measures to ensure that the existence of regulations concerning prior governmental authorization to disseminate news and opinions is not contradictory to the exercise of freedom of information;

(f) The existence of problems, such as illiteracy, lack of trained journalists and technicians and of adequate communication facilities, and insufficient economic resources, which hinder efforts to promote wider dissemination of information;

(g) The increasing interest which the technological progress of information media has generated with regard to the content of information disseminated and its impact on society;

(h) The efforts of developing countries, individually or jointly, to overcome difficulties in the implementation of freedom of information by raising the standards of gathering and disseminating information through educational and training programmes and improvement of facilities, and also by sending journalists and technicians abroad for study or by taking advantage of other forms of technical assistance offered in this field by other countries and by various international organizations, particularly UNESCO;

(i) The increasingly important role of the judicial process in a number of States in ensuring freedom of information;

(j) The growing awareness that all members of the population should enjoy free access to information; and

(k) The increasing participation of all elements of the population in the enjoyment of that freedom through the development of increased sources of information;

7. Recommends States Members of the United Nations and of the specialized agencies to continue to intensify their individual and joint efforts to raise the standards of gathering and disseminating information, to widen the participation of all elements of the population in the enjoyment of the freedom of information, and, in general, to promote and protect this freedom;

8. Recommends to States Members that freedom of information be particularly promoted in the case of the dissemination of information from, or about, the

United Nations, including information on apartheid and racial discrimination in southern Africa;

9. Invites States Members of the United Nations and of the specialized agencies which have not yet done so, particularly the developing countries, to request the United Nations or the specialized agencies concerned, in particular UNESCO, for assistance in reaching solutions to their problems and difficulties in promoting and protecting freedom of information;

10. Requests the Secretary-General, in preparing analytical summaries of periodic reports in the future, to follow in so far as possible the guidelines suggested in paragraphs 1 and 2 of resolution 16 B (XXIII) of the Commission on Human Rights;

11. Expresses the hope that Governments, in submitting future periodic reports on human rights, will present those reports in so far as possible in accordance with the outline of headings prepared by the Secretary-General since this will facilitate consideration of the reports.

13 (XXIV). Question of the punishment of war criminals and of persons who have committed crimes against humanity 32/

The Commission on Human Rights,

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

Noting with satisfaction that the General Assembly, in its resolution 2338 (XXII) of 18 December 1967, decided "to give high priority to the completion of the draft Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, with a view to its adoption at its twenty-third session",

Further noting that the Economic and Social Council, in its resolution 1158 (XLI) of 5 August 1966, invited the Commission on Human Rights "to consider and make any further recommendations it believes desirable with a view to developing international co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity",

Noting also that compensation has already been paid to certain victims of war crimes and crimes against humanity,

1. Requests the Secretary-General (a) to submit the study as regards ensuring the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto, entrusted to him under Economic and Social Council resolution 1158 (XLI) in time for consideration by the twenty-fifth session of the Commission; (b) to include in the above study the examination of criteria for determining compensation to the victims of war crimes and crimes against humanity;

32/ See paras. 341-364.

2. Decides to give high priority to the consideration of the question of punishment of war criminals and of persons who have committed crimes against humanity at its twenty-fifth session.

14 (XXIV). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 33/

The Commission on Human Rights,

Recalling that the Economic and Social Council, in resolution 1126 (XLI), of 26 July 1966, referred to 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 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,

Having requested 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, Mr. Mohamed Awad (E/4168/Rev.1) 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 other 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,

Taking note of the Special Rapporteur's report at the twenty-third and twenty-fourth sessions,

Noting resolution 4 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

Having taken into account resolution 4 (XXI), adopted by the Commission on the Status of Women, on measures which the United Nations could adopt to eradicate all forms of slavery and the slave trade affecting the status of women,

1. Supports the draft resolution on that question which was proposed for adoption by the Economic and Social Council in resolution 4 (XXI) of the Commission on the Status of Women entitled "Measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women";

33/ See paras. 318-340.

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

/For the text, see chapter XIX, draft resolution IV/

15 (XXIV). Measures to be taken against nazism and racial intolerance^{34/}

The Commission on Human Rights,

Guided by the provisions of General Assembly resolution 2331 (XXII) (Measures to be taken against nazism and racial intolerance), in which it is recognized that measures should be taken to halt nazi activities wherever they occur,

Noting the concern that has been expressed at the recent activities of groups and organizations propagating nazism and other ideologies based on racial intolerance and terror, which have been decisively condemned by the United Nations,

Noting resolution 1 (XX), adopted on 5 October 1967 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (special study of racial discrimination in the political, economic, social and cultural spheres), in which the Sub-Commission has invited the Special Rapporteur to give due consideration in his report to the problem of measures which should be taken to halt nazi activities wherever they occur,

Noting that the above-mentioned General Assembly resolution called on all States to take immediate and effective measures against manifestations of nazism and racial intolerance,

1. Once again resolutely condemns all ideologies, including nazism and apartheid, which are based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the principles and purposes of the Charter of the United Nations, and as a serious threat to world peace and the security of peoples;

2. Requests the Sub-Commission, after considering the draft report on the above-mentioned question, as provided for in operative paragraph 2 of the Sub-Commission's resolution 1 (XX), to submit recommendations to the Commission on Human Rights on measures which could be taken to halt nazi activities wherever they occur;

3. Requests the Secretary-General to make available to the Commission, at its twenty-fifth session, that part of the Special Rapporteur's report which deals with the problem of halting nazi and similar activities;

4. Decides to retain this question on the Commission's agenda;

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

/For the text, see chapter XIX, draft resolution V/

^{34/} See paras. 365-383.

16 (XXIV). Capital punishment^{35/}

The Commission on Human Rights,

Recalling General Assembly resolution 1918 (XVIII), of 10 December 1963, in which the Commission through the Economic and Social Council was requested to study the report entitled Capital Punishment 36/ and the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders (E/3724, sect. 111), and to make such recommendations on the matter as it deemed appropriate,

Recalling further General Assembly resolution 2334 (XXII), of 18 December 1967, in which the Commission through the Economic and Social Council was instructed to consider the question of capital punishment, including the draft resolution transmitted by Council resolution 1243 (XLII), and to submit, through the Economic and Social Council, its recommendations on the matter to the General Assembly at its twenty-third session,

Having studied the report entitled Capital Punishment and the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders as well as the report entitled Capital Punishment; developments 1961 to 1965 37/ prepared at the request of the Economic and Social Council in its resolution 934 (XXXV), of 9 April 1963, which was endorsed by the General Assembly in its resolution 1918 (XVIII), of 10 December 1963,

Taking note of the conclusion drawn by the Advisory Committee from the report entitled Capital Punishment viz., that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

Taking note also of the view expressed in the report entitled Capital Punishment; developments 1961 to 1965, that there is an over-all tendency in the world towards fewer executions,

Noting the view of the Committee that the trend among experts and practitioners in the field is towards the abolition of capital punishment,

Recognizing, however, the duty of the Commission closely to follow the developments in this matter and to advance, by whatever action that is appropriate and timely, the principle laid down in article 5 of the Universal Declaration of Human Rights according to which no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling Council resolution 934 (XXXV), of 9 April 1963, in paragraph 2 of 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 and to keep under review, and to conduct research wherever necessary, with United

35/ See paras. 385-399.

36/ United Nations publication, Sales No.: 62.IV.2.

37/ United Nations publication ST/SOA/SD/10.

Nations assistance, into the efficacy of capital punishment as a deterrent to crime in their countries, particularly where Governments were contemplating a change in their laws or practices,

Having considered against this background and in accordance with its mandate given in General Assembly resolution 2334 (XXII) of 18 December 1967 the question of capital punishment, including the draft resolution annexed to Council resolution 1243 (XLII), of 6 June 1967, in which amendments have been made in order to take into account the discussion on the substance within the Commission at this session as well as within the Economic and Social Council at its forty-second session,

1. Recommends to the Economic and Social Council that the draft resolution annexed hereto be submitted to the General Assembly at its twenty-third session;
2. Expresses the hope that the Council when transmitting the draft resolution recommends that it be adopted by the General Assembly at its twenty-third session;
3. Recommends to the Council to draw renewed attention of Governments of Member States to sub-paragraphs (a), (b) and (d) of paragraph 2 of its resolution 934 (XXXV) of 9 April 1963, at the same time asking Governments to inform the Secretary-General after an appropriate interval and at his request of any new developments in regard to matters dealt with with respect to the law and practice in their countries concerning the death penalty;
4. Decides to devote attention, as appropriate, to the question of capital punishment at one of the Commission's forthcoming sessions.

Annex

The General Assembly,

Recalling that article 3 of the Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,

Recalling further that article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having considered the report entitled Capital Punishment in the light of the comments thereon of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders and the report entitled Capital Punishment; developments 1961 to 1965,

Taking note of the conclusion drawn by the Advisory Committee from the report entitled Capital Punishment viz., that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

Taking note also of the view expressed in the report entitled Capital Punishment; developments 1961 to 1965, that there is an over-all tendency in the world towards fewer executions,

Noting the view of the Committee that the trend among experts and practitioners in the field is towards the abolition of capital punishment,

Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

1. Invites Governments of States Members of the United Nations:

(a) 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, inter alia, by providing:

(i) That a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or, as the case may be, to petition for pardon or reprieve;

(ii) That a death sentence shall not be carried out until the procedure of appeal or, as the case may be, of petition for pardon or reprieve have been terminated;

(b) To consider whether the careful legal procedures and safeguards referred to under (a) above may not be further strengthened by the fixing of a certain time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;

(c) To inform the Secretary-General:

(i) Not later than 10 December 1970 of actions which may have been taken in accordance with (a) above and of the results to which their considerations in accordance with (b) above may have led;

/(ii) Annually as from 1 January 1969, of any death sentences subsequently passed and carried out in their countries and of the crimes for which these sentences have been imposed; / 38/

2. Requests the Secretary-General to invite Governments of States Members of the United Nations to inform him of their present attitude - with indication of the reasons therefor - to possible further restriction of the use of the death penalty or to its total abolition, and to state whether they are contemplating such restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;

3. Further requests the Secretary-General:

(i) To submit a report on the matter dealt with in paragraphs 1 (c) (i) and 2 to the Commission on Human Rights through the Economic and Social Council at its _____ session;

/(ii) To make available every third year to the Commission on Human Rights through the Economic and Social Council the information given in accordance with paragraph 1 (c) (ii). / 38/

38/ In view of the division of opinion on these sub-paragraphs the Commission did not pronounce itself on their possible inclusion in the resolution recommended for adoption by the General Assembly.

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

I

Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa 39/

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,

"Recalling its resolution 2144 A (XXI) of 26 October 1966, in which the 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 also its resolution 2145 (XXI) by which the Assembly terminated South Africa's Mandate over South West Africa,

"Taking into account its resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa and resolutions 2324 (XXII) and 2325 (XXII) on the Question of South West Africa,

"Taking into account the documents and recommendations of the seminars on apartheid held in Brazil in 1966 and in Zambia in 1967,

"Gravely concerned by the evidence of inhuman practices by the Government of South Africa and of the illegal racist minority régime in Southern Rhodesia against the non-white population of South Africa, South West Africa and Southern Rhodesia,

"Noting that the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia are finding support for the policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, cultural and other ties and relations with them and affording them military assistance,

"Convinced that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

39/ See chapter XVIII, resolution 4 (XXIV).

"1. Endorses the recommendations of the Special Rapporteur appointed by the Commission on Human Rights under its resolution 7 (XXIII) that the Government of South Africa be requested to repeal, amend and replace laws cited in paragraph 1547 of the Special Rapporteur's report (E/CN.4/949/Add.4);

"2. Considers it essential that, in order to conform with its obligations under the Charter of the United Nations, the Government of the Republic of South Africa should undertake to repeal, amend and replace the various discriminatory laws cited in paragraph 1547 of the Special Rapporteur's report;

"3. Calls upon the Government of the Republic of South Africa to repeal, amend and replace the laws in force in South Africa referred to in paragraph 1 and to report to the Secretary-General on the measures taken or envisaged in accordance with this paragraph;

"4. Urges all States to encourage information media within their territories to publicize the evils of apartheid and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as the aims and purposes of the United Nations and its efforts to eliminate these evils;

"5. Condemns the actions of all those Governments which, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and the illegal régime in Southern Rhodesia;

"6. Calls upon those Governments to break off such relations;

"7. Requests the Secretary-General to take steps to draw the widest public attention to the evils of these policies through the interested non-governmental organizations, trade union, church, student and other organizations, as well as libraries and schools;

"8. Also requests the Secretary-General to keep under constant review the question of promoting co-ordination and co-operation in the activities of the specialized agencies and organs of the United Nations dealing with matters relating to apartheid and racial discrimination in southern Africa;

"9. Further requests the Secretary-General to establish a United Nations information centre in the Republic of South Africa with a view to disseminating the aims and purposes of the United Nations;

"10. Requests the Secretary-General to report to the twenty-fourth session of the General Assembly on the implementation of this resolution, and in particular, on the actions taken by the Government of South Africa to give effect to paragraph 3 above."

Report of the ad hoc Working Group of Experts on the treatment
of political prisoners in the Republic of South Africa 40/

The Economic and Social Council

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

"The General Assembly,

"Having considered the recommendations of the Economic and Social Council
contained in resolution of the Council,

"Recalling its resolution 2144 A (XXI) 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', and its resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa,

"Gravely concerned at the evidence in the report of the ad hoc Working Group of Experts (E/CN.4/950) of the intensification of inhuman practices by the Government of the Republic of South Africa against the opponents of the policies of apartheid,

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

"1. Reaffirms its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms;

"2. Condemns any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African prisons and in South African police custody during interrogation and detention, as found in the report of the ad hoc Working Group of Experts;

"3. Calls upon the Government of the Republic of South Africa to:

"(i) Initiate investigations into the violations mentioned in the report of the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights with a view to establishing the degree of responsibility of the persons listed in appendix II to chapter VII of the report for the purpose of punishing them accordingly;

"(ii) Afford the opportunity to all persons who have suffered damage to receive indemnification;

40/ See chapter XVIII, resolution 5 (XXIV).

"(iii) Abolish the 180-day law and the Terrorism Act under which opponents of the policy of apartheid are detained without charge or trial, as well as the Suppression of Communism Act, the Sabotage Act and similar laws, and also to refrain from incorporating the principles contained in these laws into other laws;

"(iv) Immediately release Mr. Robert Sobukwe;

"(v) Immediately release all other political prisoners and all persons held for their opposition to the policies of apartheid, whether in prisons or in police detention;

"4. Requests the Member States of the United Nations to encourage maximum publicity to be given to this report within their territories;

"5. Calls upon the Government of South Africa to report to the Secretary-General on the measures taken or envisaged in accordance with paragraph 3 above;

"6. Requests the Secretary-General:

"(i) To take steps to draw the widest public attention to the report of the ad hoc Working Group of Experts;

"(ii) To report to the twenty-fourth session of the General Assembly on the implementation of this resolution."

III

Composition of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 41/

The Economic and Social Council,

Noting resolution 9 (XXIV) of the Commission on Human Rights,

Desirous of having greater representation of the different regions, legal systems, cultures as well as equitable geographical representation in the membership of the Sub-Commission,

1. Decides to increase the membership of the Sub-Commission to twenty-six as from 1969;

2. Requests the Human Rights Commission at its twenty-fifth session to elect twenty-six members of the Sub-Commission from nominations of experts made by Member States of the United Nations on the following basis:

From Afro/Asian States:	12 members
From Western European and other States:	6 members
From Latin American States:	5 members
From Eastern European States:	3 members

41/ See chapter XVIII, resolution 9 (XXIV).

IV

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 42/

The Economic and Social Council,

Noting the recommendations of the Commission on Human Rights in resolution 14 (XXIV) on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956 and the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism;
2. Further authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to initiate a study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations;
3. Requests the Secretary-General, in consultation with the Sub-Commission and subject to confirmation by the Commission on Human Rights, to establish a list of experts in economic, sociological, legal and other relevant disciplines whose advice shall be available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of apartheid and colonialism;
4. Reminds Governments that the United Nations and the specialized agencies have available under their regular technical assistance programmes facilities for assisting Governments in eliminating slavery and the slave trade including the slavery-like practices of apartheid and colonialism and in helping them to solve resulting economic and social problems;
5. Requests all Governments to exert their full influence and resources to assist in the total eradication of the slavery-like practices of apartheid and colonialism as practised particularly in Southern Rhodesia, South West Africa and South Africa;
6. Affirms that the master and servant laws currently enforced in Southern Rhodesia, South West Africa and South Africa constitute clear manifestations of slavery and the slave trade.

42/ See chapter XVIII, resolution 14 (XXIV).

Measures to be taken against nazism and racial intolerance 43/

The Commission on Human Rights,

....

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

The General Assembly,

Recalling its resolution 2331 (XXII) on measures to be taken against nazism and racial intolerance,

Reaffirming that nazism and the ideology and policy of apartheid which is similar to it are incompatible with the objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments,

Expressing its deep concern at the fact that, in spite of General Assembly resolution 2331 (XXII), the activities of groups and organizations propagating nazism and similar ideologies still continue,

Bearing in mind that such ideologies have in the past led to barbarous acts which outraged the conscience of mankind and to other heinous violations of human rights, and eventually to a war which brought indescribable suffering to mankind,

"1. Once again resolutely condemns nazism, apartheid, and all similar ideologies and practices, which are based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the principles of the Charter of the United Nations, and as a threat to world peace and the security of peoples;

"2. Urgently calls upon all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislative and other positive measures to outlaw groups and organizations which are disseminating propaganda for nazism, the policy of apartheid and other forms of racial intolerance, and to prosecute them in the courts;

"3. Calls upon all States and peoples, as well as national and international organizations, to strive for the eradication, as soon as possible and once and for all, of nazi and similar ideologies and practices, including apartheid, which are based on racial intolerance and terror;

43/ See chapter XVIII, resolution 15 (XXIV).

"4. Requests the Secretary-General to submit to the General Assembly a survey of information which may be available to him on international instruments, legislation, and other measures taken or envisaged, both at the national and international levels, with a view to halting nazi activities, and similar activities, such as apartheid;

"5. Invites States Members of the United Nations and of the specialized agencies to co-operate with the Secretary-General by providing him with information of this kind;

"6. Decides to consider this question at its twenty-fourth session."

VI

Capital punishment^{44/}

The attention of the Council is drawn to resolution 16 (XXIV) of the Commission on Human Rights which in its operative paragraphs 1 to 3 contains recommendations for action by the Council and, in the annex to the resolution, sets out a draft resolution to be submitted by the Council to the General Assembly.

VII

Report of the Commission on Human Rights

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its twenty-fourth session.

^{44/} See chapter XVIII, resolution 16 (XXIV).

ANNEXES

Annex I

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS TWENTY-FOURTH SESSION

1. In the course of its twenty-fourth session, the Commission on Human Rights adopted a total of sixteen resolutions several of which have financial implications. Prior to the adoption of these resolutions by the Commission, the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements of the estimated financial implications of the proposals.
2. In some cases, the draft resolutions on the basis of which statements of financial implications were submitted were amended before their adoption. Where such amendments materially affected the estimates already submitted to the Commission, the estimates have been revised to reflect the new requirements.
3. Should the action taken by the Economic and Social Council in respect of the proposals of the Commission require the Secretary-General to enter into commitments in 1968, the Secretary-General would need to seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet these expenses initially under the terms of General Assembly resolution 2364 (XXII) on unforeseen and extraordinary expenses for the financial year 1968. Request for additional credits would thereafter be included, as appropriate, in the supplementary estimates for 1968 which the Secretary-General will submit to the General Assembly at its twenty-third session. Appropriate provision for expenditures falling in 1969 would be included in the initial budget estimates for that year.

<u>Resolu- tion No.</u>	<u>Subject</u>	<u>Requirements</u>	<u>Cost 1968</u>
			\$US
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	170,400
3	Special Rapporteur on apartheid	Travel, subsistence and fee of Rapporteur; additional staff; three consultants (4/5 months in 1968)	30,950
4	Information Centre in South Africa	Salary and allowances of Director (P-5); general expenses	-
8	<u>ad hoc</u> Working Group	Contractual translation	-
9	Enlargement of Sub-Commission on Prevention of Discrimination and Protection of Minorities	Travel and subsistence of eight additional members	-
11	Preliminary study, implementation of economic and social rights	Temporary staff in 1968	22,000

4. Resolution 2 (XXIV) - Report of the ad hoc Working Group of Experts on the treatment of political prisoners in the Republic of South Africa.

This resolution:

(a) expands the ad hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights by one expert jurist from Asia;

(b) enlarges the mandate of the ad hoc Working Group of Experts to include the following:

(i) to investigate allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in South West Africa;

(ii) to investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Southern Rhodesia;

(iii) to investigate allegations of ill-treatment of political prisoners, detainees or persons in police custody in Mozambique, Angola and all other Portuguese Territories in Africa;

(iv) to investigate, in particular, the consequences which flow from the illegal arrest and arraignment by the South African authorities of nationals of South West Africa, a Territory under the direct responsibility of the United Nations;

(v) a thorough investigation of the conclusion contained in paragraph 1137 of the report of the Group of Experts;

(c) invites the ad hoc Working Group of Experts to submit its report to the twenty-fifth session of the Commission.

On the basis of data provided by the Chairman of the Commission on Human Rights, in his capacity as Chairman of the ad hoc Working Group of Experts, the following assumptions concerning the future work of the ad hoc Working Group of Experts have been made.

The ad hoc Working Group of Experts would reconvene for a short meeting of perhaps five days' duration in New York, in June. For this meeting interpretation will be required from and into English, French and Spanish. Approximately 250 pages of pre-session documentation in English, French and Spanish will be required. Full summary records in the three languages will also be required.

The ad hoc Working Group of Experts would then proceed on a field mission, with the following tentative itinerary: London, 10 days, Dakar (Senegal), 10 days, Conakry (Guinea), 10 days, Kinshasa (Democratic Republic of the Congo), 15 days, Dar-es-Salaam (United Republic of Tanzania), 10 days. During the field mission, the Group would require consecutive interpretation from and into English, French, Spanish and occasionally Portuguese. No summary records would be prepared of the Group's meetings but minutes would be required in English and French and the testimony of witnesses appearing before the Group would be recorded on magnetic tapes and thereafter transcribed at Headquarters. Any testimony presented in Portuguese would require translation into the other three languages and the

testimony itself would appear in the documentation in those three languages. During the mission, the ad hoc Working Group may undertake certain travel within the countries which they intend to visit and some witnesses may require assistance in coming to the place of meeting of the ad hoc Working Group in order to give their testimony.

After conclusion of the field mission and the necessary preparation of the transcript of the testimonies of witnesses and of the draft report of the Group, the ad hoc Working Group will convene again in New York in the latter part of 1968 (November-December) for approximately three weeks. The same conference services will be required as above. The pre-session documentation will comprise the draft report estimated at 100 mimeographed pages. The final report of the ad hoc Working Group may be estimated at approximately 150 pages, and would be issued in English, French, Spanish and Russian.

To provide substantive support to the ad hoc Working Group it is estimated that additional temporary assistance will be required by the Division of Human Rights amounting to services of two consultants and one secretary. They would be employed for approximately six months at an estimated cost of \$28,700 with income from staff assessment amounting to \$7,500.

Meeting at Headquarters, June 1968

United States dollars

Working Group's travel to New York (5 days):

Travel of five members (one resident in New York)	5,500
Subsistence 7 x 5 x 25	875
5 x 1 x 10	50
Fees 6 x \$50 x 5 days	1,500
	<u>7,925</u>

Identifiable conference servicing costs:

Translation (250 pages)	6,875	
Reproduction	5,600	
	<u>12,475</u>	20,400

Mission to the United Kingdom and countries in Africa

Fees, travel and subsistence of members:

Travel - six members	9,600
Subsistence for six members	7,600
Fees, six members for 55 days	16,500
	<u>33,700</u>

United States dollars

Conference servicing staff salaries:

Three interpreters 12,375
Two translators/précis-writers

Travel and subsistence of staff:

Conference servicing staff (travel) 6,500
(subsistence) 5,500
24,375

Substantive and administrative staff:

Principal Secretary
Assistant Secretary
Administrative and Finance Officer
One information officer
Three secretaries
One sound engineer

Travel 9,100
Subsistence 8,800
17,900

Travel in the field 5,000

General expenses: cables, freight, local
transportation, rentals, etc. 8,000

Travel and subsistence of witnesses 2,000 90,975

Meeting at Headquarters, November-December 1968

Fees, travel and subsistence of members:

Travel 5,500
Subsistence 2,775
Fees 6,300
14,575

Identifiable conference servicing costs
(including final report)

Translation 8,750
Reproduction 7,000
15,750 30,325

Summary

A.	Temporary assistance, Division of Human Rights	
	Gross salaries, P-5, P-3, G-3/4	28,700
B.	Meeting at Headquarters - June	
	Travel, subsistence and fees of members	7,925
	Identifiable conference costs	<u>12,475</u>
		20,400
C.	Mission to United Kingdom and countries in Africa	
	Travel, subsistence and fees of members	33,700
	Conference servicing staff	24,375
	Substantive and administrative staff	17,900
	Travel in the field	5,000
	General expense	8,000
	Travel of witnesses	<u>2,000</u>
		90,975
D.	Meeting at Headquarters, November-December	
	Travel, subsistence and fees of members	14,575
	Identifiable conference costs	<u>15,750</u>
		30,325
	TOTAL:	<u>170,400</u>
	Income from staff assessment	(7,500)

5. Resolution 3 (XXIV) - Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa.

In this resolution, the following items have financial and administrative implications:

Part B, paragraph 5, requests the Special Rapporteur on apartheid, with the approval of the International Conference on Human Rights, to present the report on apartheid to the Conference. In view of the fact that the Special Rapporteur resides in Teheran, the site of the Conference, no financial requirements would be involved in carrying out this part of the resolution.

Part C, paragraph 3, requests the Secretary-General to prepare, in consultation with the Special Rapporteur, a summary of his report. The preparation of a fifty-page summary is estimated to require the services of an additional editor-writer for two months, but it is anticipated that this activity can be absorbed within existing resources. The translation and printing of the pamphlet in English (10,000), French (5,000), Spanish (5,000), Russian (2,000), Arabic (3,000) and Swahili (3,000) is estimated to cost \$14,000.

Part E, paragraph 1, requests the Special Rapporteur to continue his task and to submit a report to the twenty-fifth session of the Commission, paying particular attention to:

(a) developments since his present report,

(b) summary of the policies and practices of racial discrimination in the African territories under Portuguese domination,

(c) the possibility of establishing a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of that Territory.

Part E, paragraph 4, authorizes the Special Rapporteur to consult with 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, and the United Nations Council for South West Africa.

On the basis of indications furnished by the Special Rapporteur as to his requirements, the financial implications of the foregoing two paragraphs are the following:

	<u>United States dollars</u>
Two trips by the Special Rapporteur (Teheran-New York-Teheran) for consultations	3,000
Subsistence, New York, 28 days at \$25	700
Fee	1,000
Consultant services in connexion with sub-para. (a)	5,500
Consultant services in connexion with sub-para. (b)	6,000
Consultant services in connexion with sub-para. (c)	1,000
Travel of consultants to New York	2,500
Typing and translation of report of 450 pages into French and Spanish	11,250
	<u>30,950</u>

6. Resolution 4 (XXIV) - Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa.

This resolution requests the Economic and Social Council to recommend to the General Assembly adoption of a resolution, which, inter alia, would request the Secretary-General to establish a United Nations information centre in the Republic of South Africa.

The Secretary-General drew attention to the fact that information centres were established at the request of member Governments. Exceptions to this policy were made by the General Assembly at its fourteenth session, which requested the Secretary-General, "... with the agreement of the Governments concerned to establish such new information centres as appear necessary and practicable, particularly in those regions where mass information media is less developed..." (resolution 1405 (XIV)). At its fifteenth session the General Assembly requested the Secretary-General to establish information centres "in Tanganyika, Ruanda-Urundi and New Guinea" (resolution 1607 (XV)).

It was also mentioned that in establishing new centres, the Secretary-General has been guided by paragraph 3 of General Assembly resolution 1405 (XIV). This resolution requests the Secretary-General "to enlist the co-operation of the Member States concerned in providing all possible facilities for the establishment of new centres". This resolution has been interpreted to mean that the host Government should provide rent-free premises for the centre or a rent subsidy in lieu thereof; it is also expected that the host Government would cover the maintenance costs of the premises, the cost of utilities and a significant part of the local annual operating costs of the centre.

Should the Council comply with the Commission's request, and thereafter the General Assembly approve the Council's recommended draft resolution, the Secretary-General would ascertain the views of the Government of the Republic of South Africa on this matter. He would report on this question to the General Assembly at its twenty-fourth session and present at that time the administrative and financial implications involved.

In the meantime, the Commission was informed that, in addition to the facilities and services which the host Government is expected to provide, the annual operating costs of the centre would be about \$45,000 (including the salary and allowances of a director at the senior officer (P-5) level).

7. Resolution 8 (XXIV) - Question of ways and means which may enable or assist the Commission to discharge its functions.

This resolution establishes an ad hoc working group of member States, to be designated by the Chairman of the Commission on Human Rights, which would meet at Headquarters before the next session of the Commission in order to draw up detailed proposals regarding:

- (a) the accumulation of agenda items with a view to the adoption of measures for their early completion;
- (b) the reduction of the excessive documentation at present required by the Commission;
- (c) the improvement of the Commission's internal procedures with a view to increasing its efficiency.

For the purpose of determining the financial implications of this resolution, the following assumptions were made:

- (a) Since the working group will be composed of representatives of member States, no costs will arise with respect to travel and subsistence of members of the group.
- (b) The group would hold two meetings a day for not more than seven working days.
- (c) Interpretation in four languages would be required.
- (d) Documentation is estimated at 20 pages, pre-session, 25 pages in-session and 40 pages for a report.

Should the Economic and Social Council endorse this resolution, the Secretary-General would seek the approval of the Committee on Conferences to hold the meetings of the proposed ad hoc working group in January 1969, and should that Committee give its approval, the Secretary-General would undertake to service the meetings: the only additional expense involved would be \$2,000 for contractual translation.

8. Resolution 9 (XXIV) - Composition of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

This resolution proposes that the Economic and Social Council enlarge the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from eighteen to twenty-six.

The members of the Sub-Commission serve in their individual capacity and, in accordance with General Assembly resolutions 1588 (XV) and 1798 (XVII) as amended by resolution 2245 (XXI), are entitled to first-class travel and to subsistence allowance of \$30 a day for meetings at Headquarters.

Assuming that the duration of a Sub-Commission will be three weeks, the financial implications of an increase of eight in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be as follows:

	\$
Travel of eight members at a <u>pro forma</u> cost of \$1,100 each	8,800
Miscellaneous travel expenses	100
Subsistence allowances for eight members (8 x 20 days at \$30 per diem)	4,800
Total	<u>13,700</u>

9. Resolution 11 (XXIV) - Study of the question of the realization of economic and social rights contained in the Universal Declaration of Human Rights.

This resolution, inter alia, requests the Secretary-General to prepare, in consultation with interested specialized agencies, a preliminary study of issues relating to the implementation of economic and social rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, with a view to submitting it to the Commission in time for its consideration at the twenty-fifth session.

It is estimated that additional temporary assistance (professional and general service staff) would be required for six months in 1968 at a cost of \$22,000.

Annex II

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS
TWENTY-FOURTH SESSION

Documents in the general series

- A/6343 Second report of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 80)
- A/6354 First progress report of the Preparatory Committee for the International Conference on Human Rights (Ibid., agenda item 63)
- A/6670 and Corr.1 Report of the Preparatory Committee for the International Conference on Human Rights (Ibid., Twenty-second Session, Annexes, agenda item 58)
- A/6688 The Policies of Apartheid of the Government of the Republic of South Africa - Letters exchanged between the Permanent Representative of South Africa to the United Nations and the Secretary-General
- A/6688/Add.1 Note Verbale dated 15 November 1967 from the Permanent Mission of the Ukrainian Soviet Socialist Republic to the United Nations, addressed to the Secretary-General
- A/6688/Add.2 Letter dated 15 January 1968 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General
- A/6691 and Add.1-3 Report of the Secretary-General to the twenty-second session of the General Assembly on the elimination of all forms of racial discrimination
- A/6707 and Corr.1-3 First report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly (Official Records of the General Assembly, Twenty-second Session, Supplement No. 7)
- A/6818 and Corr.1 Note by the Secretary-General transmitting the report of the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa held at Kitwe, Republic of Zambia

- A/C.3/605 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: communication dated 4 December 1967 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations, addressed to the Secretary-General
- A/C.3/606 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: communication dated 7 December 1967 from the Permanent Mission of Greece to United Nations, addressed to the Secretary-General
- E/3443 Report on developments in the field of freedom of information since 1954 (Official Records of the Economic and Social Council, Thirty-first Session, Annexes, agenda item 10 (part II))
- E/3443/Add.1 and 2 Comments of Governments and specialized agencies
- E/3616/Rev.1 Report of the Commission on Human Rights on its Eighteenth Session (Official Records of the Economic and Social Council, Thirty-fourth Session, Supplement No. 8)
- E/3724 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 (Ibid., Thirty-fifth Session, Annexes, agenda item 11)
- E/3743 Report of the Commission on Human Rights on its Nineteenth Session (Ibid., Thirty-sixth Session, Supplement No. 8)
- E/3873 Report of the Commission on Human Rights on its Twentieth Session (Ibid., Thirty-seventh Session, Supplement No. 8)
- E/4024 Report of the Commission on Human Rights on its Twenty-first Session (Ibid., Thirty-ninth Session, Supplement No. 8)
- E/4168/Rev.1 Report on Slavery (United Nations publication, Sales No.: 67.XIV.2)
- E/4184 Report of the Commission on Human Rights on its Twenty-second Session (Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8)

- E/4306 and Add.1-4 Measures taken in implementation of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination: report of the Secretary-General
- E/4322 Report of the Commission on Human Rights on its Twenty-third Session (Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6)
- E/4331/Rev.1
E/4331/Add.16 and
Add.16/Corr.1 Work programme of the United Nations in the economic, social and human rights fields and its budgetary implications: report by the Secretary-General
- E/4383/Rev.1 Report of the Committee for Programme and Co-ordination on the first part of its first session (Official Records of the Economic and Social Council, Forty-third Session, Supplement No. 9)
- E/4472 Report of the Commission on the Status of Women on its Twenty-first Session (Ibid., Forty-fourth Session, Supplement No. 6)
- 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 Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (United Nations publication, Sales No.: 65.XIV.2)
- E/CN.4/835 and
Add.1-11 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.4/862 and Add.1-3 Annual report by the Secretary-General on freedom of information, 1962-1963
- 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.4/873 Report of the sixteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/875 Note by the Secretary-General on the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
- E/CN.4/876 and Corr.1 Report of the ad hoc Committee on Periodic Reports (1964 session)
- E/CN.4/878 and Add.1-2 Annual report by the Secretary-General on freedom of information, 1963-1964
- E/CN.4/882 and Corr.1 Report of the seventeenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/892/Add.27 Periodic reports of Governments 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 eighteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/907/Rev.2 Periodic reports on human rights: memorandum by the Secretary-General on the status of multilateral international agreements in the field of human rights concluded under the auspices of the United Nations
- E/CN.4/917/Add.16 and Add.20-24 Periodic reports on human rights: reports of Governments on economic, social and cultural rights
- E/CN.4/918/Add.3 Periodic reports on human rights: reports of specialized agencies on economic, social and cultural rights
- E/CN.4/923/Add.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.4/927 and Add.1-9 Question of punishment of war criminals and of persons who have committed crimes against humanity: report of the Secretary-General

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