



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-SIXTH SESSION

(24 February - 27 March 1970)

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: FORTY-EIGHTH SESSION
SUPPLEMENT No. 5

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NOTE

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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-sixth session at United Nations Headquarters from 24 February to 27 March 1970.
2. The session was opened (1046th meeting) by Mr. R.Q. Quentin-Baxter (New Zealand), Chairman of the Commission at its twenty-fifth session, who made a statement.
3. Mr. Marc Schreiber, Director of the Division of Human Rights, made a statement on behalf of the Secretary-General.

B. Attendance

4. The session was attended by representatives of all States members of the Commission, by observers from seventeen Member States not members of the Commission and by representatives of specialized agencies, other regional intergovernmental organizations and non-governmental organizations. A full list of those attending is given in annex I.
5. Mr. Marc Schreiber, Director of the Division of Human Rights, represented the Secretary-General. Mr. Stephan Landau and Mr. Henri Mazaud acted as secretaries of the Commission.

C. Election of officers

6. At its 1046th and 1050th meetings, on 24 and 26 February 1970, the Commission elected the following officers by acclamation:

<u>Chairman:</u>	H.I.H. Princess Ashraf Pahlavi (Iran)
<u>Vice-Chairmen:</u> ^{1/}	Mr. Felix Ermacora (Austria) Mr. P.E. Nedbailo (Ukrainian SSR) Mr. Hussein Khalaf (United Arab Republic)
<u>Rapporteur:</u>	Mrs. Ana María Vargas de Ortiz (Guatemala)

^{1/} The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

D. Agenda

7. The Commission had before it the provisional agenda of the twenty-sixth session (E/CN.4/1015 and Add.1) drawn up by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council.

8. At its 1047th meeting, on 24 February 1970, the Commission unanimously adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Procedure for dealing with communications relating to violations of human rights and fundamental freedoms (Economic and Social Council resolution 1422 (XLVI))
5. Question of human rights in the territories occupied as a result of hostilities in the Middle East, including the report of the Special Working Group of Experts (Commission resolution 6 (XXV))
6. Question of the punishment of war criminals and of persons who have committed crimes against humanity (Commission resolution 9 (XXV))
7. Contribution by the Commission to the preparation of the final document or documents to be signed and/or adopted during the commemorative session of the General Assembly to be held on the occasion of the twenty-fifth anniversary of the United Nations (General Assembly resolution 2499 (XXIV))
8. Study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights (Commission resolution 19 (XXV))
9. Review of the human rights programme and establishment of priorities. Control and limitation of documentation
10. 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) Future implementation of tasks referred to in section IV, paragraphs 1 to 4, of resolution 5 (XXV) of the Commission (decision taken by the Economic and Social Council at its 1602nd meeting on 6 June 1969)

- (b) Reports of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV) and 21 (XXV) of the Commission
 - (i) Report of the Ad Hoc Working Group of Experts submitted to the twenty-fifth session of the Commission (E/CN.4/984 and Add.1-19) and resolution 1424 (XLVI) of the Economic and Social Council
 - (ii) Report of the Ad Hoc Working Group of Experts to the twenty-sixth session of the Commission
- (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 (chapter V of the report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1008))
- (d) Model rules of procedure for United Nations bodies dealing with violations of human rights (Commission resolution 8 (XXV))
- 11. Programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination (General Assembly resolution 2544 (XXIV))
- 12. Measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination
- 13. Measures to be taken against nazism and racial intolerance (Commission resolution 10 (XXV))
- 14. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries (Commission resolution 14 (XXV) and Economic and Social Council resolution 1421 (XLVI))
- 15. Periodic reports on human rights
- 16. Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms (General Assembly resolution 2447 (XXIII) and Commission resolution 20 (XXV))
- 17. Report of the Secretary-General on respect for human rights in armed conflicts (General Assembly resolution 2597 (XXIV))
- 18. Human rights and scientific and technological developments: report of the Secretary-General (General Assembly resolution 2450 (XXIII))
- 19. Report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

20. Question of the establishment of commissions on human rights
 - (a) At the national level
 - (b) At the regional or subregional level
21. Advisory services in the field of human rights
22. Further promotion and encouragement of respect for human rights and fundamental freedoms
23. Question of an international code of police ethics
24. Communications concerning human rights
25. Report of the twenty-sixth session of the Commission to the Economic and Social Council

E. Meetings, resolutions and documentation

9. The Commission held forty-six meetings. The views expressed at those meetings are summarized in the records of the 1046th to 1091st meetings (E/CN.4/SR.1046-1091).

10. The resolutions and other decisions adopted by the Commission at its twenty-sixth session are contained in chapter XXIII. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XXIV. Annex I contains a list of those attending the session; annex II refers to the statements of financial implications of certain decisions of the Commission, which will appear in an addendum to the present report; and annex III contains a list of the documents submitted for the Commission's consideration.

F. Hearings of representatives of non-governmental organizations

11. In accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission granted hearings to the representatives of the following non-governmental organizations:

Agenda item 5: World Jewish Congress (category II), Mr. Max Mulamet,
1081st meeting, 23 March 1970

World Federation of Trade Unions (category I),
Mr. Brian Barton, 1073rd meeting, 16 March 1970

Agenda item 7: International League for the Rights of Man (category II),
Mr. Sydney Liskofsky, 1088th meeting, 26 March 1970

Agenda item 10: World Federation of Trade Unions (category I),
Mr. Brian Barton, 1082nd meeting, 23 March 1970

Agenda item 13: Agudas Israel World Organization (category II),
Mr. Isaac Lewin, 1054th meeting, 2 March 1970

Agenda items International Organization of Consumers Unions (category II),
14 and 15: Mrs. Persia Campbell, 1084th meeting, 24 March 1970

Agenda item 16: Pax Romana (category II), Miss Eileen Egen, 1087th meeting,
25 March 1970

International Federation of Women Lawyers (category II),
Miss María Teresa Ponce de León, 1087th meeting,
25 March 1970

G. Organization of work

12. At its 1047th meeting, on 24 February 1970, the Commission considered item 3 of its agenda, "Organization of the work of the session". The discussion was confined to the order of consideration of agenda items.

13. The Commission decided without objection on a tentative order of discussion, subject to adjustment as necessary by the officers of the Commission. In accordance with that decision, the Commission considered first agenda items 11 and 12, jointly, then agenda item 19.

14. At the 1052nd meeting, on 27 February 1970, the Commission, on the proposal of its officers, decided without objection on the following order of discussion for the remaining items of the agenda: items 6 and 13, 17, 20 and 21, 4, 10, 5, 14 and 15, 16, 7, 8, 9, 18, 22, 23, 24, 25.

II. PROGRAMME FOR THE OBSERVANCE IN 1971 OF THE INTERNATIONAL YEAR
FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION; MEASURES
FOR THE SPEEDY IMPLEMENTATION OF THE UNITED NATIONS DECLARATION
AND THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION

15. The Commission considered agenda items 11 and 12 at its 1048th to 1052nd meetings, on 25, 26 and 27 February 1970.

Programme for the observance in 1971 of the International Year for Action to
Combat Racism and Racial Discrimination

16. In resolution XXIV the International Conference on Human Rights, held in Teheran from 22 April to 13 May 1968, urged the United Nations General Assembly to consider the possibility of declaring 1969 or the following year as the International Year for Action to Combat Racism and Racial Discrimination. The General Assembly, in resolution 2544 (XXIV), adopted on 11 December 1969, decided to designate the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and approved the programme for the observance of the Year (A/7649) which had been prepared by the Secretary-General pursuant to General Assembly resolution 2446 (XXIII).

17. In paragraph 5 of resolution 2544 (XXIV), the General Assembly invited the organs of the United Nations and the specialized agencies concerned to co-operate and participate in the preparatory work and in the observance of the International Year for Action to Combat Racism and Racial Discrimination. The programme for the observance of the Year (A/7649) included a number of suggestions for action to be taken by United Nations organs (suggestion B), the Secretary-General (suggestion C), Governments (suggestion D), specialized agencies (suggestion E), and other international and national organizations (suggestion F). The Commission considered the part which it could itself play in the observance of the Year, as well as supplementary recommendations which it could make to the Secretary-General, Governments and specialized agencies.

18. There was general agreement in the Commission that it should itself undertake the "comprehensive review of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify obstacles encountered, and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance", proposed in suggestion B, subsection (b), of the programme approved by the General Assembly. In carrying out such a comprehensive review, it was pointed out, the Commission would naturally wish to avail itself of the assistance of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was scheduled to complete its study of racial discrimination in the political, economic, social and cultural spheres late in 1970. It was suggested that the Sub-Commission might be requested

to transmit the study and any other useful documentation to the Commission in time for consideration at its twenty-seventh session, together with such conclusions and recommendations as the Sub-Commission might consider appropriate.

19. There was reference in the Commission to the importance of effectively co-ordinating the activities to be undertaken in connexion with the Year. It was pointed out that the General Assembly had already dealt with this question in approving the programme for the Year, which provided, in suggestion C, subsection (vi), that the Secretary-General would co-ordinate all such activities within the United Nations family of organizations and report to the General Assembly on the results. The Commission was informed that the Secretary-General had decided to establish a working group within the Secretariat consisting of representatives of the Division of Human Rights, the Department of Political and Security Council Affairs, the Department of Trusteeship and Non-Self-Governing Territories and the Office of Public Information, which would meet periodically to discuss work undertaken in connexion with the Year and thereby to contribute to the co-ordination of the activities undertaken by the organs serviced by those branches of the Secretariat. With regard to the specialized agencies, it was envisaged that a working group would be established, within the framework of the Administrative Committee on Co-ordination, to co-ordinate the activities of United Nations bodies.

20. While endorsing the suggestions for celebrating the Year which the General Assembly had made to Governments in resolution 2544 (XXIV) and the programme (A/7649), various members of the Commission put forward suggestions which, in their view, the Commission might bring to the attention of Governments, among them the following:

(a) That before the close of the International Year for Action to Combat Racism and Racial Discrimination, legislative measures aimed at combating racism and racial discrimination should be introduced or perfected in every country or territory in which racism or racial discrimination persisted with a view to eliminating those evils;

(b) That far-reaching educational programmes, designed to inculcate in all men the principles of equality and non-discrimination, should be undertaken or intensified, particularly with a view to encouraging young people to play a leading role in the struggle to eliminate racism and racial discrimination;

(c) That any direct or indirect encouragement or support to Governments maintaining policies of racism or racial discrimination should be ended forthwith;

(d) That the United Nations should actively support all legitimate activities aimed at the elimination of racism and racial discrimination;

(e) That practical measures undertaken to combat racism and racial discrimination should concentrate on combating flagrant, systematic violations of human rights, such as apartheid, nazism and neo-nazism, colonialism and neo-colonialism, and terrorism, and should aim at putting an end in particular to the exploitation of peoples by financial and industrial interests which made use of racism and racial discrimination as a means for increasing their profits.

21. Suggestions were made for further activities which could be undertaken during the International Year for Action to Combat Racism and Racial Discrimination by the specialized agencies, supplementing those already approved by the General Assembly. The view was expressed that UNESCO might be invited to issue a new and up-to-date version of its booklet entitled "Apartheid", and that the ILO might be invited to give much wider publicity to its annual reports on apartheid. Those and other specialized agencies concerned, moreover, might be invited to join in a world-wide educational campaign against racism and racial discrimination. The role which other international and national organizations could play in such an educational campaign was also stressed by some members of the Commission who recalled the solemn appeal which the Economic and Social Council had made to universities, scientific institutes and establishments to contribute as widely as possible in the field of science and education to the cause of human rights, and in particular to the fight against racial discrimination.

Measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination

22. In the discussion of measures for the speedy implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, the discussion in the Commission touched upon two matters: (a) commemoration of the International Day for the Elimination of Racial Discrimination and (b) the status of the International Convention on the Elimination of All Forms of Racial Discrimination.

23. The attention of the Commission was drawn to a report on the commemoration in 1969 of the International Day, prepared by the Secretariat in consultation with the Rapporteur of the Special Committee on the Policies of Apartheid of the Republic of South Africa based on communications received by the Secretary-General and the Special Committee, reports from United Nations information centres and other available information (A/AC.115/L.256 and Add.1). With regard to the celebration of the International Day in 1970, the Commission was informed that the General Assembly, in resolution 2506 B (XXIV) of 21 November 1969, had invited all States and organizations to observe the International Day with appropriate ceremonies on 21 March 1970 - the tenth anniversary of the Sharpeville massacre - in solidarity with the oppressed people of South Africa, and to make special contributions on that day in support of the struggle against apartheid. The Commission was also informed that the Special Committee had made plans to hold a solemn meeting on 21 March 1970 and had invited the Chairman of the Commission to speak on that occasion. As agreed by the Commission, the Chairman and the members of the Commission participated in the special meeting held on 21 March 1970 to commemorate the International Day for the Elimination of Racial Discrimination organized by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, at which addresses were made by the Secretary-General, the Chairman of the Commission on Human Rights, the Chairman of the Committee of Trustees of the United Nations Trust Fund for South Africa and the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

24. With regard to the status of the International Convention on the Elimination of All Forms of Racial Discrimination, the Commission was informed (E/CN.4/1022) that as of 27 January 1970, thirty-eight States had deposited their instruments of ratification or of accession to the Convention. The Convention had entered

into force on 4 January 1969, on the thirtieth day after the date of the deposit with the Secretary-General of the twenty-seventh instrument of ratification or instrument of accession. The States parties to the Convention had elected the members of the Committee on the Elimination of Racial Discrimination, in accordance with the provisions of article 8 of the Convention, and the first session of the Committee had been held at United Nations Headquarters from 19 to 30 January 1970.

25. In the discussion, attention was directed to the following points:

(a) That the coming into force of the Convention, the establishment of the Committee on the Elimination of Racial Discrimination and the holding of its first session, represented substantial progress;

(b) That the work of the Committee, if successful, could serve as a model for other bodies concerned with the implementation of international instruments relating to human rights;

(c) That, since ratification and implementation by States of the Convention represented one of the most effective ways in which Governments could demonstrate their sincerity in combating racism and racial discrimination, all States should be urged to ratify or accede to the Convention as soon as possible, in the hope that many more States would have become parties to the Convention by 1971, the International Year for Action to Combat Racism and Racial Discrimination;

(d) That in the light of the provisions of the Charter and other United Nations pronouncements, the fact that a State was not a party to the Convention did not give any grounds for any violation of the Convention's provisions;

(e) That, since every State had an obligation to implement the principles set out in the Convention, all States without any discrimination should be accorded the opportunity to sign, ratify or accede to it.

Consideration of draft resolutions

26. Two draft resolutions relating to items 11 and 12 of the agenda were submitted: the first by France, Guatemala, India, Iran, Iraq, Jamaica, Mauritania, Morocco, the Philippines, Senegal, Turkey and the United Arab Republic (E/CN.4/L.1118); the second by Ghana and the United Republic of Tanzania (E/CN.4/L.1119).

27. At the 1051st meeting, on 26 February 1970, the Commission voted on the twelve-Power draft resolution (E/CN.4/L.1118). A proposal by the representative of Madagascar for the insertion of a new operative paragraph, by which the Commission would request States to ratify at the earliest possible time the International Convention on the Elimination of All Forms of Racial Discrimination, as well as other similar instruments, was voted on first and adopted by 27 votes to none, with 3 abstentions.

28. The draft resolution, as amended, was adopted by 28 votes to none, with 3 abstentions. For the text, see chapter XXIII, resolution 3 A (XXVI).

29. At the same meeting, the Commission voted on the two-Power draft resolution (E/CN.4/L.1119) after the sponsors had informed the Commission of some changes they had made in the text to take account of suggestions put forward during the discussion.

30. At the request of the representative of the United Republic of Tanzania, a separate vote was taken on operative paragraph 1, by roll-call. Paragraph 1 was adopted by 25 votes to 1, with 5 abstentions. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, France, Ghana, India, Jamaica, Lebanon, Madagascar, Morocco, Peru, Philippines, Poland, Senegal, Turkey, 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, Uruguay, Venezuela, Yugoslavia.

Against: Guatemala.

Abstaining: Iran, Iraq, Israel, Netherlands, New Zealand.

31. The draft resolution, as a whole, as revised by the sponsors at the 1051st meeting, was adopted by 23 votes to none, with 8 abstentions. For the text, see chapter XXIII, resolution 3 B (XXVI).

III. REPORT OF THE TWENTY-SECOND SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

32. The Commission considered agenda item 19 at its 1049th and 1050th meetings, on 25 and 26 February 1970 and at its 1088th meeting, on 26 March 1970.

33. The Commission had before it the report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1008), which contained four resolutions, of which two required action by the Commission, namely resolution 3 (XXII) on the study of equality in the administration of justice, and resolution 4 (XXII) on slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.

34. The text of the draft resolution proposed by the Sub-Commission, in its resolution 3 (XXII), for adoption by the Commission was contained in chapter VIII of the report of the twenty-second session of the Sub-Commission (E/CN.4/1008).

35. At the 1049th meeting, the representative of the Secretary-General drew attention to the financial implications which would result from the adoption of the draft resolution (see E/CN.4/1008, annex I, para. 8).

36. In connexion with Sub-Commission resolution 4 (XXII), the Commission had before it a note by the Secretary-General (E/CN.4/1009) which contained a list of experts in economic, sociological, legal and other relevant disciplines approved by the Sub-Commission. The note recalled that, in accordance with Economic and Social Council resolution 1330 (XLIV), paragraph 3, the establishment of the list of experts was subject to confirmation by the Commission on Human Rights.

37. Several representatives expressed the view that it would be premature to print the study of equality in the administration of justice at that stage. Noting the great importance of that study, they observed that the Commission had not considered it or heard the Special Rapporteur. Furthermore, the draft principles had not yet been reviewed by the Sub-Commission itself.

38. One representative stated that while the Sub-Commission dealt at length with the question of procedure for dealing with communications from individuals (see E/CN.4/1008, chapter V and para. 170 below), it failed to consider in substance questions relating to gross violations of human rights and fundamental freedoms, such as apartheid and nazism. In his view, individual complaints against Governments lay within the domestic competence of each State. Another representative, however, pointed out that the relevant resolutions of the Economic and Social Council and of the Commission on Human Rights referred to all violations, whatever their source. It was further observed that the members of the Sub-Commission, serving in a personal capacity, and not being representatives of Governments, should not be restricted in determining the manner in which they performed the functions entrusted to them.

39. References were made to the interim report by Mr. Santa Cruz, Special Rapporteur, on the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/301). It was stated that it would be desirable for the Special Rapporteur to take into account the report of the Ad Hoc Working Group of Experts at the current session of the Commission (E/CN.4/1020 and addenda) and that the Special Rapporteur should devote attention to the reasons for the failure of international measures against apartheid and racial discrimination in southern Africa and to the adoption of more effective measures to combat those practices. Concerning the chapter of the report on nazism, one representative felt that the Special Rapporteur should devote particular attention to identifying the major trends in the revival of nazism in certain countries and the links between Nazi groups and the racist régimes in southern Africa. As regards the chapter on slavery, he expressed the view that the Special Rapporteur should deal not only with the classical forms of slavery but with such contemporary forms as apartheid and colonialism.

40. At the 1050th meeting, the Commission agreed, on the proposal of the Chairman, that the last preambular paragraph and operative paragraphs 1 and 2 of the resolution recommended for adoption by the Economic and Social Council in the draft resolution submitted by the Sub-Commission (E/CN.4/1008, chapter VIII) should be deleted.

41. At the same meeting, the representative of Austria proposed, and the Commission agreed, that the words "Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities responsible for the study of equality in the administration of justice" should be added after the words "Mr. Abu Rannat" in operative paragraph 3 of the draft resolution.

42. At the 1050th meeting, on 26 February 1970, the Commission adopted without objection the draft resolution submitted by the Sub-Commission, as amended. For the text, see chapter XXIII, resolution 1 (XXVI).

43. Also at the 1050th meeting, the Chairman proposed that the Commission should adopt a draft resolution in which it would take note of the Sub-Commission's report (E/CN.4/1008). The Commission adopted the draft resolution without objection. For the text, see chapter XXIII, resolution 2 (XXVI).

44. With regard to the list of experts drawn up in compliance with Economic and Social Council resolution 1330 (XLIV), paragraph 3, the Commission decided, at its 1049th meeting, to add the name of Mr. Awad, Special Rapporteur on Slavery, to the list.

45. One representative suggested that the Commission should defer approval of the list of experts because it did not include an adequate number of African representatives. Some representatives questioned whether it was proper to include representatives suggested by non-governmental organizations in the list. It was pointed out, in response, that the experts would serve in their personal capacity and that non-governmental organizations had been asked to submit nominations in accordance with Sub-Commission resolution 7 (XXI).

46. At the 1088th meeting, on the proposal of the Chairman, the Commission decided that, pending suggestions for additions to the proposed list, approval of the list should be deferred to the twenty-seventh session.

IV. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF
PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

47. Agenda item 6 was considered by the Commission together with item 13 (Measures to be taken against nazism and racial intolerance) 2/ at its 1052nd to 1059th meetings, held from 27 February to 5 March 1970.

48. The question of the punishment of war criminals and of persons who have committed crimes against humanity has been under consideration by the General Assembly, the Economic and Social Council and the Commission since 1965. By its resolution 2391 (XXIII), the General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and opened it for signature, ratification and accession. In accordance with Economic and Social Council resolution 1158 (XLI) and Commission resolution 13 (XXIV), the Secretary-General submitted to the Commission at its twenty-fifth session a study concerning the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity, the exchange of documentation relating thereto, and criteria for determining compensation to the victims of such crimes. By resolution 9 (XXV), the Commission requested those States concerned which had not yet done so to submit information to the Secretary-General on the matters dealt with in the study, and requested Member States also to submit their comments on the general observations contained in the study.

49. The Commission had before it the above-mentioned study (E/CN.4/983 and Add.1-2) and the information and comments received from Governments pursuant to resolution 9 (XXV) (E/CN.4/1010 and Add.1).

Draft resolution submitted by Poland and the Union of Soviet Socialist Republics
(E/CN.4/L.1121)

50. Poland and the Union of Soviet Socialist Republics submitted a draft resolution (E/CN.4/L.1121) which, in its operative part, proposed the retention of the item on the Commission's agenda and recommended a draft resolution for adoption by the Economic and Social Council. The voting on this proposal took place at the 1058th meeting, on 4 March 1970.

51. In connexion with the second preambular paragraph of the draft resolution for adoption by the Council, reading:

"Noting with regret that the numerous decisions adopted by the United Nations on the question of the punishment of war criminals and of persons who have committed crimes against humanity are still not being complied with by certain States,"

2/ See chap. V.

and with operative paragraph 1 of that draft, several representatives felt that the measures so far taken for the punishment of war criminals and of persons guilty of crimes against humanity were in some respects inadequate and that many such persons were still at large. The sponsors, supported by some representatives, stressed that, in their opinion, many nazi war criminals had benefited from undue leniency and often occupied high positions in several countries. An oral amendment by the representative of the United States whereby the words "by certain States" in the second preambular paragraph would be replaced by "fully" was adopted by 17 votes to 7, with 6 abstentions.

52. The draft resolution for adoption by the Council, in its third perambular paragraph and in operative paragraph 3, further expressed deep concern at the continued commission in modern conditions of war crimes and crimes against humanity in various parts of the world, "as a result of aggressive wars and the policies and practices of racism, apartheid and colonialism and other similar ideologies and practices". Certain representatives felt that that phrase was too vague a rendering of the concept of "war crimes and crimes against humanity", which was clearly defined in international law, and could lead to arbitrary measures. Furthermore, the term "aggressive wars" was criticized by some representatives as inadequate, since, in their view, international law demanded the condemnation of all wars. Several representatives expressed the view that the resolution would be meaningless if it dealt only with offences committed in the past. According to them, present conditions made it imperative for the United Nations to express its strong condemnation of the grave crimes that were being committed daily in certain parts of the world.

53. The United States representative orally proposed the deletion of the third preambular paragraph and of operative paragraph 3 of the draft resolution for adoption by the Council. A roll-call vote was taken, at the request of the representative of Morocco, on the United States proposal that the third preambular paragraph should be deleted. The proposal was rejected by 20 votes to 4, with 8 abstentions. The voting was as follows:

<u>In favour:</u>	Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.
<u>Against:</u>	Austria, Chile, Congo (Democratic Republic of), Guatemala, India, Iran, Iraq, Israel, Lebanon, Madagascar, Mauritania, Morocco, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.
<u>Abstaining:</u>	Finland, France, Ghana, Jamaica, Peru, Philippines, Uruguay, Venezuela.

At the request of the representative of the Ukrainian SSR, a roll-call vote was taken on the United States proposal that operative paragraph 3 should be deleted. The proposal was rejected by 18 votes to 6 with 8 abstentions. The voting was as follows:

In favour: France, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Chile, Congo (Democratic Republic of), India, Iran, Iraq, Israel, Lebanon, Madagascar, Mauritania, Morocco, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Austria, Finland, Ghana, Guatemala, Jamaica, Peru, Philippines, Venezuela.

54. A discussion took place concerning operative paragraph 5 of the draft resolution for adoption by the Council. Certain representatives contended that the definition of war crimes and of crimes against humanity contained in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity was too imprecise for inclusion in a legal instrument. They affirmed that their Governments were not in a position to become parties to the Convention for reasons previously stated on various occasions, particularly before the adoption of the Convention at the twenty-third session of the General Assembly. Several other representatives stressed that, in their view, the Convention was an important instrument, well adjusted to present conditions, in view of, among other things, the evils of apartheid and of the crimes committed in certain regions as a result of armed attack and occupation. The representative of the United States orally proposed the deletion from operative paragraph 5 of the words "as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity". The Commission decided by a roll-call vote, taken at the request of the representative of Mauritania, to retain those words. The voting on the United States oral amendment was as follows:

In favour: Chile, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Congo (Democratic Republic of), Ghana, India, Iraq, Israel, Lebanon, Mauritania, Morocco, Peru, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Austria, Finland, France, Guatemala, Iran, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, Venezuela.

55. There was little discussion on the measures proposed in operative paragraphs 2, 4 and 6 of the draft resolution adopted by the Council. Many representatives fully supported the call for increased co-operation among States in the collection and exchange of information concerning persons guilty of war crimes and crimes against humanity, as expressed in operative paragraph 4 of the draft resolution. One representative felt that the call for extradition, in operative paragraph 2, might run counter to the right of asylum for political refugees as enshrined in the constitutions of some countries. During the discussion, the following suggestions were made and accepted by the sponsors: in operative paragraph 2, the words "in accordance with recognized principles of international law" were added between

"Calls upon all States Members of the United Nations or members of the specialized agencies to take measures" and the words "to arrest such persons"; in operative paragraph 4, the word "trial" was inserted between the words "extradition" and "and punishment". In a separate vote, operative paragraph 4 was adopted by 28 votes to none, with 2 abstentions.

56. With regard to operative paragraph 6, there was general agreement that the Secretary-General should continue relevant studies of the matter. The sponsors expressed the hope that those studies might lead to the adoption at the international level of certain principles regarding compensation to the victims. The representative of the Secretary-General indicated, in connexion with the request to the Secretary-General to submit a report on the question to the General Assembly at its twenty-fifth session, that the time available between the resumed forty-eighth session of the Council and the session of the Assembly might prove too short for the necessary consultations with Governments. The sponsors accepted a suggestion that the words "in the light of the comments and observations submitted by Governments" should be added after the words "Requests the Secretary-General to continue". They also agreed to the deletion of the words "the twenty-fifth session of the General Assembly and".

57. At the 1058th meeting, on 4 March 1970 the draft resolution as a whole, as amended, was adopted by 20 votes to 2, with 9 abstentions. For the text, see chapter XXIII, resolution 5 A (XXVI).

Draft resolution submitted by the United Arab Republic (E/CN.4/L.1127)

58. At the 1057th meeting, a draft resolution was submitted by the United Arab Republic (E/CN.4/L.1127), the operative part of which read as follows:

"1. Calls upon all States to observe strictly the provisions of the Geneva Conventions of 12 August 1949;

"2. Reaffirms that grave breaches of the Geneva Conventions of 1949 as defined by these Conventions constitute crimes against humanity."

59. There was full agreement on the appropriateness of the call for strict observance of the Geneva Conventions. Some representatives felt, however, that operative paragraph 2 was not legally correct as, in their view, war crimes and crimes against humanity were two distinct categories in international law. They would have preferred that the Commission invite the States parties to the Conventions to consider whether "grave breaches" thereof could be qualified as "crimes against humanity". The sponsor, supported by several representatives, stated that the purpose of the draft resolution was wholly humanitarian. Those speakers felt that, in view of the grave violations of the Geneva Conventions being perpetrated now in certain parts of the world, the Commission should reaffirm the seriousness of such violations which, in substance, constituted crimes against humanity.

60. The sponsors accepted suggestions that the word "reaffirms" should be replaced by the word "considers" and that the words "war crimes and" should be added after the word "constitute".

61. At the 1059th meeting, the representative of New Zealand orally proposed that the words "crimes against humanity" should be replaced by the words "are an affront to humanity". The representative of Lebanon orally submitted an amendment to the New Zealand amendment by which the words "in addition to being crimes" would be added after the word "humanity".

62. The preamble of the draft resolution (E/CN.4/L.1127) was adopted unanimously.

63. Operative paragraph 1 was voted on separately, at the request of the representative of France. A roll-call vote was taken at the request of the representative of the United Arab Republic. The paragraph was adopted by 30 votes to none, with 1 abstention. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, France, Ghana, Guatemala, India, Iran, Iraq, Israel, Lebanon, Madagascar, Mauritania, Morocco, Netherlands, New Zealand, Philippines, Poland, Senegal, Turkey, 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, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Jamaica.

64. In a roll-call vote taken at the request of the representative of the United Arab Republic, the Commission approved the Lebanese oral amendment to the New Zealand oral amendment to operative paragraph 2 (see para. 61 above) by 14 votes to 5, with 12 abstentions. The voting was as follows:

In favour: India, Iran, Iraq, Lebanon, Madagascar, Mauritania, Morocco, Poland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

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

Abstaining: Austria, Chile, Congo (Democratic Republic of), Finland, France, Ghana, Guatemala, Jamaica, Netherlands, Philippines, Turkey, Venezuela.

65. The New Zealand oral amendment, as amended, was adopted by 18 votes to 3, with 10 abstentions, in a roll-call vote taken at the request of the representative of the United Arab Republic. The voting was as follows:

In favour: Austria, Finland, France, Guatemala, Iran, Israel, Madagascar, Netherlands, New Zealand, Philippines, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against: Iraq, United Arab Republic, Uruguay.

Abstaining: Chile, Congo (Democratic Republic of), Ghana, India, Jamaica, Lebanon, Mauritania, Morocco, United Republic of Tanzania, Venezuela.

66. Operative paragraph 2 as a whole, as amended, was adopted by 26 votes to none, with 5 abstentions, in a roll-call vote taken at the request of the representative of the United Arab Republic. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, France, India, Iran, Iraq, Israel, Lebanon, Madagascar, Mauritania, Morocco, Netherlands, New Zealand, Philippines, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Ghana, Guatemala, Jamaica, United Kingdom of Great Britain and Northern Ireland, United States of America.

67. The draft resolution as a whole, as amended, was adopted by 30 votes to none, with 1 abstention, at the 1059th meeting on 5 March 1970. For the text of the resolution, see chapter XXIII, resolution 5 B (XXVI).

V. MEASURES TO BE TAKEN AGAINST NAZISM AND RACIAL INTOLERANCE

68. Agenda item 13 was considered by the Commission together with item 6 (Question of the punishment of war criminals and of persons who have committed crimes against humanity) ^{3/} at its 1052nd to 1058th meetings, held from 27 February to 4 March 1970. The Commission had before it a note by the Secretary-General (E/CN.4/1031) dealing with the implementation of Commission resolution 10 (XXV). It also had before it, in accordance with the request in paragraph 3 of that resolution, a report by the Secretary-General (A/7683), prepared in accordance with General Assembly resolution 2438 (XXIII), which contained a survey of information on international instruments, legislation and other measures taken or envisaged, both at the national and international levels, with a view to halting racism, nazism and similar activities, such as apartheid.

69. It was the consensus of the Commission that nazism was a criminal ideology and that vigilance must be observed by individual Governments and the international community to prevent any resurgence of that ideology and of similar ideologies such as apartheid, based on racial intolerance. There was general agreement that any revival of nazism was a particular danger to young persons who might unwittingly succumb to its dangerous theories of racial superiority. A number of representatives stated that nazism and neo-nazism threatened world peace. Several noted that nazism was not only a type of racism but an extreme form of social reaction based on terror. It could not therefore be reduced to mere racial hatred without being qualified as political terror.

70. While all representatives who spoke recognized the importance of preventing a revival of nazism, different points of view were expressed concerning the seriousness of the threat of such a revival in present-day circumstances. Several representatives stated that nazism was a danger not only to the European continent where it had previously flourished, but that current manifestations of nazism were strengthened by the racist ideologies prevailing in southern Africa and other parts of the world.

71. Some representatives, citing General Assembly resolutions, particularly 2545 (XXIV) of 11 December 1969, stated that one of the most effective means of combating nazism was the outlawing of Nazi and similar organizations and groups and the prosecution of their members. Other speakers were of the view that the strengthening of democratic processes and the operation of normal legal procedures were in themselves the most appropriate method and that care should be taken to uphold at all times the principles enshrined in the Universal Declaration of Human Rights.

72. Several speakers recognized that the failure of the National Democratic party to obtain representation in the Bundestag of the Federal Republic of Germany in the elections held in September 1969 had strengthened democratic forces in that country. Some representatives stated, however, that the National Democratic party had obtained a considerable number of votes and its electoral defeat might represent only a temporary set-back and that special precautions should be taken to prevent any further growth of that party.

^{3/} See chapter IV.

73. Note was taken of the fact that the special study of racial discrimination in the political, economic, social and cultural spheres was being prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Some representatives were of the view that the Commission should postpone making proposals to Governments and to the Economic and Social Council until it had received the recommendations of the Sub-Commission. Others argued that the Commission had sufficient information on hand to take action on this urgent problem. Some representatives criticized the preliminary study of the Special Rapporteur as lacking in balance, particularly in its chapter X. Other representatives agreed with the views of the Special Rapporteur. The representatives of the United Kingdom submitted a correction to a passage in that chapter relating to his country.

74. Poland and the Ukrainian SSR submitted a draft resolution (E/CN.4/L.1120). The draft resolution inter alia recommended that the Secretary-General prepare and publish, on the basis of his report (A/7683), a pamphlet on the measures taken and to be taken to prevent the revival of nazism and racial intolerance. It also requested the Sub-Commission to take that report into consideration when it examined the question of the revival of nazism. The draft resolution also contained recommendations for adoption by the Economic and Social Council.

75. Amendments to the two-Power draft resolution were submitted by Chile, France, Madagascar, and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.1122). In presenting the amendments, the representatives of the four Powers stated that they were of the view that the recommendation concerning the publication of a pamphlet on nazism and the recommendations to the Economic and Social Council were premature in view of the work presently being done on the question by the Sub-Commission.

76. Amendments were also submitted by the United States of America (E/CN.4/L.1124) and the United Arab Republic (E/CN.4/L.1125).

77. Poland and the Ukrainian SSR subsequently submitted a revised draft resolution (E/CN.4/L.1120/Rev.1) which took account of some of the suggestions made in the amendments submitted by the four Powers (E/CN.4/L.1122) and the United Arab Republic (E/CN.4/L.1125). The revised version eliminated the draft resolution recommended for adoption by the Economic and Social Council; it maintained in operative paragraph 7 the request that the Council recommend to the General Assembly that it discuss the possibility of holding an international conference on the problems of combating nazism.

78. The representative of the United Arab Republic withdrew his amendments. The four Powers then proposed amendments (E/CN.4/L.1126) to the revised draft resolution. Their first amendment called for the replacement of the third preambular paragraph by a new text. In their second amendment, they proposed that operative paragraph 1 of the revised draft resolution, which expressed regret that not all States had taken the necessary measures to bring about the complete eradication of Nazi, neo-Nazi and racist organizations, should be replaced by a new text which would note the tentative nature of the findings of the Sub-Commission on the subject in the special study of racial discrimination. In the same amendment, they proposed a new text for operative paragraph 6 by which the Commission would ask the Sub-Commission to place special emphasis on "measures to be taken to detect and effectively to prevent contemporary activities that might be

inspired by nazism or any other totalitarian ideology based on incitement to hatred and racial intolerance". In their third amendment they called for the deletion of operative paragraph 4, which recommended that States include in the programme for the celebration in 1971 of the International Year for Action to Combat Racism and Racial Discrimination measures to combat the present-day manifestations of nazism and other gross manifestations of racial intolerance, of operative paragraph 5, which dealt with the publication of a pamphlet on nazism, and of operative paragraph 7.

79. The representative of the United States of America orally proposed that the word "totalitarian" should be inserted in the phrase "racism and similar ideologies and practices" in the second and fifth paragraphs of the preamble and operative paragraph 2 of the revised draft resolution, between the words "similar" and "ideologies". He accepted an oral subamendment proposed by the representative of France to add after the words "totalitarian ideologies and practices" the words "based on incitement to hatred and racial intolerance". He also accepted an oral subamendment proposed by the representative of Jamaica to add at the end of the amended proposal the words "or any other form of group hatred".

80. The sponsors of the revised draft resolution accepted the following oral amendments proposed by the representative of the Netherlands: (i) to delete in the third preambular paragraph the words "are at the present time again jeopardizing" and substitute the words "may again jeopardize"; (ii) to delete in operative paragraph 3, which was addressed to the specialized agencies, the words "in their highest authoritative organs and".

81. The four Powers accepted the oral amendment of the representative of the Ukrainian SSR to add at the end of their first amendment (E/CN.4/L.1126) the words "which still occur twenty-five years after the founding of the United Nations". The sponsors of the revised draft resolution thereupon accepted the first amendment proposed by the four Powers.

82. The representative of the USSR proposed that the first paragraph of the second four-Power amendment, which had been submitted as a substitute for operative paragraph 1, be considered instead as a new operative paragraph 6 of the revised draft resolution.

83. The sponsors of the revised draft resolution accepted an oral amendment of the representative of Ghana to replace in operative paragraph 5 the words "revival of any form of nazism or racial intolerance" by "revival of any form of nazism, racial intolerance or racial discrimination".

84. At its 1057th and 1058th meetings, on 4 March 1970, the Commission voted on the revised draft resolution submitted by Poland and the Ukrainian SSR (E/CN.4/L.1120/Rev.1), as orally revised, on the amendments of Chile, France, Madagascar and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.1126) and on the oral amendments of the representative of the United States (see paragraph 79 above).

85. The voting was as follows:

(a) A separate vote was taken, at the request of the representative of Mauritania, on the word "totalitarian" in the United States oral amendment to the

second preambular paragraph (see paragraph 79 above). The word was retained by a vote of 15 to 9, with 8 abstentions.

(b) The United States oral amendment to the second preambular paragraph, as a whole, was adopted by 11 votes to 3, with 17 abstentions.

(c) The second preambular paragraph, as amended, was adopted by 19 votes to none, with 12 abstentions.

(d) The representative of Mauritania said that, since the results of the votes would be the same and she did not wish to delay the Commission's work, she did not insist on separate votes on the word "totalitarian" in the United States oral amendments to the fifth preambular paragraph and operative paragraph 2.

(e) The Commission then voted on the United States oral amendment to the fifth preambular paragraph (see paragraph 79 above). The amendment was adopted by 24 votes to none, with 6 abstentions.

(f) The fifth preambular paragraph, as amended, was adopted by 28 votes to none, with 1 abstention.

(g) The subamendment proposed by the representative of the USSR (see paragraph 82 above) to the first paragraph of the second four-Power amendment (E/CN.4/L.1126) was rejected by 14 votes to 9, with 7 abstentions.

(h) The two paragraphs of the second amendment of the four Powers (E/CN.4/L.1126) were voted on separately at the request of the representative of Israel. The first paragraph, containing a substitute text for operative paragraph 1, was adopted by 19 votes to 6, with 5 abstentions.

(i) The second paragraph of the second amendment of the four Powers, containing a substitute text for operative paragraph 6, was adopted by 17 votes to 6, with 8 abstentions.

(j) The United States oral amendment to operative paragraph 2 (see paragraph 79 above) was adopted by 15 votes to 6, with 10 abstentions.

(k) The three proposals contained in the third amendment of the four Powers (E/CN.4/L.1126) - to delete operative paragraphs 4, 5 and 7 - were voted on separately at the request of the representative of Israel. Roll-call votes were requested by the representative of the Union of Soviet Socialist Republics:

(i) The proposal to delete operative paragraph 4 of the revised draft resolution was adopted by 14 votes to 11, with 7 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), France, Guatemala, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, Senegal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: India, Iraq, Israel, Mauritania, Morocco, Poland, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Austria, Finland, Ghana, Iran, Lebanon, Peru, Uruguay.

- (ii) The proposal to delete operative paragraph 5 was adopted by 13 votes to 11, with 8 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), France, Guatemala, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: India, Iran, Iraq, Mauritania, Morocco, Poland, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Australia, Finland, Ghana, Israel, Lebanon, Peru, Senegal, Turkey.

- (iii) The proposal to delete operative paragraph 7 was adopted by 14 votes to 8, with 10 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), France, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, Senegal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: India, Iraq, Poland, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Austria, Finland, Ghana, Guatemala, Iran, Israel, Lebanon, Mauritania, Morocco, Peru.

86. At the 1058th meeting, on 4 March 1970, the revised draft resolution, as amended, was adopted unanimously. For the text of the resolution see chapter XXIII, resolution 4 (XXVI).

VI. HUMAN RIGHTS IN ARMED CONFLICTS

87. The Commission considered agenda item 17 at its 1060th, 1061st and 1062nd meetings, held on 5 and 6 March 1970.

88. In its resolution XXIII, the International Conference on Human Rights held in Teheran from 22 April to 13 May 1968, had affirmed that basic humanitarian principles must prevail even during periods of armed conflict and invited the Secretary-General to study steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts, as well as the need for additional humanitarian international conventions or the revision of existing conventions and the prohibition and limitation of the use of certain methods and means of warfare. This resolution was considered at its twenty-third session by the General Assembly, which adopted resolution 2444 (XXIII), affirming the provisions of resolution XXIII of the International Conference on Human Rights and inviting the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to carry out the study referred to in that resolution.

89. In compliance with General Assembly resolution 2444 (XXIII), the Secretary-General prepared an interim report (A/7720), which was submitted to the General Assembly for consideration at its twenty-fourth session.

90. The General Assembly adopted resolution 2597 (XXIV), in which it noted that it had not had sufficient time to examine the item at its twenty-fourth session; requested the Secretary-General to continue the study initiated by resolution 2444 (XXIII), in consultation and co-operation with the International Committee of the Red Cross; decided to transmit the report of the Secretary-General to the Commission on Human Rights and to the Economic and Social Council for their comments to be submitted to the General Assembly at its twenty-fifth session; and invited the Secretary-General to prepare a further report on the subject for the consideration of the General Assembly at its twenty-fifth session.

91. The item was introduced by the Director of the Division of Human Rights, who recalled that the Secretary-General's report was of a preliminary character and referred to the documentary part of the report, as well as to some of the problems in which further studies might prove fruitful in the light of the consensus expressed by the International Conference on Human Rights and the General Assembly.

92. During the discussion in the Commission, most representatives who spoke emphasized that their comments were of a tentative nature as in many cases their Governments had not finished their study of the Secretary-General's report.

93. A number of representatives expressed the view that emphasis should be placed on finding methods of enforcing and implementing existing instruments that were reliable and had been ratified by a great number of States, rather than on their revision. The consensus was expressed that, if new rules of war were to be considered, the Commission and the United Nations should not appear as legalizing resort to force.

94. A number of representatives, however, pointed to certain inadequacies of the Hague and Geneva Conventions; some of them felt that those Conventions required extension to make them applicable to every type of armed conflict; that they contained many ambiguities; that in some respects they were incomplete and inconsistent; and that they required bringing up to date in the light of new developments and methods of warfare and technological advances.

95. Special attention was directed to the following points:

(a) The right of adopting means designed to injure the enemy was not unlimited. There could be no attacks on civilians as such and a distinction must be made at all times between persons taking part in hostilities and members of the civilian population, so that the latter might be spared as much as possible.

(b) A more detailed study of the relevant instruments concerning human rights in armed conflicts in their relationship to the general norms of respect for human rights as set out in the United Nations Charter, the Universal Declaration of Human Rights and other international instruments might be useful. In this respect many members emphasized that general humanitarian norms of conduct generally recognized in United Nations instruments applied even in time of armed conflict irrespective of other legal instruments or the type or phase of the conflict.

(c) Certain rights so recognized permitted of no derogation, and an attempt might be made to adjust the derogation clauses of the Geneva Conventions to conform with article 4 of the International Covenant on Civil and Political Rights.

(d) Consideration might be given to the possibility of elaborating a set of standard minimum rules for the protection of human rights in armed conflicts.

(e) Weapons of mass destruction and chemical and biological warfare should be prohibited. Several speakers added that this prohibition should also apply to napalm.

(f) International protection should be extended to persons engaged in wars of national liberation. Extending such protection was, in the view of several representatives, not necessarily a new trend but a duty imposed by international law. Participants in a war that was not international in nature should, if captured, receive the same treatment as prisoners of war, provided they themselves observed generally accepted humanitarian norms. That proviso was, in the view of some representatives, important, as a distinction must be drawn between genuine freedom-fighters and subversive or criminal elements.

(h) Article 4 of the fourth Geneva Convention needed extension to include, inter alia, refugees, medical personnel, and Red Cross and United Nations officials on a humanitarian mission.

(i) Further consideration should be given to respect, in times of armed conflict, for social rights and religious freedoms.

(j) There was a need to invite the assistance and co-operation of other international bodies and agencies as well as Governments and to encourage such bodies, agencies and Governments in their efforts to solve the problem of respect for human rights in armed conflicts including the calling of an international conference.

(k) There was also a need to plan, co-ordinate and possibly regulate relief work in all disaster areas in collaboration with other agencies, especially the International Committee of the Red Cross, with a view to making such relief action more effective.

(l) Methods of control and supervision and fact-finding operations must be perfected, with particular emphasis on the impartiality of any body responsible for such operations.

(m) The possibility should be considered of granting financial assistance to bodies directly concerned with the problem, especially the International Committee of the Red Cross. Opinions on this point, however, were divided.

(n) The organizations concerned should study additional methods of publicizing the rules relating to human rights in armed conflicts by the dissemination of information, the holding of seminars and the extension of educational methods.

96. Several representatives praised the work of the International Committee of the Red Cross and emphasized the need to continue and extend co-operation with that body and especially the need for it to retain its reputation for impartiality. Some speakers referred to the resolutions, in particular resolution XIII, adopted at the twenty-first International Conference of the Red Cross, held in Istanbul in 1969.

97. It was suggested that emphasis should be placed on affirming the existing of a criminal responsibility for wars of aggression and inhuman acts in time of armed conflict. Some representatives felt that that problem might be worthy of a study in depth focusing on measures to be taken for the prevention of wars.

98. Some speakers stressed the importance of protecting the human rights of minorities, which were often denied in times of armed conflict on grounds of race, religion or ethnic origin.

99. At the end of its debate, the Commission requested the Secretary-General to transmit the observations of the members of the Commission on the report of the Secretary-General to the Economic and Social Council and to the General Assembly.

VII. QUESTION OF THE ESTABLISHMENT OF COMMISSIONS ON HUMAN RIGHTS:
(a) AT THE NATIONAL LEVEL, (b) AT THE REGIONAL OR SUBREGIONAL
LEVEL

100. The Commission considered agenda item 20, on the question of the establishment of commissions on human rights, together with item 21 (Advisory services in the field of human rights) 4/ at its 1063rd to 1066th meetings, held on 9 and 10 March 1970.

101. At the time it adopted the International Covenants on Human Rights, the General Assembly, by its resolution 2200 C (XXI) of 19 December 1966, considering the advisability of the proposals that had been submitted for the establishment of national commissions on human rights or the designation of other appropriate institutions to perform certain functions pertaining to the observance of the Covenants, invited the Economic and Social Council to request the Commission on Human Rights to examine the question in all its aspects and to report, through the Council, to the Assembly. It also requested the Secretary-General to invite Member States to submit their comments on the question, in order that the Commission on Human Rights might take those comments into account when considering the proposals. The Commission, owing to lack of time, was not able to consider the substance of this question until the current session.

102. The Commission decided at its twenty-third session to set up an ad hoc study group to study in all its aspects a proposal made at that session to establish regional commissions on human rights within the United Nations family (Commission resolution 6 (XXIII)). The Commission took that decision bearing in mind Economic and Social Council resolution 1164 (XLI), in which the Council concurred in the Commission's view that it would be necessary for the latter to consider fully the means by which it might be more fully informed of violations of human rights, with a view to devising recommendations for measures to put a stop to them, and having regard to General Assembly resolution 2144 (XXI) in which the Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur.

103. The ad hoc Study Group submitted its report (E/CN.4/966 and Add.1) to the Commission at its twenty-fourth session. After a discussion, the Commission requested the Secretary-General to transmit the report to Member States and to regional intergovernmental organizations for their comments on the relevant part of the report and further requested 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 existed, for the purpose of discussing the usefulness and advisability of the establishment of such commissions (Commission resolution 7 (XXIV) of 1 March 1968). 5/ In September 1969, at the invitation of the

4/ See chap. VIII.

5/ Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), paras. 211-219, 225-238 and 244-245.

Government of the United Arab Republic, a seminar was held in Cairo. The Commission at its twenty-fifth session, in resolution 2 (XXV) of 21 February 1969, decided in effect to defer consideration of the question until the report on the results of that seminar was available.

104. At its twenty-fifth session the Commission combined the agenda items on national and on regional commissions on human rights into a single item, adding to the latter topic the words "or subregional". 6/

105. At the 1065th meeting, on 10 March 1970, the Commission heard statements by the representatives of the Council of Europe and the Organization of American States.

(a) Question of the establishment of national commissions on human rights

106. The Commission had before it a document containing the replies of seventeen Member States in respect of General Assembly resolution 2200 C (XXI) and a note by the Secretary-General on the background of the item (E/CN.4/932 and Add.1-5).

107. The following were the principal points discussed:

(a) Functions that might be entrusted to national commissions on human rights (including educational functions in the field of human rights, the preparation of periodic reports for the Commission on Human Rights or the review of such reports prepared by government agencies, and the consideration of petitions submitted by individuals who had exhausted other remedies);

(b) The question of the extent to which functions suggested for such national commissions were already being carried out by other organs or institutions in a given States;

(c) The manner in which national committees might be established, with most speakers emphasizing that that question should be left to the individual Governments concerned to decide in conformity with the traditions and institutions of each country, reference being made also to Commission resolution 9 (XVIII) and Economic and Social Council resolution 888 F (XXXIV) concerning the establishment of national advisory committees on human rights;

(d) The question whether the establishment of national commissions on human rights fell exclusively within the domestic jurisdiction of States within the meaning of Article 2, paragraph 7, of the Charter.

108. At the 1066th meeting the Commission, being agreed that the question of whether or not to establish national commissions on human rights should be decided by each Government in the light of the traditions and institutions of its country, decided, in view of the provisions of General Assembly resolution 2200 C (XXI), to ask the Secretary-General to forward its conclusion and the summary records of the debates on the item through the Economic and Social Council to the General Assembly at its next session.

6/ Ibid., Forty-sixth Session (E/4621), para. 13.

(b) Question of the establishment of commissions on human rights at the regional or subregional level

109. The Commission had before it the comments (E/CN.4/975 and Add.1 and 2) of twenty-nine Member States and three regional intergovernmental organizations on the relevant part of the report of the ad hoc Study Group (E/CN.4/966 and Add.1) set up under Commission resolution 6 (XXIII).

110. The report of the Cairo seminar on the establishment of regional commissions on human rights with special reference to Africa (ST/TAO/HR/38) was also made available to the Commission.

111. Attention was also drawn to documents E/CN.4/L.1117 and Add.1 and 2, containing information on the activities of certain intergovernmental organizations as concerns human rights, furnished under Economic and Social Council resolution 1159 (XLI).

112. Among the points discussed were the following:

(a) The possible functions of regional commissions on human rights, mention being made of promotional functions as concerns human rights; educational functions, particularly in connexion with the fight against illiteracy in certain parts of the world; assistance in the struggle for independence that was being waged in certain parts of the world, and against racial discrimination; review of the machinery established by the members of a regional commission to implement human rights; consideration of petitions by individuals concerning violations of human rights, as was being done by the European Commission for Human Rights of the Council of Europe and as was provided for in the American Convention on Human Rights signed on 22 November 1969; fact-finding, investigation and conciliation functions on human rights matters; and submission of recommendations to the United Nations Commission on Human Rights. Mention was made of the establishment of the Permanent Arab Commission on Human Rights and of discussions in the Organization of African Unity (OAU) and at the Cairo seminar concerning the possibility of establishing, under the auspices of OAU, an African commission for human rights;

(b) The method of establishing such regional commissions and, more particularly, an African commission, many speakers stressing that such bodies should be established only by agreement among the States of the region concerned; that there should be no outside pressure or interference in the matter; and that the role of the United Nations in the question of the establishment of regional commissions on human rights should be limited to making available information and technical assistance. The question of whether such commissions should be set up by treaty or by resolution of a regional organization was also discussed;

(c) The question of co-ordinating the substantive scope of regional human rights instruments and procedures with the relevant instruments and procedures of the United Nations, many speakers pointing out that some harmonization might be required but should not present undue difficulties, and that where discrepancies between the two sets of standards or procedures did exist, an individual should as a matter of principle be entitled to benefit from whichever provisions were more favourable to him, as indicated in article 5 of the International Covenant on Civil and Political Rights;

(d) The primacy of the human rights standards established by the community of nations as expressed by the United Nations, many speakers pointing out that participation by States in the work of regional human rights commissions was not meant to denigrate the standards established by the United Nations - for instance, both the European Convention on Human Rights and the American Convention on Human Rights contained in their preambles references to the Universal Declaration of Human Rights; that it was the task of the United Nations to bring about co-operation in the area of human rights on a world-wide basis; and that regional commissions should serve to strengthen the universal standards. One speaker pointed out, however, that in some regions there might be variations in the manner in which the international standards were applied, owing to local conditions.

113. At the 1064th meeting, Mauritania and the United Arab Republic submitted a draft resolution (E/CN.4/L.1129) by which the Commission, inter alia, noting the report and the conclusions of the Cairo seminar (ST/TAO/HR/38) concerning the possibility of establishing a regional commission on human rights for Africa, and noting in particular the request addressed by the seminar to the Secretary-General to draw the Commission's attention to the report of the seminar and to arrange for full consultation and exchange of information between the Commission and OAU concerning the question of the establishment of a regional commission on human rights for Africa within the terms of Economic and Social Council resolution 1159 (XLI), requested the Secretary-General to offer all appropriate assistance under the programme of advisory services in the field of human rights; and to arrange for appropriate consultation and exchange of information between the Commission and OAU as regards the possible establishment of the suggested regional commission.

114. At the 1065th meeting the sponsors accepted a Yugoslav amendment (E/CN.4/L.1131) expressing the Commission's appreciation to the Government of the United Arab Republic for acting as host to the Cairo seminar, for its co-operation with the United Nations and for the hospitality extended to all participants, and to the Secretary-General for the able organization of the seminar.

115. The sponsors also accepted minor drafting changes proposed orally by the representative of the Philippines at the 1065th meeting.

116. Much of the discussion concerning the draft resolution centred on an amendment by the Netherlands (E/CN.4/L.1130), submitted at the 1065th meeting, and oral subamendments submitted by the representative of the USSR at the 1065th meeting and by Austria and by Morocco at the 1066th meeting.

117. The Netherlands amendment (E/CN.4/L.1130) was to insert in the preamble of the draft resolution a new first paragraph reading as follows:

"Considering the role regional commissions may play in furthering the universal cause of human rights and in the realization of the international standards enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments in the field of human rights".

118. Those supporting the amendment pointed out that the reference to the human rights standards adopted by the United Nations should be included as a matter of course, since the draft resolution related to consultation and exchange of

information between the Commission on Human Rights and OAU concerning the possible establishment of a regional commission as well as to the provision of advisory services.

119. Those opposed to the amendment held that the draft resolution (E/CN.4/L.1129) dealt specifically with the possibility of establishing an African regional commission on human rights and should not contain elements relating to the general question of the establishment of such commissions, and that, since the question of the establishment of such a commission by OAU was still in the early stages of consideration by that organization, the Commission on Human Rights should avoid the appearance of exerting any pressure in the matter. There could be no question as to the acceptance by the sponsors of the draft resolution of the human rights standards contained in United Nations instruments relating to human rights.

120. The representative of the USSR orally proposed the replacement, in the Netherlands amendment, of the general reference to "the role regional commissions may play" by the words "the role a regional commission for Africa, if it is established by the Organization of African Unity, may play". In addition, he proposed the insertion in the draft resolution of a new fourth preambular paragraph to the effect that the question of the establishment of regional commissions and the determination of their functions and procedures fell entirely within the jurisdiction of the States of the region concerned.

121. At the 1066th meeting, the representative of the Netherlands accepted a suggestion by the representative of Austria that the words "the role regional commissions may play" in the Netherlands amendment should be replaced by the words "the contribution regional commissions, and in particular a regional commission for Africa, if it is created, may make".

122. The representative of Morocco put forward an oral amendment to the Netherlands amendment, by which the phrase in question would read "the contribution which the proposed commission, if it is established, may make", and the words "in the realization of the international standards" would be replaced by the words "in furthering the international standards".

123. At the request of the representatives of the USSR and Morocco, who agreed to withdraw their proposals if the Netherlands did the same, the representative of the Netherlands at the 1066th meeting withdrew his amendment (E/CN.4/L.1130) on the understanding that the discussions concerning the amendment would be reflected in the report.

124. The draft resolution, as revised, was unanimously adopted by the Commission at its 1066th meeting on 10 March 1970. For the text see chapter XXIII, resolution 6 (XXVI).

VIII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

125. The Commission, in accordance with the decision it had taken at the 1047th meeting, considered agenda item 21 at the same time as item 20, 7/ at the 1063rd to 1066th meetings, held on 9 and 10 March 1970.

126. The Commission had before it a report of the Secretary-General (E/CN.4/1030) dealing with the relevant decisions of the forty-sixth and forty-seventh sessions of the Economic and Social Council and of the twenty-fourth session of the General Assembly and with the 1969 advisory services programme and the programme plans for 1970 and 1971. It also had before it the reports of the three seminars held in Cyprus, Romania and the United Arab Republic, respectively, during 1969 (ST/TAO/HR36-38).

127. The Commission noted that the 1970 advisory services programme provided for a seminar to be held in Belgrade on the role of youth in the promotion and protection of human rights and for one to be held in Moscow on the participation of women in the national economy.

128. The 1971 advisory services programme included, in accordance with General Assembly resolution 2544 (XXIV), a seminar under the programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination. The representative of the Secretary-General indicated in his introductory statement on this item, at the 1063rd meeting, that invitations had already been received from the Governments of Austria, Ecuador, Gabon, Nigeria and Sierra Leone to act as hosts to seminars in 1971 or soon thereafter. Other countries had expressed their interest in acting as hosts for further seminars. He also reported on the fellowship programme and other possibilities of assistance under the programme of advisory services.

129. Representatives participating in the discussion emphasized the important role of the programme of advisory services within the framework of efforts to promote respect for human rights and to provide an exchange of experience. They also expressed their satisfaction with the work done by the Secretariat in implementing the programme of advisory services in the field of human rights.

130. The representatives of France, the Netherlands and Venezuela expressed the interest of their Governments in acting as hosts for future seminars.

131. At its 1066th meeting, held on 10 March 1970, the Commission, upon a proposal by the Chairman, decided to take note with satisfaction of the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1030).

7/ See chap. VII.

IX. PROCEDURE FOR DEALING WITH COMMUNICATIONS RELATING TO VIOLATIONS
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

132. The Commission considered agenda item 4 at its 1066th to 1071st meetings, on 10 to 13 March 1970.

133. As indicated in a note by the Secretary-General (E/CN.4/1014, paragraphs 1 and 2), the Economic and Social Council in its resolution 1422 (XLVI) had decided to transmit draft resolution IX, which the Commission had recommended to the Council for adoption in its resolution 17 (XXV), entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms" ^{8/} and the relevant documents to States Members of the United Nations for consideration and comment. The Council invited the Commission to study the question at its twenty-sixth session as a matter of priority, in the light of the replies and observations of Member States, taking into account the debates held in the Council, and to report to the Council at its forty-eighth session.

134. Replies containing comments and observations on draft resolution IX had been received from the Governments of the following thirty-one Member States: Argentina, Austria, Belgium, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Czechoslovakia, Denmark, Finland, France, Guatemala, Iran, Italy, Jamaica, Japan, Kenya, Laos, Malawi, Malta, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America (E/CN.4/1014 and Add.1-4).

135. In the discussion, certain points were advanced in favour of either: (a) reaffirming the recommendation contained in resolution 17 (XXV) and resubmitting it to the Council, (b) proceeding with caution and submitting it with certain changes or (c) withdrawing the question from the Commission's agenda or postponing its consideration.

136. Representatives in favour of reaffirming resolution 17 (XXV) maintained:

(a) That the existing procedure, according to which the Commission remained powerless to take action regarding complaints brought before it concerning human rights, was highly unsatisfactory and should be remedied;

(b) That the recommended new procedure gave an assurance of impartiality and objectivity and would increase respect for actions taken by United Nations bodies pursuant to Articles 55 and 56 of the Charter;

^{8/} See Official Records of the Economic and Social Council, Forty-sixth Session, document E/4621, chap. XVIII.

(c) That the recommended new procedure was a moderate one and represented a step forward in the direction of an orderly sifting of those communications which might reveal a consistent pattern of gross violation of human rights and fundamental freedoms;

(d) That it contained adequate safeguards regarding the respect of the sovereignty of States; where an investigation was deemed necessary it would be carried out only with the consent of the State concerned; the proposed procedure envisaged several stages before the Commission could decide whether particular complaints deserved its attention on the basis of Economic and Social Council resolution 1235 (XLII);

(e) That of the thirty-one Member States which had sent comments and observations only six Members had objected to the recommendation, and that replies supporting it came from States representing various areas of the world; that the silence of those which had not sent replies could be taken as implicit consent.

137. Representatives favouring proceeding with caution and adjusting the recommendation held the view:

(a) That it was advisable to wait until more Governments had replied to the Secretary-General;

(b) That the Commission was not empowered to interpret the silence of States;

(c) That the Commission should proceed with caution because the two important principles involved, namely, the international protection of the rights of individuals and the sovereignty of States, must in no circumstances be placed in conflict with each other;

(d) That the recommendation had far-reaching implications and any procedure envisaged needed the broadest measure of support; the number of States which had hitherto sent favourable comments hardly justified the conclusion that the support was overwhelming;

(e) That the recommendation should contain a provision whereby communications from nationals of a State could be examined, even at the earliest stage, only with the consent of the State concerned and in collaboration with it, since such a provision might encourage States to give their consent;

(f) That no inquiry should be undertaken until the remedies available at the national, regional and international levels had been exhausted, and that the inquiry must be carried out in co-operation with the Government concerned;

(g) That the recommendation should specify that only prominent personalities of recognized independent status should be appointed to the committee foreseen under the new procedure.

138. Members of the Commission in favour of withdrawing the recommendation or postponing consideration of the matter contended:

(a) That the procedure outlined in the recommendation contained in resolution 17 (XXV) represented interference in the domestic affairs of sovereign States, conflicted with Article 2, paragraph 7, of the United Nations Charter and the existing rules of international law and could be used for political purposes by some States against others and lead to a resurgence of the cold war.

(b) That United Nations bodies were empowered to consider and take action only in cases of gross and systematic violations of human rights which constituted threats to the peace, breaches of the peace or acts of aggression and that the criteria for identifying such gross and systematic violations should be based on Chapter VII of the Charter;

(c) That the United Nations bodies concerned, with the assistance of the Secretary-General, should prepare a report establishing the criteria of admissibility of communications; until such time as those criteria were available, the Commission, if the recommendation were accepted, would be running the risk of exceeding its competence;

(d) That the existing procedure established in Council resolution 728 F (XXVIII) adequately provided for the Commission's action in accordance with the principles of the Charter;

(e) That new machinery was being established under the international covenants and conventions on human rights adopted by the United Nations; and that the procedure outlined in the Commission's recommendation was inconsistent with the procedures laid down in those instruments;

(f) That the proposed machinery, with the creation of a new body to consider complaints from individuals, would entail a heavy financial burden for the United Nations;

(g) That in any case it was necessary to carry out further consultations with Governments on the matter, since only one quarter of the membership of the United Nations had submitted comments and observations on the recommendation, while the proposed procedure for dealing with communications had not been duly re-examined at the Commission's current session as required by the Economic and Social Council in its resolution 1422 (XLVI).

(h) That in the present situation, when a larger number of countries objected to the procedure proposed by the Sub-Commission, such procedure, even if it were adopted, would not be fully operational; that one of the prerequisites for the settlement of the problem should be the creation of a positive climate and conditions;

(i) That of the replies received from Governments only eleven expressed unreserved approval of the new procedure.

Consideration of draft resolutions and amendments

139. At the 1067th meeting, Chile, Guatemala, the Netherlands, New Zealand and the Philippines submitted a draft resolution (E/CN.4/L.1132), the last preambular paragraph and the operative part of which read as follows:

"Having again considered this question in the light of its former discussions, of the debates held in the Economic and Social Council, and of the replies and observations of Member States,

"1. Invites the Economic and Social Council's attention to the records of the Commission's discussions at its twenty-sixth and earlier sessions, as well as to the observations of Governments (E/CN.4/1014 and Add.1-4);

"2. Decides, on the basis of these discussions and observations, to reaffirm the recommendation to the Council contained in the Commission's resolution 17 (XXV) and resubmits the recommendation to the Council."

An amendment submitted by Uruguay (E/CN.4/L.1133) to the draft resolution recommended for adoption by the Council was withdrawn at the 1069th meeting.

140. At the 1068th meeting, Morocco submitted amendments (E/CN.4/L.1134) to the five-Power draft resolution (E/CN.4/L.1132), as follows:

(i) Insert the following as operative paragraph 2:

"2. Decides that before any new procedures for dealing with communications relating to violations of human rights can be devised by the Commission or by the Economic and Social Council, the complainants must have exhausted all national and regional machinery for dealing with such complaints;"

(ii) Replace operative paragraph 2 by the following:

"3. Decides, on the basis of the above-mentioned discussions and observations, to consider the recommendation to the Council contained in the Commission's resolution 17 (XXV), taking account of paragraph 2 above."

141. At the 1069th meeting the representative of India, on behalf of his delegation and those of Iraq and the United Republic of Tanzania, submitted oral amendments to the five-Power draft resolution (E/CN.4/L.1132), as follows:

(i) Replace the last preambular paragraph by the following:

"Noting that less than one third of the Member States of the United Nations have conveyed their comments and observations on the said draft resolution,"

(ii) Replace operative paragraphs 1 and 2 by the following text:

"Decides to resume consideration of the question at a later date when a majority of the Member States have conveyed their comments and observations on the draft resolution mentioned above."

142. At the 1070th meeting, the representative of France proposed three oral amendments to the Moroccan amendment (E/CN.4/L.1134), as follows:

- (i) In the proposed new operative paragraph 2, replace the word "regional" by "international";
- (ii) In the proposed new operative paragraph 2, add the following between the words "machinery" and "for": "carried out in consultation with the Government concerned";
- (iii) Add a new operative paragraph to read:

"Decides that the composition of the organ responsible for the inquiries and its procedure should be conceived under conditions which fully guarantee competence and impartiality."

143. At the same meeting, Morocco withdrew its amendments (E/CN.4/L.1134) (see paragraph 140 above) in favour of new amendments consisting of its original text and the oral amendments submitted during the 1069th meeting by India, Iraq and the United Republic of Tanzania. These new amendments to the five-Power draft resolution (E/CN.4/L.1132) were submitted jointly by India, Iraq and Morocco (E/CN.4/L.1136). They read as follows:

- (i) Replace operative paragraph 1 of the draft resolution by the following text:

"1. Decides that no inquiry pursuant to any other new procedure relating to violations of human rights may be undertaken until the remedies available at the national, regional and international levels have been exhausted, and that such inquiries must be carried out in co-operation with the Government concerned;"

- (ii) Replace operative paragraph 2 by the following text:

"2. Decides, on the basis of the above-mentioned discussions and observations, to resume consideration of the question taking into account paragraph 1 above, at its next session when a substantial number of Member States are expected to convey their comments and observations on the said draft resolution;"

- (iii) Add a new operative paragraph as paragraph 3:

"3. Appeals to Member States to communicate their comments and observations on the said draft resolution as early as possible so as to enable the Commission to study the question in depth."

144. At the 1071st meeting, France submitted an amendment (E/CN.4/L.1137) to the amendment (E/CN.4/L.1136) submitted by India, Iraq and Morocco. The French amendment, as orally revised, would insert the following text after operative paragraph 1:

"Decides, without prejudice to the final decision of the Economic and Social Council, that the composition of the eventual body responsible for making inquiries and its procedure must be such as to provide a reliable guarantee of its competence and impartiality."

At the same meeting the representative of France asked the sponsors to agree to the deletion from operative paragraph 2 of all the words after the word "session".

145. At the 1071st meeting the representative of the Netherlands submitted an oral amendment to the amendment submitted by India, Iraq and Morocco (E/CN.4/L.1136) which would replace, in operative paragraph 1, the words "Decides that no inquiry pursuant to any other new procedure" by the words "Decides that no inquiry pursuant to the proposed new procedure".

146. At the 1071st meeting, on 13 March 1970, the Commission voted on the draft resolution submitted by Chile, Guatemala, the Netherlands, New Zealand and the Philippines (E/CN.4/L.1132) and on the amendments thereto, as follows:

(a) The preamble of the draft resolution as a whole was adopted by 28 votes to none, with 4 abstentions.

(b) The oral amendment proposed by the representative of the Netherlands (see paragraph 145 above) to the first amendment in document E/CN.4/L.1136 was adopted by 15 votes to 10, with 7 abstentions.

(c) The first amendment in document E/CN.4/L.1136 (see paragraph 143 above), as orally amended, was adopted by 25 votes to 3, with 2 abstentions.

(d) The amendment proposed by France (E/CN.4/L.1137) (see paragraph 144 above), as orally revised, to the amendments in document E/CN.4/L.1136 was adopted by 27 votes to none, with 5 abstentions.

(e) At the request of the representative of France, the words in the second amendment in document E/CN.4/L.1136 after the word "session" were voted upon separately. The Commission voted to retain the words by 12 votes to 11, with 7 abstentions.

(f) The second amendment in document E/CN.4/L.1136 was put to the vote as a whole and was rejected by 14 votes to 12, with 6 abstentions.

(g) The third amendment in document E/CN.4/L.1136 was rejected by a vote of 13 in favour, 13 against and 3 abstentions.

(h) On a proposal by the representative of Senegal, the Commission decided, by 16 votes to 2, with 14 abstentions, to vote a second time on the second amendment proposed by India, Iraq and Morocco (E/CN.4/L.1136). The paragraph was again rejected by 14 votes to 13, with 5 abstentions.

(i) Operative paragraph 2 of the five-Power draft resolution (E/CN.4/L.1132) was adopted by 15 votes to 12, with 5 abstentions.

(j) The draft resolution as a whole, as amended, was adopted by 15 votes to 10, with 7 abstentions. For the text of the resolution adopted see chapter XXIII, resolution 7 (XXVI); for the text of the draft resolution recommended for adoption by the Council, see chapter XXIV, draft resolution V.

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

147. In the agenda adopted by the Commission (see paragraph 8), item 10 included four subitems. The Commission considered the item as a whole at its 1072nd to 1078th meetings held from 16 to 19 March 1970. The Commission had before it a note by the Secretary-General (E/CN.4/1019 and Add.1) containing information relating to various questions falling under subitems (a) to (d) and referring in particular to certain communications concerning the treatment of political prisoners in South Africa transmitted to the Secretary-General by the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

148. The four subitems of item 10 are dealt with separately below. In addition, an account is given of the adoption of a consensus on the situation in Southern Rhodesia.

149. At the 1076th meeting on 18 March 1970, the Commission heard a statement by the observer of Cuba.

- (a) Future implementation of tasks referred to in section IV, paragraphs 1 to 4, of resolution 5 (XXV) of the Commission (decision taken by the Economic and Social Council at its 1602nd meeting on 6 June 1969)

150. In its resolution 5 (XXV), the Commission had decided that the task of the Special Rapporteur appointed under its resolutions 7 (XXIII) and 3 (XXIV) to study apartheid and racial discrimination in southern Africa should be continued.

151. At its forty-sixth session, the Economic and Social Council decided that no immediate action should be taken on paragraphs 1 to 4 of section IV of resolution 5 (XXV) until the Commission on Human Rights had had the opportunity, at its twenty-sixth session, to look at the matter again in the light of the following alternatives: either to abolish the mandate altogether or to entrust the existing mandate to the Ad Hoc Working Group of Experts reappointed under Commission resolution 21 (XXV).

152. At its 1078th meeting, on the proposal of the Chairman, the Commission agreed to terminate the mandate of the Special Rapporteur.

(b) Reports of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV) and 21 (XXV) of the Commission:

- (i) Report of the Ad Hoc Working Group of Experts submitted to the twenty-fifth session of the Commission (E/CN.4/984 and Add.1-19) and resolution 1424 (XLVI) of the Economic and Social Council
- (ii) Report of the Ad Hoc Working Group of Experts to the twenty-sixth session of the Commission

153. At its twenty-fifth session, the Commission on Human Rights had received the report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission (E/CN.4/984 and Add.1-19). By resolution 21 (XXV), the Commission had welcomed the observations, conclusions and recommendations contained in that report and requested the Group to continue its investigations under enlarged terms of reference (see paragraph 155 below) and to submit a report to the twenty-sixth session and conclusions and recommendations to the twenty-seventh session of the Commission. Owing to lack of time, the Commission had not been able to complete its consideration of a proposal ^{9/} under which the Council would recommend to the General Assembly a detailed draft resolution based on the conclusions and recommendations of the Group. The Commission had decided instead to include the full text of that proposal in its report and thus to transmit it to the Economic and Social Council, leaving it to the Council to take such action as it might deem appropriate. ^{10/}

154. At its forty-sixth session, the Council had before it a proposal for action by the General Assembly based on the conclusions and recommendations of the Group (E/AC.7/L.560). By resolution 1424 (XLVI), the Council, inter alia, decided to send back to the Commission, for detailed consideration, the above-mentioned proposal as well as the report of the Working Group. The Commission was requested to report thereon to the Council at its forty-eighth session. The General Assembly, by its resolution 2547 A (XXIV), made several recommendations on matters dealt with in the report of the Working Group.

155. Meanwhile, in accordance with Commission resolution 21 (XXV), the Working Group conducted, in 1969, an investigation on the following matters: the question of capital punishment in southern Africa, in accordance with General Assembly resolution 2394 (XXIII); the treatment of political prisoners and captured freedom-fighters in southern Africa; the condition of Africans in the so-called "Native reserves" and "transit camps" in South Africa, Namibia and Southern Rhodesia; grave manifestations of apartheid in the Republic of South Africa; and grave manifestations of colonialism and racial discrimination in Namibia, Southern Rhodesia and the African territories under Portuguese administration. The Group submitted a report on these matters, with conclusions and recommendations (E/CN.4/1020 and Add.1-3), to the Commission at its twenty-sixth session.

^{9/} See Official Records of the Economic and Social Council, Forty-sixth Session, document E/4621, para. 167.

^{10/} Ibid., para. 185.

156. The Commission had before it the report of the Working Group submitted at the twenty-fifth session (E/CN.4/984 and Add.1-19), the proposal transmitted by the Economic and Social Council under its resolution 1424 (XLVI) (E/AC.7/L.560), and the report of the Working Group submitted in accordance with Commission resolution 21 (XXV) (E/CN.4/1020 and Add.1-3). The latter report was introduced by the Chairman of the Working Group, Mr. Ibrahima Boye, at the 1072nd meeting. The Commission also had before it a letter dated 26 February 1970 from the Permanent Representative of the United Republic of Tanzania to the United Nations (E/CN.4/1034 and Corr.1); three letters from the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa dated, respectively, 22 April 1969 (E/CN.4/L.1115), 7 October 1969 (E/CN.4/L.1116) and 25 February 1970 (E/CN.4/1035); and a letter from the chargé d'affaires a.i. of Portugal to the United Nations (E/CN.4/1036).

157. The representative of the World Federation of Trade Unions, a non-governmental organization in category I, made a statement at the 1072nd meeting on 16 March 1970.

Draft resolution submitted by Ghana, India, the United Republic of Tanzania and Yugoslavia (E/CN.4/1138/Rev.1)

158. After a brief general debate, the Commission considered a draft resolution submitted by Ghana, India, the United Republic of Tanzania and Yugoslavia (E/CN.4/L.1138/Rev.1) under which the Economic and Social Council would recommend to the General Assembly for adoption a draft resolution based, in particular, on the latest conclusions and recommendations of the Ad Hoc Working Group of Experts (E/CN.4/1020 and Add.1-3).

159. As was expressed in operative paragraph 1 of the draft resolution recommended for adoption by the Council, several representatives considered that the Ad Hoc Working Group of Experts had submitted a valuable report which highlighted in a concrete manner the evils of apartheid, racial discrimination and colonialism in southern Africa. One representative, while expressing appreciation for the work of the Group, stated that, in his opinion, neither the Commission nor the Group was legally competent to investigate concrete situations in any particular country.

160. In the opinion of many representatives, the report showed that the situation as regards human rights in southern Africa had deteriorated markedly in 1969. In particular, the following conclusions of the Working Group, embodied in operative paragraph 7 of the draft resolution for the Council, were referred to by various speakers:

(a) That the treatment inflicted on political prisoners in southern Africa and the death of many such prisoners in the Republic of South Africa were a cause of great concern;

(b) That the South African General Law Amendment Act of 1969 imposed total secrecy as regards the treatment of political prisoners by the Security Police and prevented even an accused person from testifying in court on such matters;

(c) That the illegal occupation of Namibia by the Republic of South Africa and the extension of the system of so-called "Bantu homelands" to that Territory resulted in ever-increasing hardship for the non-white population;

(d) That the new so-called "Constitution" of Southern Rhodesia and the so-called "Declaration of Rights" attached thereto were illegal and pernicious documents which confirmed the racist and oppressive character of the Smith régime;

(e) That, in the African territories under Portuguese administration, mass killings of suspected freedom-fighters continued unabated and practices amounting to forced labour were common;

(f) That there was evidence of increasing co-operation between the Government of South Africa and the illegal régime in Southern Rhodesia for suppressing the liberation movements and ill-treating political prisoners.

161. Some representatives felt that the wording of certain parts of operative paragraph 7 was too affirmative, while the corresponding conclusions had been expressed by the Group in a more cautious manner. Reference was made to subparagraphs (v) and (vii) of operative paragraph 7. In a separate vote requested by Guatemala, subparagraph (v), concerning the death of Mr. James Lenkoe, a political prisoner in South Africa, was adopted by 16 votes to none, with 3 abstentions. Some other representatives expressed the view that, by singling out in subparagraph (xi) one provision of the so-called "Constitution" of Southern Rhodesia, the draft resolution might unwittingly distract attention from the fact that this document as a whole was illegal. In a separate vote requested by the representative of the USSR, subparagraph (xi) was adopted by 26 votes to none, with 2 abstentions.

162. Several representatives expressed the hope that the Ad Hoc Working Group of Experts, in its next report, would submit more detailed findings and conclusions, in particular as regards the alarming condition of Africans in the so-called "Native reserves" and "transit camps". It was further proposed, in operative paragraph 4 of the draft resolution for the Commission, that the Group should "study, from the point of view of international penal law, the question of apartheid", which had been declared a "crime against humanity". As explained by the sponsors, that was part of the mandate of the Special Rapporteur on apartheid and racial discrimination in southern Africa which had been proposed in Commission resolution 9 (XXV). Some representatives felt that, although the Economic and Social Council had envisaged that the mandate of the Special Rapporteur might be terminated, 11/ the problem was of crucial importance and should be thoroughly studied. According to those speakers, there were many indications that the policies and practices of the racist régimes in southern Africa might lead to genocide against the African population. Some other representatives, while agreeing that the question was important, doubted whether such a study was appropriate; in their view, the gravity of the situation was only too obvious and concrete measures, rather than juridical formulae, were called for. Another view was that the proposal needed careful consideration as the subject-matter was very complex and the Group had been established, and had functioned so far, as an investigative body rather than as a study group. In a separate vote requested by the representative of the Netherlands, operative paragraph 4 of the draft resolution for the Commission was adopted by 13 votes to none, with 11 abstentions.

11/ See para. 151 above.

163. There was little discussion on the recommendations to the General Assembly concerning South Africa, Namibia and the Portuguese territories, contained in operative paragraphs 8, 9, 10 and 12. However, as regards operative paragraph 12 (a), some representatives expressed doubts as to whether the Geneva Conventions in their entirety could be considered applicable to the internal conflict in the Portuguese territories.

164. The sponsors, supported by several representatives, stressed that, in their view, the Government of the United Kingdom remained fully responsible to the United Nations as regards its rebellious colony of Southern Rhodesia. They felt that a renewed call for intervention by the administering Power was essential, as expressed in operative paragraph 11 of the draft resolution for the Council. Some other representatives, while condemning the actions of the illegal régime, felt that the proposal, as worded, might imply an invitation to use force, a step which they considered undesirable in the circumstances. They also expressed the view that the legal meaning of subparagraph (c) was obscure, as the "Constitution" of Southern Rhodesia, being null and void, could not be "repealed". In a separate vote requested by the representative of Chile, operative paragraph 11 was adopted by 18 votes to 4, with 7 abstentions.

165. Several representatives expressed deep concern that the numerous recommendations of the United Nations concerning southern Africa had remained totally ineffective. In their view, the cause for that situation was essentially the strong support received by the racist régimes of that region from certain countries which invested heavily in southern Africa and maintained diplomatic, military, trade and other relations with those régimes. Those representatives stressed that, in their opinion, it was imperative for the United Nations to concentrate its efforts on condemning such relations and bringing about their termination. Those views were reflected to a large extent in operative paragraphs 13 and 14 of the draft resolution for the Council, which had been included by the sponsors in the revised draft resolution on the proposal of the representative of the Ukrainian SSR. Some other representatives objected to those paragraphs, in particular on the grounds that the proposed actions would not, in their view, bring about the desired results; that the recommendations went further, in some ways, than the relevant Security Council resolutions and might encroach on the sovereignty of States; that the maintenance of cultural and touristic relations with South Africa might serve in the long run to convince the South African white population of the benefits accruing to all in a multiracial and egalitarian society. Operative paragraphs 13 and 14 were voted upon separately at the request of the representatives of Chile and the Ukrainian SSR. Paragraph 13 was adopted by 14 votes to 8, with 7 abstentions. Paragraph 14 was adopted by 15 votes to 7, with 7 abstentions.

166. Apart from the separate votes mentioned above, the voting was as follows:

(a) The preamble of the draft resolution for the Commission was adopted by 29 votes to none, with 1 abstention;

(b) Operative paragraphs 1 to 3 and 5 of the draft resolution for the Commission were adopted by 26 votes to none, with 4 abstentions;

(c) The preamble of the draft resolution to be recommended by the Council to the General Assembly was adopted by 25 votes to none, with 5 abstentions;

(d) The operative part of the draft resolution to be recommended by the Council to the General Assembly as a whole was adopted by 21 votes to none, with 7 abstentions;

(e) The draft resolution as a whole was adopted at the 1077th meeting, on 13 March 1970, by 22 votes to none, with 7 abstentions. For the text of the resolution see chapter XXIII, resolution 8 (XXVI).

Draft resolution submitted by Ghana, India, the United Republic of Tanzania and Yugoslavia (E/CN.4/L.1139)

167. Draft resolution E/CN.4/L.1139, as explained by the sponsors, was based on the proposal made at the forty-sixth session of the Economic and Social Council (E/AC.7/L.560) concerning the conclusions and recommendations reached by the Working Group in its 1968 investigation. The sponsors felt that, although some provisions of the proposal were similar to those already adopted by the Assembly in its resolution 2547 (XXIV), other important recommendations in their text were not covered by the General Assembly resolution. In their view, it was necessary that the Commission should adopt their draft resolution in order that the results of the 1968 investigation should be fully taken into account.

168. Other representatives, while not entering into the substance of the proposal, felt that many provisions thereof were identical to those already embodied in General Assembly resolution 2457 A (XXIV). They questioned the advisability and the propriety of having the Commission adopt and transmit such provisions to the Council and the Assembly.

169. Upon the proposal of India, the Commission decided to transmit the text of the draft resolution to the Economic and Social Council, without passing on its merits.

- (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 (chapter V of the report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1008))

170. The Commission had before it chapter V of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-second session (E/CN.4/1008), in which the Sub-Commission transmitted to the Commission two draft resolutions that had been submitted to the Sub-Commission by two of its members in connexion with the procedure for dealing with communications relating to violations of human rights and fundamental freedoms. The Commission also had at its disposal confidential and non-confidential lists of communications, as well as replies of Governments distributed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) in connexion with agenda item 24. In accordance with Council resolution 1235 (XLII), paragraph 2, the Secretary-General had also distributed confidentially to the members of the Commission the information contained in the communications received under Council resolution 728 F (XXVIII), without divulging the identity of the authors of those communications unless they had indicated that they had no objection to their identity being divulged.

171. Members of the Commission drew to the attention of the Commission situations in various parts of the world which, in the opinion of the speakers, might constitute situations revealing a consistent pattern of violations of human rights. References were made by certain representatives in that connexion to the situations in southern Africa and in the Middle East. Individual representatives mentioned the situation of the Tibetans, of Soviet Jews wishing to emigrate to Israel, of citizens of the Jewish faith living in some Arab countries, of Iranian residents in Iraq, of non-Russian nationalities in the USSR, of political prisoners in Cuba, of persons of African and Jewish origin in the United States of America and referred to the concept of zionism and its implications and the concept of dual loyalty. Views were expressed that Jews living in Arab countries were citizens of those countries, enjoying the rights and bearing the obligations of citizenship, and that Israel had no right to speak for all the Jews in the world. One representative noted that the question of the emigration from the USSR of Soviet Jews, as well as of other citizens of the USSR, was an exclusively domestic affair of that country. One member of the Commission and the observer from Cuba denied the charge regarding political prisoners in Cuba.

172. Views were also expressed on the applicability or non-applicability of Article 2, paragraph 7, of the United Nations Charter in the case of situations which reveal a consistent pattern of violations of human rights as referred to in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), as well as on the need for clarification of such terms as "gross violations" and "consistent pattern of violations".

173. At the 1078th meeting the Chairman summed up the view of the Commission to the effect that the Commission took note of chapter V of the Sub-Commission's report and intended to consider at its next session the subsequent report to be submitted to it by the Sub-Commission.

(d) Model rules of procedure for United Nations bodies dealing with violations of human rights

174. In resolution X, the International Conference on Human Rights held in Teheran in 1968 recommended to the Economic and Social Council that it request the Commission on Human Rights to prepare model rules of procedure for the guidance of the United Nations bodies dealing with violations of human rights. ^{12/} This resolution was considered by the General Assembly at its twenty-third session, when the Assembly adopted resolution 2442 (XXIII), in which it invited the Secretary-General and the United Nations organs and specialized agencies concerned to take appropriate action on the resolutions of the Conference. The Economic and Social Council at its 1576th meeting on 19 December 1968 decided to refer the request to the Commission on Human Rights. At its twenty-fifth session the Commission, in resolution 8 (XXV) of 4 March 1969, decided to prepare model rules of procedure for ad hoc bodies of the United Nations entrusted with the study of particular situations alleged to reveal a consistent pattern of violations of human rights. By the same resolution, the Commission requested the Secretary-General to facilitate that task by submitting draft model rules of procedure to the Commission at its twenty-sixth session.

^{12/} See Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2), p. 12.

175. In compliance with resolution 8 (XXV), the Secretary-General prepared a preliminary draft of model rules 13/ taking into account the deliberations at the Tsheran Conference and at the twenty-fifth session of the Commission.

176. During the discussion in the Commission at the twenty-sixth session the opinion was expressed that there was insufficient time at that session to consider the problem.

177. Some representatives expressed the view that the draft model rules were well balanced and sufficiently flexible to avoid hampering ad hoc bodies in investigatory duties. Some speakers expressed the opinion that model rules of procedure were unnecessary, as it was customary for United Nations bodies to devise their own rules of procedure and such model rules might open the way for intervention in the internal affairs of Governments. Another representative expressed the view that model rules should apply only to serious violations, such as the policy of apartheid and racial discrimination, whereas the model rules prepared by the Secretary-General applied to all violations whether important or not. Some representatives, however, voiced their disagreement with that opinion.

178. Draft resolution (E/CN.4/L.1140) introduced by Austria and Finland, expressed appreciation to the Secretary-General for the preliminary draft model rules but deferred their consideration to the next meeting of the Commission. Since not all members had expressed their views on the substance of the draft, this resolution was amended by the sponsors to delete any reference to appreciation which might have implied acceptance by representatives who might have reservations or who had not been able to express their views.

179. At its 1079th meeting on 19 March 1970, the Commission adopted the draft resolution by 23 votes to 2, with 4 abstentions. For the text see chapter XXIII, resolution 9 (XXVI).

(e) Consensus on Southern Rhodesia

180. At the 1056th meeting, on 3 March 1970, the representative of the United Arab Republic submitted to the Commission a draft consensus condemning the illegal declaration of a "republic" in Southern Rhodesia. The draft emphasized the danger which that act posed for the human rights of the vast majority of the population in Southern Rhodesia, called upon the Government of the United Kingdom to intervene and restore constitutionality in Zimbabwe and requested all States to refrain from extending recognition to the illegal régime or establishing any relations with it.

181. Although certain representatives expressed doubts regarding the competence of the Commission to consider a question which was under consideration in the Security Council, the consensus was approved (for the text, see chapter XXIII) on the understanding that the reservations advanced would be duly reflected in the Commission's records.

13/ E/CN.4/1021.

(f) Request by the representative of Israel for the circulation of certain documents

182. By a letter dated 18 March 1970 the representative of Israel requested the Chairman to arrange for the circulation of certain documents concerning the status of Jews in the Soviet Union which he considered relevant to item 10.

183. The representative of the USSR objected to the circulation of those texts as documents of the Commission and pointed out that they should be dealt with in accordance with Economic and Social Council resolution 728 F (XXVIII) relating to communications concerning human rights. At the 1082nd meeting on 23 March 1970 the Chairman circulated document E/CN.4/CRP/3 in which, after explaining the positions of Israel and the Union of Soviet Socialist Republics, she put the problem before the Commission so that it might decide what action should be taken on the request of the representative of Israel. The Commission took no action with respect to that matter.

XI. QUESTION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A
RESULT OF HOSTILITIES IN THE MIDDLE EAST, INCLUDING THE
REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS ESTABLISHED
UNDER RESOLUTION 6 (XXV) OF THE COMMISSION

184. The Commission considered this item from its 1078th to its 1082nd meetings held on 19, 20 and 23 March 1970.

185. At its twenty-fifth session, by resolution 6 (XXV), the Commission on Human Rights inter alia established a Special Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (the fourth Geneva Convention) in the territories occupied by Israel as a result of hostilities in the Middle East. The Working Group was further authorized to receive communications and to hear witnesses and it was requested to submit a report with its conclusions and recommendations to the twenty-sixth session of the Commission. The Working Group was composed of Mr. Ibrahim Boye (Senegal) Chairman-Rapporteur, Mr. Felix Ermacora (Austria), Mr. Branimir Janković (Yugoslavia), Mr. N.N. Jha (India), Mr. Luis Marchand-Stens (Peru) and Mr. Waldo Emerson Waldron-Ramsey (United Republic of Tanzania). The report of the Working Group (E/CN.4/1016 and Add. 1-5) was introduced by the Chairman-Rapporteur who indicated that the Working Group had heard 103 witnesses in New York and Geneva and in those States which had indicated their willingness to co-operate with it.

186. After a general debate, a draft resolution was submitted by India, Lebanon, Mauritania, the United Arab Republic and Yugoslavia (E/CN.4/L.1142).

187. Several representatives expressed strong indignation at the gross violations of the fourth Geneva Convention which continued unabated since June 1967 in the territories militarily occupied by Israel. Their concern was expressed over the use of means of coercion to extract information and confessions in violation of the relevant provisions of the said Convention. The concern was also expressed over torture and ill-treatment of civilian populations of the occupied territories by the authorities of occupation, the detention of people by virtue of administrative orders and the deprivation of those detainees of any guarantee concerning the length of detention and fair trial. Many references were made to specific cases as mentioned in the conclusions and recommendations of the Working Group established under resolution 6 (XXV), including:

(a) Demolition of houses, destruction of entire villages by the Israeli armed forces, as in the case of Yalu, Beit Nuba and Emwas, and the partial destruction of the town of Qalqilyah;

(b) Deportation of the inhabitants of these territories;

(c) The attempts of the occupying authorities to compel the citizens of the occupied territories to collaborate with the authorities of occupation;

(d) The illegal assumption of powers, including judicial authority, by Israel in violation of the Geneva Convention;

(e) The establishment by the Israeli authorities of settlements in the occupied territories in contravention of that Convention.

188. The same representatives stressed that the real purpose of Israel's policy was to evict large numbers of the citizens of the occupied territories, to replace them by imported population and, ultimately, to annex those territories. Those delegations called for the relentless condemnation by the United Nations of the gross violations of human rights committed by the Israeli authorities and for the submission of this tragic situation to continuous scrutiny.

189. Those representatives generally commended the Special Working Group for its thorough examination of the evidence received by it and for its objective approach to its task. Some of them said that they had difficulty understanding the statement in the Group's report according to which the Group had not been able to verify "juridically" the allegations received (E/CN.4/1016/Add.2). According to those speakers, the Working Group, as established by resolution 6 (XXV), was an investigative body which had to consider certain allegations and not a court of law called upon to reach juridical conclusions. Some of those speakers objected to the statement in the report to the effect that most of those violations had taken place in a period immediately after the end of hostilities on the ground that there was ample evidence to show that they had been committed long after that period and were still being committed. The fact that Israel had adopted a totally negative attitude towards the Group and had submitted no reply to the allegations should in no way inhibit that investigative body. The Group had heard enough detailed testimony, some of it from non-Arab persons, to form a basis for conclusions. The sponsors of the draft resolution, supported by several representatives, proposed, in operative paragraph 9, that the Group be requested to continue its investigation and to report to the Commission, especially on the aspects of the situation mentioned in sub-paragraphs (a), (b) and (c). They stressed that the Group should be able to visit the occupied territories and to receive all necessary facilities from Israel. (This was reflected in operative paragraph 10, as orally revised.)

190. The representative of Israel denied all the allegations mentioned in the report; he considered that the Commission's resolution establishing the Special Working Group was illegal, discriminatory and politically biased; among other things, it omitted all reference to violations of the human rights of the Jews living in Iraq, Syria and the United Arab Republic. The resolution did not reflect the views of the impartial majority of the members of the Commission. For those reasons, his Government had refused to co-operate with the Working Group. Furthermore, he said that the testimony heard by the Group was of dubious value, as it appeared that most witnesses had been in fact pre-selected by the Arab States at war with Israel. He contended that, while Israel was obliged to ensure the security and well-being of the population of the occupied territories, every precaution was taken to make the occupation as humane as possible, and every allegation of violation of human rights against the Israel authorities was properly investigated by the Israel authorities and that proper judicial channels existed for dealing with complaints.

191. Several representatives stressed that the Group was legally established and rejected the reference that the Group was discriminatory or politically biased since all its members were serving in their personal capacity; they added that the reference to the alleged violations of the human rights of certain segments of society was out of context. Those delegations underlined the fact that the

resolution which had established the Group had been approved by 13 votes to 1, which demonstrated that no substantial opposition had been raised against the establishment of the Group.

192. Many representatives agreed with the sponsors of the draft resolution and several others that the fourth Geneva Convention was fully applicable in the occupied territories. Some questioned whether an ad hoc procedure such as that set forth in Commission resolution 6 (XXV) was appropriate to investigate alleged breaches of the Convention. In their opinion, the proper procedure in the circumstances would be that provided for in the Convention itself for its implementation. It was also pointed out that investigating procedures should be quite independent of political decision-making.

193. Some representatives called upon the diverse parties to the conflict to respect fully the fourth Geneva Convention, and one representative urged these parties to invoke that Convention formally, particularly those articles that related to the nomination of a protecting Power and the complaints procedure provided to investigate complaints concerning violations of the Convention.

194. Certain representatives, referring to the Group's statement that the evidence received had been "one-sided" (E/CN.4/L.1016/Add.2), found it difficult to accept such evidence as a basis for all the conclusions and recommendations embodied in the draft resolution, which they considered too categorical. The "one-sided" character of the evidence was in no way the fault of the Group, which had strived for objectivity in its valuable report. It was regrettable that no reply or comment had come from the Government concerned before the Group had reached its conclusions. In the circumstances, however, a more cautious approach would be appropriate on the part of the Commission as regards evaluation of the Group's findings.

195. A few speakers felt that the Commission should not lose sight of the fact that the Geneva Convention itself, dealing with war situations, took fully into account the need for ensuring the security of occupied territories and recognized certain rights of the occupying Power for that purpose.

196. At the 1082nd meeting the Commission heard a statement by the observer of Saudi Arabia. At the 1081st and 1082nd meetings, statements were made by representatives of the World Jewish Congress and the World Federation of Trade Unions.

197. Operative paragraph 10 of the draft resolution was orally revised by the insertion of the words "to receive the Special Working Group," after the words "Calls upon Israel".

198. At the 1082nd meeting, on 23 March 1970, the draft resolution (E/CN.4/L.1142), as orally revised, was voted on by roll-call, at the request of the representative of Iraq, and adopted by 12 votes to none, with 16 abstentions. The voting was as follows:

In favour: India, Iran, Iraq, Lebanon, Mauritania, Morocco, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: None.

Abstaining: Austria, Chile Democratic Republic of the Congo, Finland, France, Ghana, Guatemala, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, United Kingdom, United States of America, Uruguay, Venezuela.

The representatives of Israel, Senegal and the United Republic of Tanzania declared that for different reasons, they had not participated in the vote. For the text of the resolution, see chapter XXIII, resolution 10 (XXVI).

Composition of the working groups established under resolutions 2 (XXIII) and 6 (XXV) of the Commission on Human Rights

199. At the 1082nd meeting on 23 March 1970, the Chairman announced that Mr. Branimir Janković (Yugoslavia) had resigned from membership in the working groups established under Commission resolutions 2 (XXIII) and 6 (XXV). With regard to the question of regional representation on the two working groups, the Chairman mentioned that she was in consultation with eastern European countries and would, in due course, announce the successor to Mr. Janković.

XII. QUESTION OF THE REALIZATION OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE STUDY OF SPECIAL PROBLEMS RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES

200. The Commission considered agenda item 14 at the same time as item 15 (see chapter XIII below) and at its 1078th, 1083rd and 1084th meetings, on 19 and 24 March 1970.

201. In its resolution 14 (XXV) of 13 March 1969 the Commission had decided to appoint Mr. Manouchehr Ganji (Iran) as the Special Rapporteur to submit a comprehensive report, together with his conclusions and recommendations including the question of the role of the Commission in this respect, on the realization, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status, of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard, for submission to the Commission at its twenty-seventh session in 1971. The Commission had also decided to retain on the agenda of its twenty-sixth session the item on the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights and the study of special problems relating to human rights in developing countries with a view to hearing a progress report from the Special Rapporteur.

202. The Economic and Social Council in its resolution 1421 (XLVI) of 6 June 1969 confirmed the appointment made by the Commission on Human Rights of Mr. Manouchehr Ganji (Iran) as the Special Rapporteur and requested the Secretary-General to continue the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights and to consider the use for this purpose of the advisory services in the field of human rights.

203. Pursuant to Council resolution 1421 (XLVI), the Secretary-General, in a note verbale, informed Governments that he would appreciate receiving any information they might wish to make available with a view to contributing to the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights.

204. At its twenty-sixth session, the Commission had before it a note by the Secretary-General (E/CN.4/1023) containing substantial excerpts from the replies he had received from the following Governments: Austria, Cameroon, China, Denmark, Ecuador, Federal Republic of Germany, Finland, Greece, Iran, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Malawi, Maldives, Nicaragua, Philippines, Republic of Korea, Rwanda, Senegal, Switzerland and Ukrainian SSR.

205. At the 1078th meeting of the Commission the Special Rapporteur submitted a preliminary report in which he outlined the framework of the study and indicated

that it would consist of three parts: part I, national measures; part II, regional and international measures, and part III, conclusions and recommendations. The Special Rapporteur stated that he would do all he could to complete the study for the Commission's session in 1971 and that failing that, he would present a full progress report to the Commission at its next session and a final report in 1972.

206. It was generally agreed that the question of the realization of economic, social and cultural rights was one of the questions to which Member States would attach great importance. Several representatives described the efforts undertaken by their Governments to ensure the enjoyment and the protection of economic, social and cultural rights to their nationals. Some representatives, noting the forthcoming centenary of V.I. Lenin and referring to Commission resolution 16 (XXV), drew attention to his outstanding contribution to the development and realization of the concepts of social, economic and cultural rights. They welcomed the sending of a representative of the Commission to the symposium "V.I. Lenin and the problems of science, culture and education" being held in pursuance of resolution XV of the General Conference of UNESCO. References were made to obstacles facing the developing countries in particular that hindered the implementation of economic, social and cultural rights. The view was expressed that different external factors often conditioned and adversely affected the ability of nations to apply economic and social plans and programmes.

207. Representatives, while stressing the importance of the task entrusted to the Special Rapporteur, expressed the view that he might submit his final report by 1971, or, if unable to do so, at the 1972 session of the Commission so that he might be able to consider in depth the many aspects of the question.

208. Various members of the Commission put forward suggestions on the matter which, in their view, the Special Rapporteur should take into account in preparing his study, and in particular:

(a) The effectiveness of the norms and principles contained in international instruments;

(b) The degree of co-ordination between United Nations bodies which contributed to the realization of the rights under study;

(c) Conditions regarding the realization of economic, social and cultural rights in countries having different social systems;

(d) Problems encountered in the process of realization of economic, social and cultural rights and measures applied by Governments in order to overcome those problems;

(e) The respective role and responsibility, with respect to the creation of real guarantees and material conditions, of State organs, semi-State organs and private institutions in the enjoyment of economic, social and cultural rights;

(f) The practical influence of the enjoyment of those rights in enhancing the dignity of the individual;

(g) The significance of effecting basic socio-economic transformations in countries for the realization of economic, social and cultural rights.

209. Reference was made to the necessity of co-operation between the Special Rapporteur, the specialized agencies and regional organizations.

Consideration of draft resolution

210. A draft resolution was submitted on 23 March 1970 by India, Poland and the Ukrainian SSR (E/CN.4/L.1145), and a revised text was submitted the following day (E/CN.4/L.1145/Rev.1). The representative of the Secretary-General made a statement on the financial implications of the revised draft resolution.

211. At the 1084th meeting, on 24 March 1970, the revised draft resolution was adopted by 26 votes to none, with 1 abstention. For the text, see chapter XXIII, resolution 11 (XXVI).

XIII. PERIODIC REPORTS ON HUMAN RIGHTS

212. Agenda item 15 was discussed together with item 14 (see chapter XII) at the 1078th, 1083rd, 1084th, 1085th and 1087th meetings of the Commission.

213. The Commission had before it the following:

(a) Reports on economic, social and cultural rights for the period 1 July 1966 to 30 June 1969 received from the following States Members of the United Nations or members of specialized agencies: Afghanistan, Austria, Belgium, Bulgaria, Canada, Central African Republic, Denmark, Finland, India, Italy, Japan, Kuwait, Luxembourg, Maldives, Morocco, Netherlands, New Zealand, Nigeria, Panama, Philippines, Poland, Romania, Senegal, Somalia, Spain, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland (Bahamas, Falkland Islands (Malvinas), Montserrat, Fiji, Gibraltar, Hong Kong, Seychelles and Turks and Caicos Islands), United States of America, Yugoslavia (E/CN.4/1011 and Add.1-10);

(b) Reports relating to economic, social and cultural rights received from the following: International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Universal Postal Union, Inter-Governmental Maritime Consultative Organization, General Agreement on Tariffs and Trade (E/CN.4/1012 and Add.1);

(c) The comments received from the non-governmental organizations listed below, made available to the Commission by the Secretary-General in accordance with paragraph 14 of Council resolution 1074 C (XXXIX):

Category I: International Co-operative Alliance
International Organization of Employers

Category II: Associated Country Women of the World
Friends World Committee for Consultation
International Catholic Child Bureau
International Recreation Association
World Confederation of Organizations of the Teaching Profession
World Young Women's Christian Association
Zonta International

Roster: International Association for Vocational Guidance
Open Door International
St. Joan's International Alliance

(d) An analytical summary of the reports and other material on economic, social and cultural rights (E/CN.4/1024 and Add.1-2) prepared by the Secretary-General in accordance with Commission resolution 16 (XXIII);

(e) A subject and country index to the reports on economic, social and cultural rights prepared by the Secretary-General (E/CN.4/1025);

(f) An up-to-date memorandum on the status of multilateral international agreements in the field of human rights (E/CN.4/907/Rev.6);

(g) The report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of the 1970 session (E/CN.4/1026) which included a draft resolution recommended for adoption by the Commission (paragraph 42 of the report of the Ad Hoc Committee).

214. The Commission also had before it reports on civil and political rights received from the Governments of Canada, France and Ireland (E/CN.4/973/Add.15-18). These reports had been received after the twenty-fifth session of the Commission on Human Rights.

215. At the 1083rd meeting of the Commission, Mr. Emilio D. Bejasa (Philippines), Chairman-Rapporteur of the Ad Hoc Committee on Periodic Reports on Human Rights, introduced the report of the Ad Hoc Committee.

216. Several representatives expressed their appreciation to those Governments which had submitted their replies and regretted that relatively few Governments had done so.

217. Members of the Commission noted the proposals submitted by the Ad Hoc Committee on procedural matters, in particular regarding changes in the method of considering the reports. There was general agreement that Governments should be given sufficient time to prepare their replies and that the Ad Hoc Committee should be enabled to examine those reports thoroughly.

218. The attention of the Commission was drawn to the different method of presentation of information by Governments, some of which submitted only factual data without dealing with specific problems which they encountered in the field concerned. Some representatives expressed doubts as to whether the system of periodic reports really revealed the true situation regarding the enjoyment of human rights and they observed that most of the Governments' replies had given an optimistic picture.

219. It was generally agreed that international instruments had an influence on policies of Member States. It was pointed out by one representative, however, that the record of ratifications of such instruments was not encouraging and that perhaps a system could be devised that could serve as a reminder and stimulate action.

220. Reference was made to the dependence of the enjoyment of economic, social and cultural rights on the economic and social development of the countries and territories concerned. It was pointed out that the economic and social development of the developing countries was primarily a matter for the developing countries themselves. However, it was the view of some representatives that the developed nations had a responsibility to assist in such development. It was also pointed out that the resources available from the United Nations and the specialized agencies for the purpose of resolving difficulties and problems experienced by the developing countries in promoting economic, social and cultural rights were insufficient and should be increased.

221. The Commission commended the contribution made by the specialized agencies, particularly the International Labour Organisation and the United Nations

Educational, Scientific and Cultural Organization, towards the realization of economic, social and cultural rights.

Consideration of draft resolution

222. The representative of the Netherlands introduced an oral amendment, which he subsequently revised, to the text of the draft resolution submitted by the Ad Hoc Committee (E/CN.4/1026, paragraph 42). The amendment was to insert a new operative paragraph after operative paragraph 3 of section I of the draft resolution by which the Commission would further request Governments to consider including in their reports a review of the status of their ratification of or accession to the relevant international human rights treaties adopted by the United Nations, including in particular preparatory steps taken by them for such ratification or accession. The representative of the Ukrainian SSR orally submitted a subamendment to the Netherlands amendment calling for the deletion of the words "to consider including" and their replacement by "if they considered it necessary, to include". The Commission adopted the Ukrainian subamendment by a vote of 8 to 7, with 10 abstentions. The Commission then adopted the Netherlands amendment, as amended, by 26 votes to none, with 1 abstention.

223. The representative of Yugoslavia submitted an oral amendment to section II, paragraph 1, subparagraph (f), of the draft resolution which would replace the words "The discovery by several States that the genuine exercise" by the words "The fact that the realization" and add at the end of that subparagraph the words "especially in the field of development". The amendment was adopted by 26 votes to none, with 1 abstention.

224. Chile, India and Mauritania submitted an amendment, which they subsequently revised orally (E/CN.4/L.1146), consisting of a new text to replace section II, paragraph 2, of the draft resolution. At the request of the representative of the United Republic of Tanzania, a separate vote was taken on the three words "in this field" at the end of the proposed paragraph. The Commission decided to retain those words by a vote of 12 to 5, with 10 abstentions. The three-Power amendment, as orally revised, was adopted by 23 votes to none, with 4 abstentions.

225. At the 1087th meeting, on 25 March 1970, the draft resolution submitted by the Ad Hoc Committee on Periodic Reports on Human Rights (E/CN.4/1026, paragraph 42), as amended, was adopted by 26 votes to none, with 1 abstention. For the text, see chapter XXIII, resolution 13 (XXVI).

XIV. STUDY OF THE QUESTION OF THE EDUCATION OF YOUTH ALL OVER
THE WORLD FOR THE DEVELOPMENT OF ITS PERSONALITY AND THE
STRENGTHENING OF ITS RESPECT FOR THE RIGHTS OF MAN AND
FUNDAMENTAL FREEDOMS

226. The Commission considered agenda item 16 at its 1085th, 1086th and 1087th meetings on 25 March 1970.

227. At its twenty-fifth session, in 1969, the Commission adopted resolution 20 (XXV) in which it noted that, in accordance with General Assembly resolution 2447 (XXIII), the Economic and Social Council had invited the Commission, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to study the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms and decided to consider the question at its future sessions. In paragraph 3 of the resolution, the Commission requested the United Nations Educational, Scientific and Cultural Organization to submit to it, through the Secretary-General of the United Nations, a report on the question, and in paragraph 4, it requested the Secretary-General to supplement the report prepared by UNESCO with any other useful data, particularly information received from States Members of the United Nations and members of the specialized agencies, from United Nations regional economic commissions and the United Nations Economic and Social Office in Beirut, from interested specialized agencies and intergovernmental organizations and from non-governmental organizations in consultative status.

228. The Commission had before it a report by UNESCO (E/CN.4/1027) and a report by the Secretary-General (E/CN.4/1032 and Add.1 and 2), prepared pursuant to Commission resolution 20 (XXV).

229. At its 1087th meeting, the Commission heard a statement by the observer of Saudi Arabia.

230. At its 1085th meeting, the Commission heard a statement by the representative of UNESCO. At the 1087th meeting, it heard statements by the representatives of the International Federation of Women Lawyers and Pax Romana, non-governmental organizations in consultative status.

231. At the 1087th meeting, Austria, Finland and France introduced a draft resolution whose operative paragraphs read as follows:

"1. Decides to resume consideration of the item in question during its twenty-seventh session, taking into account the deliberations on the item in the twenty-fifth and twenty-sixth sessions of the Commission;

"2. Requests the Secretary-General and the Director-General of UNESCO to bring to the attention of the Commission, at its twenty-seventh session, such supplementary documentation as will facilitate consideration of this question."

232. During the same meeting, the representative of the United Arab Republic suggested to the sponsors that the draft resolution should be amended so that,

in addition to Commission resolution 20 (XXV), the preamble would recall General Assembly resolutions 2445 (XXIII), 2447 (XXIII) and 2497 (XXIV) and the deliberations at the twenty-third and twenty-fourth session of the General Assembly on the question of the education of youth in respect for the rights of man and fundamental freedoms. On behalf of the sponsors, the representative of Finland accepted the amendment suggested by the representative of the United Arab Republic.

233. At the same meeting, the representative of Guatemala proposed the insertion, in operative paragraph 1, after the words "consideration of the item in question", of the words "as a matter of priority".

234. The Guatemalan oral amendment was accepted by the sponsors of the draft resolution, who revised the text accordingly (E/CN.4/L.1148).

235. Certain representatives pointed out that contemporary society was developing at a very rapid pace, with the generation gap widening and dialogue on values rendered difficult. They held that youth was concerned for human rights but that its concern was often expressed in forms different from those observed by United Nations organs, which addressed themselves primarily to principles as opposed to their application; youth wanted to act and expected effective measures to be taken on behalf of all whose fundamental rights had been infringed. Other representatives observed that the outstanding trait of modern youth was its active participation in the revolutionary struggle against colonialism and racial discrimination, for the social transformation of society and in opposition to wars of aggression.

236. It was also stressed that the education of youth in respect for human rights should be an integral part of daily life, and it was recognized that theoretical instruction could help to inculcate, in young persons the values proclaimed in the Universal Declaration of Human Rights, provided that the teachers had themselves received adequate training.

237. It was pointed out that education in human rights should stress the difficulties and obstacles of all kinds - political, economic, social and cultural - encountered in the promotion of such rights and that consideration should be given to the suggestions made in that connexion in the report by UNESCO. Such education should be a continuous and integral process carried on from the primary school to the university.

238. It was further pointed out that what was commonly described as the "crisis of youth" was in fact a crisis of society and its values. One representative considered however that a distinction should be made between the youth of capitalist countries, in revolt against the malpractices of capitalism, and the youth of the socialist countries.

239. It was stressed that youth now constituted the major part of the world's population and that, by virtue of that fact, the role which it could and should play in the protection of human rights and fundamental freedoms was very important.

240. In the view of numerous speakers, any measures relating to youth should be taken in consultation with youth. The experience of non-governmental organizations was instructive in that connexion. The seminars organized by the United Nations were an excellent means of achieving the participation of youth in activities which concerned it.

241. The representative of UNESCO drew attention to the manifold elements of which the youth of each country was composed, to the very great diversity of the religious, philosophical, historical and cultural traditions of the countries comprising the international community and to the considerable differences in the socio-economic circumstances of those countries. All those factors, which had a considerable influence on the thinking of youth and, for that very reason, on their receptivity to education in human rights, must be taken into consideration. Efforts should be directed, as a matter of priority, towards the preparation of teachers and educators and, to that end, education in human rights should be included in the curricula of teacher training schools in all countries. It was notable that the crisis in education was most acute with regard to university youth; the revolt was not limited to the education system, which was condemned as both archaic and inadequate, but was directed towards the whole of society. All means must therefore be used to associate youth with the work which remained to be done to make human rights a concrete reality. Nevertheless, human rights should not only be taught but should also be the object of a dialogue with youth. Mass information media should be used to that end. Nor should the part to be played by youth associations and out-of-school activities be overlooked. UNESCO was continuously active in all those fields.

242. At the 1087th meeting, on 25 March 1970, the draft resolution submitted by Austria, Finland and France, as orally revised (E/CN.4/L.1148), was adopted unanimously. For the text, see chapter XXIII, resolution 12 (XXVI).

XV. REVIEW OF THE HUMAN RIGHTS PROGRAMME AND
ESTABLISHMENT OF PRIORITIES. CONTROL AND
LIMITATION OF DOCUMENTATION

243. The Commission considered item 9 of its agenda at the 1086th meeting on 25 March 1970. It had before it the relevant paragraphs of the report on its twenty-fifth session 14/ and a note by the Secretary-General (E/CN.4/1018 and Corr.1 and Add.1).

244. During the general debate on the note by the Secretary-General, which contained for the consideration of the Commission a suggested classification of the items of the Commission's work programme based on decisions of the Commission and modelled on the suggestions made by the Committee for Programme and Co-ordination, some representatives noted that most of the projects listed were indicated as having a high priority and that, since the length of the Commission's agenda had regrettably prevented it during several sessions from considering adequately a number of items, it was of the utmost importance to study thoroughly the question of priorities.

245. With regard to the classification of the items in the work programme and the determination of priorities, one representative put forward a number of suggestions. He suggested the shifting of the following items from the suggested category A, "Work of high priority", to category B, "Work of priority": (i) the question of the establishment of regional commissions on human rights; (ii) advisory services in the field of human rights; (iii) model rules of procedure for United Nations bodies dealing with violations of human rights; (iv) periodic reports on human rights; (v) study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. He also suggested that category C, "Work of lesser priority", could include the study of discrimination against persons born out of wedlock, the two items relating to the right of everyone to be free from arbitrary arrest, detention and exile and 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, and the question of an international code of police ethics. Support was expressed for some of his suggestions by other representatives. Certain representatives voiced reservations. It was also suggested that it would be helpful to the Commission in establishing priorities if the number of man-hours needed to complete each project was known.

246. One representative, referring to the procedure to be followed by the Commission in studying the question of priorities of the human rights programme, suggested that at the beginning of each session, starting in 1971, a working group could be established to consider, simultaneously with the Commission's meetings the programme of work and to report to the Commission on its decisions

14/ See Official Records of the Economic and Social Council, Forty-sixth Session, document E/4621, paras. 82-88.

regarding the order of priorities. That suggestion was supported by a number of representatives, who also pointed out that such a working group should take into account the suggestions put forward at the current session.

247. The Commission decided to note the suggestions made during the discussion, to transmit the programme of work to the Economic and Social Council with changes arising out of the decisions reached during the session and to consider the question of the human rights programme and establishment of priorities at its twenty-seventh session as a matter of priority.

Twenty-seventh session of the Commission

248. A proposal by the representative of France that the Commission should recommend to the Economic and Social Council that the twenty-seventh session of the Commission should be held at the United Nations Office at Geneva was approved unanimously.

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

249. In its resolution 19 (XXV), the Commission had decided "to continue and conclude its discussion and consideration" on the study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights.

250. The Commission had before it the study of discrimination in the matter of political rights (E/CN.4/Sub.2/213) ^{15/} prepared by Mr. Hernán Santa Cruz, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and a note by the Secretary-General (E/CN.4/1013), containing a brief history of the consideration of the item, a comparison of the provisions of the draft principles and those of the International Covenant on Civil and Political Rights, and an index to the comments of Governments and non-governmental organizations on the draft principles and the suggestions of the Commission on the Status of Women. It also had before it the replies of Governments concerning new developments in fields covered by the study received pursuant to Sub-Commission resolution 1 (XXII) (E/CN.4/1013/Add.1-3).

251. Owing to lack of time the Commission was unable to consider agenda item 8 at its twenty-sixth session. At its 1088th meeting, on 26 March 1970, it decided to postpone consideration of the item and to give it the highest priority at its twenty-seventh session.

^{15/} United Nations publication, Sales No.: 63.XIV.2.

XVII. CONTRIBUTION BY THE COMMISSION TO THE PREPARATION OF THE
FINAL DOCUMENT OR DOCUMENTS TO BE SIGNED AND/OR ADOPTED
DURING THE COMMEMORATIVE SESSION OF THE GENERAL ASSEMBLY
TO BE HELD ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY
OF THE UNITED NATIONS

252. The Commission considered agenda item 7 at its 1088th meeting, on 26 March 1970.

253. The item had been placed on the agenda of the twenty-sixth session of the Commission (E/CN.4/1015 and Add.1) in response to General Assembly resolution 2499 (XXIV) entitled "Celebration of the twenty-fifth anniversary of the United Nations". In that resolution, the General Assembly had decided that a commemorative session of the General Assembly should be held during a short period, culminating on 24 October 1970 with the signing and/or adoption of a final document or documents; decided to establish the Committee for the Twenty-fifth Anniversary of the United Nations; requested the Committee to prepare, with the assistance of the Secretary-General, a suitable text for a final document or documents to be signed and/or adopted during the commemorative session, for consideration by the General Assembly during the early part of its twenty-fifth session; and called upon all relevant organs and committees of the United Nations to speed up their work and to transmit to the Committee for the Twenty-fifth Anniversary of the United Nations material which might be useful in the preparation of a text or texts for a final document or documents. The item was included in the agenda which the Commission adopted at its 104th meeting, 24 February 1970.

254. At the outset of the discussion, it was recalled that, when reference had been made to agenda item 7 in connexion with the organization of the work of the session, it had been expected that the Committee for the Twenty-fifth Anniversary of the United Nations might be able to give some indication of the nature of the contribution which the Commission was called upon to make. However, the Commission was advised that, although the Committee had had before it a number of suggestions and was on the verge of achieving a tentative consensus, it had not made a final determination or reached firm decisions as to the form and content of the document which it would submit to the General Assembly. In the circumstances, and taking into account the fact that the Commission was nearing the end of its session and the time at its disposal was extremely limited, it did not seem feasible to consider the matter in depth and to endeavour to reach agreement on proposals for transmission to the Committee. It was thought preferable for the members of the Commission to confine themselves to an expression of views which would be reflected in its records and report and which might be useful in the drafting of the part devoted to human rights of any document that the Committee might decide to submit to the General Assembly. It was felt that the Secretary-General, who under the terms of the relevant resolution was to assist in the drafting of any document which might finally emerge, could be entrusted with the task of drawing attention to the ideas put forth in the Commission.

255. Among the suggestions and ideas advanced by members of the Commission were the following:

(a) One representative stated that, although the Commission did not have time to elaborate a new document which would command general acceptance, there already existed many good documents in the field of human rights, such as the Final Act of the 1968 International Conference on Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Covenants on Human Rights, which those responsible for the drafting of the final document could draw upon, and which to a large extent had not been implemented. It was incumbent upon States to put those documents into effect. The activities on which agreement had been reached in the past should be further developed and expanded. The representative felt that, in celebrating its twenty-fifth anniversary, the United Nations should be mindful of the need to intensify its co-ordinating role in respect of its own organs as well as the specialized agencies in formulating and implementing principles and norms in the field of human rights and fundamental freedoms. It would also be desirable to enhance the collaboration between States as regards human rights and to seek to facilitate and improve their activities and the discharge of their obligations under the various human rights instruments. In his view, part of the final document concerned with human rights should on the one hand summarize the accomplishments of the past and on the other set the objectives of the future. He noted that the final document should indicate the tasks of the United Nations in combating flagrant and systematic violations of human rights such as apartheid, nazism and the like.

(b) One representative, expressing profound concern over the fate of political prisoners and stressing that the incarceration of people for their convictions was a violation of humanitarian rules, suggested that the Committee propose to the General Assembly that it call upon the Governments concerned to show clemency to such prisoners or to grant them amnesty on the occasion of the celebration of the twenty-fifth anniversary of the United Nations. He referred in this context to Economic and Social Council resolution 940 (XXXV), which contained in its annex a similar appeal on the occasion of the fifteenth anniversary of the Universal Declaration of Human Rights.

(c) Another representative stated that for suitable themes and significant documents connected with human rights there was no great need to look beyond General Assembly resolution 2499 (XXIV) itself. Reference was made to paragraphs 7 to 10 of that resolution which reflected the importance which the Assembly attached to decolonization, the formulation of the international development strategy for the Second United Nations Development Decade, the proclamation of a Disarmament Decade and the achievement of progress in the work of the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States. The representative felt that it would be proper to concentrate primarily on those topics and to avoid the proliferation of subjects.

(d) One representative ventured the opinion that as one of the possibilities the Special Working Group of Experts of the Commission might be requested to contribute to the work of the Committee for the Twenty-fifth Anniversary of the United Nations, subject to the approval of the Chairman of the Commission.

(e) Some representatives emphasized that the General Assembly should receive proposals urging it to give strong support to, and to defend the rights of, those

people in the world who were struggling against colonialism and imperialism. The Assembly should oppose the persecution and oppression of those fighting for peace, social and economic progress and genuine democracy. On the occasion of its twenty-fifth anniversary, the United Nations should reaffirm its determination to give priority to efforts to combat effectively such mass violations of human rights as apartheid, nazism, neo-nazism and other types of racial discrimination. The United Nations should also call for strict respect for the sovereignty and the independence of States.

(f) One representative stated that, instead of being concerned merely with the plight of political prisoners, the United Nations, on the occasion of its twenty-fifth anniversary, should adopt a broader and more effective approach to the eradication of violations of human rights whereby aggression and military occupation would be condemned and assistance and encouragement would be given to the victims of such practices and to those struggling against foreign domination, colonialism and aggression and on behalf of peace, national independence, the freedom of peoples, democracy and social progress.

(g) One representative expressed the view that, in adopting a final document in connexion with the twenty-fifth anniversary of the United Nations, the General Assembly should take into account the activities of the various organs of the United Nations, such as the work of the Committee on the Elimination of Racial Discrimination and the programme of action of the Commission on Human Rights as regards the realization of economic, social and cultural rights.

(h) The view was also expressed that the matter of drafting a generally acceptable text devoted to human rights might be referred to the Third Committee of the General Assembly; another representative pointed out, however, that the time-limit envisaged by the Committee for the Twenty-fifth Anniversary for the gathering of material for inclusion in the document to be submitted to the General Assembly for approval would not permit of such a solution.

XVIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS:
REPORT OF THE SECRETARY-GENERAL

256. The Commission considered agenda item 18 at its 1088th meeting, on 26 March 1970.

257. By resolution 2450 (XXIII), the General Assembly had invited the Secretary-General to undertake, with the assistance, inter alia, of the Advisory Committee on the Application of Science and Technology to Development and in co-operation with the executive heads of the competent specialized agencies, a study of the problems for human rights arising from developments in science and technology, in particular from the following standpoints: (a) respect for the privacy of individuals and the integrity and sovereignty of nations in the light of advances in recording and other techniques; (b) protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry; (c) uses of electronics which may affect the rights of the person and the limits which should be placed on such uses in a democratic society; and (d) more generally, the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity. The Secretary-General was requested to prepare, on a preliminary basis, a report comprising a summary account of studies already made or in progress on the aforementioned subjects, emanating in particular from governmental and intergovernmental sources, the specialized agencies and the competent non-governmental organizations, and a draft programme of work which might be undertaken in fields in which subsequent surveys would be necessary for the attainment of the objectives of the resolution; and to submit the report to the Commission on Human Rights at its twenty-sixth session for consideration and transmittal, through the Economic and Social Council, to the General Assembly at its twenty-fifth session.

258. The Commission had before it the preliminary report of the Secretary-General requested by the General Assembly in resolution 2450 (XXIII) (E/CN.4/1028 and Add.1-4 and Add.3/Corr.1).

259. For lack of time, only a brief, preliminary discussion was held on the item, and a procedural resolution was adopted.

260. During the exchange of views, members of the Commission welcomed the preliminary report of the Secretary-General; stressed the importance of the new subject to countries everywhere and the desirability of dealing with it from a technical point of view, free from political considerations; supported the idea expressed by the 1968 International Conference on Human Rights in its resolution XI and by the General Assembly in resolution 2450 (XXIII), that the problems involved called for interdisciplinary study (for example, co-operation between jurists and technicians). They also considered that in the context of the United Nations family of organizations interdisciplinary study was available through co-operation, inter alia, between the United Nations Secretariat and the secretariats of the specialized agencies and stressed that the Commission at its next session would discuss the item in more detail, on the basis of the Secretary-General's report as

brought up to date by the inclusion of additional material received and of the guidance that would be provided by the debates on the subject at the twenty-fifth session of the General Assembly.

261. France, Iran, Madagascar, Mauritania and Venezuela submitted a draft resolution (E/CN.4/1147), the operative part of which read as follows:

"1. Transmits to the General Assembly, through the Economic and Social Council, the preliminary report of the Secretary-General;

"2. Decides to examine at its next session, in the light of the decisions of the General Assembly, the preliminary report of the Secretary-General, as supplemented by such information as may be collected in the meantime."

262. The sponsors, taking into account a suggestion made by the representative of the World Health Organization, revised the draft resolution by adding at the end of operative paragraph 2 the words "particularly that submitted by Governments and the competent specialized agencies".

263. At the 1088th meeting, on 26 March 1970, the draft resolution, as revised, was adopted unanimously. For the text, see chapter XXIII, resolution 14 (XXVI).

XIX. FURTHER PROMOTION AND ENCOURAGEMENT OF RESPECT FOR
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

264. The Commission considered agenda item 22 at its 1088th meeting, on 26 March 1970.

265. The item has been with the Commission since its nineteenth session in 1963, when the Commission decided in resolution 8 (XIX) to continue the study of measures directed at the acceleration of the development of respect for and observance of human rights and fundamental freedoms and to review the whole question of future direction of the work of the Commission and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Commission was unable to consider the item at its twentieth and twenty-first sessions in 1964 and 1965. The General Assembly in resolution 2027 (XX) of 18 November 1965 invited the Economic and Social Council to request the Commission to continue its consideration of this question. In resolution 16 (XXII) of 2 April 1966, the Commission decided to consider this item at its twenty-third session. At that session and at the twenty-fourth and twenty-fifth sessions, the Commission postponed consideration of the item.

266. At its 1088th meeting, on 26 March 1970, some representatives expressed their concern about acts directed against civil aircraft and airports, endangering the life of persons and damaging public and private property. They noted with satisfaction the endeavours that were being made with the aim of developing adequate security standards and procedures and expressed the hope that those endeavours would also take into account the humanitarian aspects of the problem.

267. The Commission agreed that further consideration of the item would be postponed to its next session.

XX. THE QUESTION OF AN INTERNATIONAL
CODE OF POLICE ETHICS

268. At its twentieth session the Commission had placed on its agenda an item entitled "The question of an international code of police ethics". The item was proposed for inclusion by the Secretary-General, pursuant to a recommendation of the United Nations seminar on the role of the police in the protection of human rights, held in Canberra from 29 April to 13 May 1963. The seminar had recommended that the Secretary-General request the Commission on Human Rights "to consider the question of a universal police code of ethics and the methods by which such a code could be prepared and adopted". 16/ Owing to lack of time, the Commission had not yet considered this item.

269. At its 1088th meeting, on 26 March 1970, the Commission decided, owing to lack of time, to postpone consideration of the item to its twenty-seventh session.

16/ ST/TAO/HR/16, para. 209.

XXI. COMMUNICATIONS CONCERNING HUMAN RIGHTS

270. The Secretary-General distributed to the members of the Commission a confidential list of communications (H.R. Communications List No. 20 and Add.1-2), replies of Governments (H.R. Communications Nos. 694-776) and a confidential document of a statistical nature (H.R. Communications/Stat.11). Copies of the communications referred to in H.R. Communications List No. 20 and Add.1-2 were made available to the members of the Commission in conformity with Economic and Social Council resolution 1235 (XLII) of 6 June 1967. A non-confidential list of communications containing a brief indication of the substance of each communication, however addressed, which dealt with the principles involved in the promotion of universal respect for and observance of human rights (E/CN.4/CR.39 and Add.1), was also distributed.

XXII. ADOPTION OF THE REPORT

271. At its 1089th, 1090th and 1091st meetings, on 27 March 1970, the Commission considered the draft report on the work of its twenty-sixth session. The draft report, as amended in the course of the discussion, was adopted unanimously.

XXIII. RESOLUTIONS AND OTHER DECISIONS ADOPTED BY THE COMMISSION
AT ITS TWENTY-SIXTH SESSION

Resolutions

- 1 (XXVI). Study of equality in the administration of justice^{17/}

The Commission on Human Rights,

Having considered resolution 3 (XXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

/For the text, see chapter XXIV, draft resolution I.7/

- 2 (XXVI). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-second session ^{18/}

The Commission on Human Rights

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-second session (E/CN.4/1008).

- 3 (XXVI). International action against racial discrimination: programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination ^{19/}

A

The Commission on Human Rights,

Expressing its satisfaction with the decisions of the General Assembly, in its resolution 2544 (XXIV), to designate the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and to approve the programme for the observance of the Year,

^{17/} Adopted at the 1050th meeting, on 26 February 1970. See chap. III, paras. 32-43.

^{18/} Adopted at the 1050th meeting, on 26 February 1970. See chap. III, paras. 32-46.

^{19/} Adopted at the 1051st meeting, on 26 February 1970. See chap. II, paras. 15-31.

Desiring to participate as fully as possible in the preparatory work and in the observance of the Year in accordance with the invitation contained in that resolution,

1. Decides to undertake, at its twenty-seventh session in 1971, a comprehensive review of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify the obstacles encountered and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance;
2. Recalls and renews the solemn appeal made by the Economic and Social Council to universities, scientific institutes and establishments from all countries of the world to contribute as widely as possible in the field of science and education to the cause of human rights and, in particular, to the fight against racial discrimination;
3. Requests States which have not yet done so to ratify at the earliest possible time international conventions designed to combat racism, in particular the International Convention on the Elimination of All Forms of Racial Discrimination;
4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the above matters at its twenty-third session and to transmit to the Commission such conclusions and recommendations as the Sub-Commission may consider appropriate.

The Commission on Human Rights,

Recalling resolution VIII of the International Conference on Human Rights held in Teheran in 1968,

Recalling further the decisions of the General Assembly in resolution 2544 (XXIV) to designate the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and to approve the programme for the observance of the Year,

1. Declares that the policy of apartheid is the most reprehensible manifestation of racial discrimination;
2. Urges all Governments, as part of their observance of the International Year in 1971, to proclaim and reaffirm their abhorrence and condemnation of apartheid and racial discrimination, in southern Africa in particular;
3. Further urges all Governments to intensify their efforts to establish concrete national programmes aimed at preventing racial discrimination and eliminating it in all its forms which might exist within their borders;
4. Invites all Governments to establish programmes in their various national systems of education which would seek to trace the history of the

various forms and manifestations of racial discrimination and the efforts made by the United Nations and peoples in opposition to racial discrimination to promote the dignity and worth of the human person;

5. Invites the governing bodies of the specialized agencies concerned to consider the possibility of launching a world-wide campaign, in appropriate form, to publicize amongst the peoples of the world the evils of apartheid, colonialism and racial discrimination, especially in southern Africa;

6. Further invites the United Nations Educational, Scientific and Cultural Organization to publish and circulate to Member States a special up-to-date issue of its booklet "Apartheid" as part of the observance of the International Year and also invites the International Labour Organisation to give much wider publicity to its annual reports on apartheid;

7. Requests all States which have not yet signed or ratified international treaties or conventions aimed at the elimination of racism, apartheid, nazism and colonialism to sign or ratify them, if possible by 1971;

8. Further requests all States to use all their resources to bring as much effective pressure as possible to bear, in accordance with the United Nations Charter, on those States which violate the relevant resolutions of the United Nations dealing with the elimination of racism in all its forms, including apartheid, nazism and colonialism;

9. Decides to review further the detailed programme of the International Year at its twenty-seventh session.

4 (XXVI). Measures to be taken against nazism and racial intolerance 20/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Noting that the General Assembly, in its resolutions 2331 (XXII), 2438 (XXIII) and 2545 (XXIV), condemned nazism, racism, apartheid and similar totalitarian ideologies and practices based on incitement to hatred and racial intolerance or any other form of group hatred as a gross violation of human rights and fundamental freedoms,

Observing that nazism, racism, apartheid and similar ideologies and practices have in the past frequently led to barbarous actions outraging the conscience of mankind, and ultimately to war, and may again jeopardize world peace and the security of peoples,

Being anxious to prevent any recrudescence or growth of activities inspired by nazism, racism, apartheid and all other similar ideologies and practices, which still occur twenty-five years after the founding of the United Nations,

20/ Adopted at the 1058th meeting, on 4 March 1970. See chap. V, paras. 68-86.

Noting that not all the States concerned have taken the measures indicated in the above-mentioned General Assembly resolutions for the purpose of the speedy and final eradication of nazism, racism and similar totalitarian ideologies and practices, including apartheid, which are based on incitement to hatred and racial intolerance or any other form of group hatred,

Having studied with satisfaction the report of the Secretary-General (A/7683),

Taking note that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its study on racial discrimination in the political, economic, social and cultural spheres, will consider the question of the danger of the revival of nazism in present-day conditions and will submit to the Commission its recommendations on the measures which should be taken with a view to the final elimination of nazi and similar activities wherever they occur,

Welcoming any contribution which the relevant competent specialized agencies of the United Nations may make to prevent nazism, activities of a nazi character and racial discrimination, and the measures already undertaken by many of them in that respect,

Noting that the General Assembly, in accordance with its resolution 2545 (XXIV), is to consider at its next session the question of measures to be taken against nazism and racial intolerance,

1. Notes the tentative nature of the findings on this subject in the study on racial discrimination in the political, economic, social and cultural fields now being prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
2. Requests the Sub-Commission to continue its study, in the light of the report of the Secretary-General (A/7683) and of the resolutions on the subject adopted by the General Assembly at its twenty-fourth session, placing special emphasis on measures to be taken to detect and effectively to prevent contemporary activities that might be inspired by nazism or any other totalitarian ideology based on incitement to hatred and racial intolerance, and to submit its recommendations to the Commission at its twenty-seventh session;
3. Urgently calls upon the States concerned to implement the resolutions of the General Assembly without delay and in particular to take legislative and other effective measures for the purpose of the speedy and final eradication of nazism, including its present-day manifestations, racism and similar totalitarian ideologies and practices based on incitement to hatred and racial intolerance or any other form of group hatred;
4. Requests the relevant specialized agencies to consider within their terms of reference the question of measures to be taken against nazism and racial intolerance and to inform the Secretary-General of the United Nations of the decisions and practical action taken by them;
5. Decides to retain on its agenda the item concerning measures to be taken against nazism and racial intolerance.

5 (XXVI). Question of the punishment of war criminals and of persons who have committed crimes against humanity 21/

A

The Commission on Human Rights,

Having considered the note by the Secretary-General on the question of the punishment of war criminals and of persons who have committed crimes against humanity, which contains information concerning the arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity and the exchange of information related thereto (E/CN.4/1010 and E/CN.4/983/Add.2),

Expressing its appreciation to the Secretary-General for the work already undertaken,

1. Decides to retain this item on its agenda;
2. Recommends to the Economic and Social Council the adoption of the following draft resolution:

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

B

The Commission on Human Rights,

Considering that war crimes and crimes against humanity are among the gravest crimes in international law,

Bearing in mind that the General Assembly has considered grave breaches of the Geneva Conventions of 12 August 1949 to be war crimes,

1. Calls upon all States to observe strictly the provisions of the Geneva Conventions of 12 August 1949;
2. Considers that "grave breaches" of the Geneva Conventions of 1949 as defined by these Conventions constitute war crimes and are an affront to humanity in addition to being crimes.

6 (XXVI). Question of the establishment of commissions on human rights. 22/

The Commission on Human Rights,

Recalling its resolution 7 (XXIV) of 1 March 1968 in which it requested 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 existed for discussing the possibility of the establishment of regional commissions on human rights,

21/ Adopted at the 1058th and 1059th meetings, on 4 and 5 March 1970. See chap. IV, paras. 47-67.

22/ Adopted at the 1066th meeting, on 10 March 1970. See chap. VII, paras. 100-124.

Noting that a United Nations seminar on the establishment of regional commissions on human rights with special reference to Africa was held in Cairo from 2 to 15 September 1969,

Noting the report and the conclusions of the seminar (ST/TAO/HR/38) concerning the possibility of establishing a regional commission on human rights for Africa,

Noting in particular the request addressed by the seminar to the Secretary-General to draw the attention of the Commission to the report of the seminar and to arrange for full consultation and exchange of information between the Commission and the Organization of African Unity concerning the question of the establishment of a regional commission on human rights for Africa within the terms of Economic and Social Council resolution 1159 (XLI) of 5 August 1966,

Desiring to contribute to the attainment of the objectives of the seminar,

1. Requests the Secretary-General (a) to extend all appropriate assistance under the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X), and (b) to arrange for appropriate consultation and exchange of information between the Commission and the Organization of African Unity as regards the possible establishment of the suggested regional commission;

2. Expresses its appreciation to the Government of the United Arab Republic for having acted as host of the seminar on the establishment of regional commissions on human rights with special reference to Africa, for its co-operation with the United Nations and for the hospitality extended to all participants;

3. Further expresses its appreciation to the Secretary-General for the able organization of the seminar.

7 (XXVI). Procedure for dealing with communications relating to violations of human rights and fundamental freedoms 23/

The Commission on Human Rights,

Recalling that in its resolution 1235 (XLII) the Economic and Social Council welcomed the Commission's decision 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",

Recalling also resolution 17 (XXV) in which the Commission recommended for adoption by the Economic and Social Council a draft resolution establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms,

23/ Adopted at the 1071st meeting, on 13 March 1970. See chap. IX, paras. 132-146. For the text of the recommendation to the Economic and Social Council referred to in paragraph 3, see chap. XXIV, draft resolution V.

Taking note of resolution 1422 (XLVI) in which the Economic and Social Council decided, in view of the particularly important nature of this recommendation, to transmit the draft resolution and the relevant documents to States Members of the United Nations for consideration and comment and invited the Commission to study this question at its twenty-sixth session as a matter of priority, in the light of the replies and observations of Member States, and to report to the Council at its forty-eighth session,

Having again considered this question in the light of its former discussions, of the debates held in the Economic and Social Council and of the replies and observations of Member States,

1. Decides that no inquiry pursuant to the proposed new procedure relating to violations of human rights may be undertaken until the remedies available at the national, regional and international levels have been exhausted, and that such inquiries must be carried out in co-operation with the Government concerned;

2. Decides, without prejudice to the final decision of the Economic and Social Council, that the composition of any body responsible for making inquiries and the procedure for making inquiries must be such as to provide a reliable guarantee of its competence and impartiality;

3. Decides, on the basis of its discussions and the observations of Governments, to reaffirm the recommendation to the Council contained in the Commission's resolution 17 (XXV) and resubmits that recommendation to the Council.

8 (XXVI). 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 24/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) in which it established the Ad Hoc Working Group of Experts and resolution 21 (XXV) in which it extended and enlarged the mandate of the Working Group,

Recalling General Assembly resolution 2440 (XXIII) in which the Assembly, inter alia, condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African police custody and prisons during interrogation and detention, as found in the first report of the Group,

Further recalling the procedural proposal adopted at its twenty-fifth session (1040th meeting) by which the Commission agreed that owing to lack of time it could not complete its consideration of the report of the Group submitted at that session (E/CN.4/984 and Add.1-19), as well as Economic and Social Council resolution 1424 (XLVI),

24/ Adopted at the 1077th meeting, on 18 March 1970. See chap. X, paras. 153-166.

Recognizing the contribution of the report of the Group to the continuing efforts of the United Nations to investigate and thus expose the gross and flagrant violation of human rights in southern Africa,

Having examined the report of the Group (E/CN.4/1020 and Add.1-3),

1. Expresses its appreciation of the work of the Ad Hoc Working Group of Experts and looks forward to receiving a more detailed report from it at the twenty-seventh session of the Commission;
2. Endorses the observations, conclusions and recommendations of the Group;
3. Requests the Economic and Social Council to forward the report of the Group to 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 Namibia;
4. Requests the Group to study, from the point of view of international penal law, the question of apartheid, which has been declared a crime against humanity;
5. Requests the International Labour Organisation to include, as far as possible, a report on forced labour in the African Territories under Portuguese domination in its paper to be submitted to the Economic and Social Council at its forty-eighth session in accordance with Council resolution 1412 (XLVI);
6. Requests the Economic and Social Council to adopt the following draft resolution:

/For the text, see chapter XXIV, draft resolution III.7/

9 (XXVI). Model rules of procedure for United Nations bodies dealing with violations of human rights 25/

The Commission on Human Rights,

Taking into account the note by the Secretary-General of 18 February 1970 (E/CN.4/1021),

Decides to resume consideration of the above-mentioned document at its twenty-seventh session.

10 (XXVI). Question of human rights in the territories occupied as a result of hostilities in the Middle East, including the report of the Special Working Group of Experts 26/

The Commission on Human Rights,

Mindful of the principles embodied in the Universal Declaration of Human Rights recognizing the inherent dignity and equal and inalienable rights of peoples to justice, freedom and peace,

25/ Adopted at the 1079th meeting, on 19 March 1970. See chap. X, paras. 174-179.

26/ Adopted at the 1082nd meeting, on 23 March 1970. See chap. XI, paras. 184-198.

Recalling resolution I of the International Conference on Human Rights of May 1968 in which the Conference requested the Commission on Human Rights to keep the question of respect for and implementation of human rights in occupied territories under constant review,

Recalling also Security Council resolutions 237 (1967) and 259 (1968) and General Assembly resolution 2252 (ES-V), in which the Council and the Assembly called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities, and General Assembly resolutions 2535 B (XXIV), which reaffirmed the inalienable rights of the people of Palestine, and 2546 (XXIV), in which the Assembly expressed its grave concern at the continuing violations of human rights in the territories occupied by Israel and called upon Israel to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling further its resolution 6 (XXV) by which it decided to establish a special working group of experts to investigate allegations concerning Israel's violations of that Convention,

Bearing in mind that the said Convention is binding upon Israel,

Recalling its resolution 5 B (XXVI) in which it considered violations of the Geneva Conventions of 12 August 1949 as war crimes and an affront to humanity in addition to being crimes,

Gravely concerned about the deteriorating conditions of human rights in the militarily occupied territories in the Middle East,

Gravely disturbed about recent reports of the planned mass deportation of the Palestinian refugees (numbered 300,000) from the occupied Gaza Strip by the Israeli occupying authorities,

Having received and studied the report of the Special Working Group established under resolution 6 (XXV) to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War in the territories militarily occupied by Israel,

1. Notes with dismay the refusal of Israel to co-operate with the above-mentioned Working Group established by the Commission on Human Rights;

2. Endorses the conclusions of the Working Group concerning:

(a) The applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to all the occupied areas including occupied Jerusalem;

(b) The existence of violations of that Convention in the Israeli occupied territories;

3. Condemns Israel's refusal to apply that Convention and its violation of the provisions of that Convention, in particular the following violations:

- (a) The total or partial destruction of villages and cities in the occupied territories;
- (b) The establishment of Israeli settlements in the militarily occupied Arab territories;
- (c) The unlawful deportation and expulsion of civilian population;
- (d) The coercive acts to compel the civilian population under its military occupation to collaborate with the occupying Power against their will;
- (e) The abrogation of the national laws in occupied territories contrary to the Convention and the relevant resolutions of the Security Council and the General Assembly;
- (f) All policies and measures of collective punishment;

4. Deplores all policies and actions aiming at the deportation of the Palestinian refugees from the occupied Gaza Strip;

5. Expresses its grave concern over:

- (a) The use of means of coercion to extract information and confession in violation of the relevant provisions of the Convention;
- (b) The ill-treatment and killing of civilians without provocation;
- (c) The detention of people by virtue of administrative orders for periods that are automatically renewed ad infinitum;
- (d) The deprivation of those detainees of any guarantee concerning the length of detention and fair trial;
- (e) The deprivation of the accused persons of having counsel of their choice, and the prevention of the counsel, in the cases where a counsel was chosen, from discharging their duties satisfactorily;
- (f) The destruction and usurpation of movable and immovable property;

6. Calls upon Israel once more to observe strictly that Convention in the occupied territories;

7. Further calls upon Israel immediately:

- (a) To rescind all measures and to desist forthwith from taking any action prejudicial to the national laws, systems and practices in the occupied territories;
- (b) To refrain from establishing settlements in the occupied territories;
- (c) To cease immediately from compelling the inhabitants of the occupied territories to collaborate with the Israeli occupying authorities;

(d) To ensure the immediate return of deported and transferred persons to their homes without any formalities the fulfilment of which would render their return impossible;

(e) To refrain from demolishing houses in contravention of the relevant provisions of the Convention;

(f) To restore the property confiscated or otherwise taken from its owners in contravention of the provisions of the Convention;

8. Also calls upon Israel to desist forthwith from deporting the Palestinian civilians from the Gaza Strip;

9. Commends the Special Working Group for its work and decides that the Working Group should continue to investigate and report the Israeli violations of that Convention which occur in the militarily occupied Arab territories since the outbreak of hostilities and to examine in particular:

(a) The evidence concerning the cases of torture taking place in the Israeli prisons against prisoners in the occupied territories;

(b) Other cases of violation of the Convention in the occupied territories which it has not yet investigated, including those that took place during the period investigated by the Group;

(c) The establishment of settlements in the occupied territories in contravention of the provisions of the Convention;

10. Calls upon Israel to receive the Special Working Group, to co-operate with and to facilitate its task in carrying out its mandate as specified in the preceding paragraph;

11. Decides to continue to include the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-seventh session;

12. Requests the Secretary-General to give the widest publicity to the entire report and to report at the twenty-seventh session on the publicity given to it;

13. Further requests the Secretary-General to bring the report of the Special Working Group, together with this resolution, to the attention of the General Assembly, the Security Council and the Economic and Social Council.

- 11 (XXVI). Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries 27/

The Commission on Human Rights,

Recalling its resolution 14 (XXV) and Economic and Social Council resolution 1421 (XLVI),

Taking into consideration the preliminary statement by the Special Rapporteur, Mr. Manouchehr Ganji, on the preparation of a comprehensive report on the realization of economic, social and cultural rights taking account, in particular, of the special problems of the developing countries and the note by the Secretary-General on the subject (E/CN.4/1023),

Recommends to the Economic and Social Council the following draft resolution for consideration and adoption:

/For the text, see chapter XXIV, draft resolution IV./

- 12 (XXVI). Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms 28/

The Commission on Human Rights,

Recalling its resolution 20 (XXV),

Recalling further General Assembly resolutions 2445 (XXIII), 2447 (XXIII) and 2497 (XXIV) and the deliberations held during the twenty-third and twenty-fourth sessions of the General Assembly on the question of the education of youth,

Taking into consideration the report of the Director-General of UNESCO (E/CN.4/1027),

Taking note further of the report of the Secretary-General (E/CN.4/1032),

1. Decides to resume consideration of the item in question as a matter of priority during its twenty-seventh session taking into account the deliberations on the item at its twenty-fifth and twenty-sixth sessions;

2. Requests the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization to bring to the attention of the Commission, at its twenty-seventh session, such supplementary documentation as will facilitate consideration of this question.

27/ Adopted at the 1084th meeting, on 24 March 1970. See chap. XII, paras. 200-211.

28/ Adopted at the 1087th meeting, on 25 March 1970. See chap. XIV, paras. 226-242.

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 economic, social and cultural rights for the period from 1 July 1966 to 30 June 1969 received from Member States, specialized agencies and non-governmental organizations in consultative status under Economic and Social Council resolution 1074 C (XXIX) of 28 July 1965 (E/CN.4/1011 and Add.1-8, E/CN.4/1012 and Add.1),

Noting that during the period under review the General Assembly, by resolution 2200 A (XXI) of 16 December 1966, adopted the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and that a number of States have signed and ratified the International Covenant on Economic, Social and Cultural Rights,

Noting further the timeliness of the conclusions of the seminar held at Warsaw from 15 to 28 August 1967 on the realization of the economic and social rights contained in the Universal Declaration of Human Rights,

Noting that many Governments have not been able to submit their reports in time for them to be made available to the Ad Hoc Committee,

Deploping the absence of information on the exercise of economic, social and cultural rights in some territories still under colonial rule,

Considering that the partial survey to be undertaken by the Commission will not afford it an opportunity to benefit sufficiently from the very abundant information contained in the reports,

I

Recalling the provisions concerning the procedure for the consideration of periodic reports contained in Economic and Social Council resolution 1230 (XLII) and in its own resolutions 16 B (XXIII), 12 (XXIV) and 22 (XXV),

Noting that experience has shown the usefulness of the analytical summary and of the other documents prepared by the Secretary-General,

Believing that the co-operation of the specialized agencies is essential to the work of the Ad Hoc Committee,

Considering, however, that the time at the Committee's disposal is insufficient to enable it duly to discharge its functions properly,

1. Expresses its appreciation to those Governments and specialized agencies, particularly the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations which have submitted reports and information on economic, social and cultural rights covering the period from 1 July 1966 to 30 June 1969;

29/ Adopted at the 1087th meeting, on 25 March 1970. See chap. XIII, paras. 212-225.

2. Invites States to participate in a spirit of international co-operation in the periodic reporting system which at present represents a source of information on the exercise of human rights and fundamental freedoms and is a valuable incentive to Governments' efforts to promote those rights;

3. Requests Governments to give precedence in their reports to comments concerning the specific application of measures for the promotion of human rights and, if they so wish, to give detailed consideration to aspects of such application in which they have special experience;

4. Further requests Governments, if they consider it necessary, to include in their reports a review of the status of their ratification of or accession to the relevant international human rights treaties adopted by the United Nations, including in particular preparatory steps taken by them for such ratification or accession;

5. Invites the specialized agencies to mention in the documentation which they submit to the Ad Hoc Committee the main developments and trends, problems and solutions pertaining to the effective application of the human rights which are to be studied at each session;

6. Recommends that the Economic and Social Council should authorize the Ad Hoc Committee to submit its report to the Commission on Human Rights within one year following the date set for the receipt of the reports referred to in paragraph 6 of resolution 1074 C (XXXIX);

II

1. Believes that the reports on economic, social and cultural rights and the information available from other United Nations sources, highlighted by the analytical summary, reveal the following trends, characteristics and problems of special importance and common interest:

(a) The positive influence upon some Member States of instruments prepared under the auspices of the United Nations and of the specialized agencies and of other activities of these organizations, to promote and protect the enjoyment of economic, social and cultural rights and guarantee their application;

(b) The growing importance attributed to those rights in law and in practice in States having different economic and social systems and at different stages of development, and particularly the interest shown by them, during the period under review, in the study of problems relating to employment, to the improvement of living standards and to the environment, as well as the place accorded to the problems of youth in the priorities of those States;

(c) The emphasis placed by many States on the need to combat discrimination in all its forms and on the role of education as a means of achieving progress in that field;

(d) The efforts made to devise legal and administrative procedures to facilitate the implementation of these rights and the application of systems for the verification of such implementation, and to ensure fuller participation by the population;

(e) The realization on the part of many States that the difficulties which they are encountering derive from the inadequacy of economic resources that can be allocated for the attainment of those rights as well as from circumstances not within their own control;

(f) The fact that the realization of these rights in the developing countries depends not on those countries alone but also on international action by the United Nations, by the specialized agencies and by the international community, especially in the field of development;

2. Affirms the need for increasing the resources available to the various bodies of the United Nations system concerned with technical and financial assistance with a view to promoting international co-operation required in the realization of economic, social and cultural rights so that those bodies may be in a better position to provide the Member States, and particularly the developing countries, with the assistance they may require in reaching solutions to the problems and difficulties experienced in this field.

14 (XXVI). Human rights and scientific and technological developments 30/

The Commission on Human Rights,

Recalling resolution XI adopted by the International Conference on Human Rights on 12 May 1968 concerning human rights and scientific and technological developments,

Noting that the General Assembly, in resolution 2450 (XXIII), endorsed the idea that the problems in connexion with human rights arising from developments in science and technology require thorough and continuous interdisciplinary studies, both national and international, which might serve as a basis for drawing up appropriate standards to protect human rights and fundamental freedoms,

Welcoming with satisfaction the fact that the General Assembly, in that same resolution, invited the Secretary-General to undertake, with the assistance, inter alia, of the Advisory Committee on the Application of Science and Technology to Development and in co-operation with the competent specialized agencies, a study of those problems and to prepare, on a preliminary basis, a report comprising a summary account of studies already made or in progress in that connexion, together with a draft programme of work which might be undertaken in fields in which subsequent surveys would be necessary for the attainment of the objectives of that resolution,

Having received the preliminary report of the Secretary-General (E/CN.4/1028 and Add.1-4),

Regretting that, during its present session, it did not have the time necessary to study the substantial documentation compiled and examined in that report,

30/ Adopted at 1088th meeting, on 26 March 1970. See chap. XVIII, paras. 256-263.

1. Transmits to the General Assembly, through the Economic and Social Council, the preliminary report of the Secretary-General (E/CN.4/1028 and Add.1-4);
2. Decides to examine at its next session, in the light of the decisions of the General Assembly, the preliminary report of the Secretary-General, as supplemented by such information as may be collected in the meantime, particularly that submitted by Governments and the competent specialized agencies.

Other decisions

Consensus

At its 1056th meeting, on 3 March 1970, the Commission adopted the following consensus:

"The Commission on Human Rights, having received with profound indignation the news of the declaration of a 'republic' by the illegal, minority, racist régime in Southern Rhodesia, (1) condemns the establishment of such a 'republic'; (2) regards the proclamation of such a 'republic' as being fraught with serious danger to the existence of the human rights of the vast majority of the population of Southern Rhodesia; (3) calls upon the Government of the United Kingdom, the administering Power in Southern Rhodesia, to intervene immediately with a view to establishing constitutionality and to restore to the vast majority of the peoples of Zimbabwe their inalienable human rights; (4) requests all States to refrain from extending recognition to the illegal régime or establishing any kind of relations with that régime since such an act would substantially contribute to further entrenching such régime and intensifying its acts of repression." 31/

Report of the Secretary-General on respect for human rights in armed conflicts

At its 1062nd meeting, on 6 March 1970, the Commission decided to request the Secretary-General to transmit the observations of the members on the report of the Secretary-General to the Economic and Social Council and the General Assembly. 32/

Question of the establishment of commissions on human rights at the national level

At its 1066th meeting, on 10 March 1970, the Commission concluded that the question of the establishment of commissions on human rights at the national level was a matter to be decided by each State in the light of its own traditions and institutions. It requested the Secretary-General to transmit that conclusion and the observations on the question expressed in the Commission (E/CN.4/SR.1063-1066) to the Economic and Social Council and the General Assembly. 33/

31/ See chap. X, paras. 180-181.

32/ See chap. VI, paras. 87-99.

33/ See chap. VII, paras. 106-108.

Advisory services in the field of human rights

At its 1066th meeting, on 10 March 1970, the Commission took note with satisfaction of the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1030). 34/

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

At its 1078th meeting, on 19 March 1970, the Commission agreed to terminate the mandate of the Special Rapporteur under its resolution 5 (XXV) to study apartheid and racial discrimination in southern Africa. 35/

At the same meeting, the Commission decided to transmit to the Economic and Social Council the draft resolution submitted by Ghana, India, the United Republic of Tanzania and Yugoslavia (E/CN.4/L.1139). 36/

Review of the human rights programme

At its 1086th meeting, on 25 March 1970, the Commission decided to transmit the programme of work to the Economic and Social Council with changes arising out of the decisions reached during the session and to consider the question of the human rights programme and establishment of priorities at its twenty-seventh session as a matter of priority. 37/

Twenty-seventh session of the Commission

At its 1086th meeting, on 25 March 1970, the Commission decided to recommend to the Economic and Social Council that the twenty-seventh session of the Commission should be held at the United Nations Office at Geneva. 38/

Study of discrimination in the matter of political rights

At its 1088th meeting, on 26 March 1970, the Commission decided to postpone consideration of this question and to give it the highest priority at its twenty-seventh session. 39/

34/ See chap. VIII, paras. 125-131.

35/ See chap. X, paras. 150-152.

36/ See chap. X, paras. 167-169.

37/ See chap. XV, paras. 243-247.

38/ See chap. XV, para. 248.

39/ See chap. XVI, paras. 249-251.

Postponement of the remaining items on the agenda

At its 1088th meeting, on 26 March 1970, the Commission decided, owing to lack of time, to postpone to its twenty-seventh session the consideration of the following items: 40/

Further promotion and encouragement of respect for human rights and fundamental freedoms;

Question of an international code of police ethics.

At the same meeting, the Commission decided to postpone to its twenty-seventh session the approval of the list of experts drawn up in accordance with Economic and Social Council resolution 1320 (XLIV), paragraph 3. 41/

40/ See chap. XIX, paras. 264-267, and chap. XX, paras. 268-269.

41/ See chap. III, paras. 44-46.

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

I

Study of equality in the administration of justice^{42/}

The Economic and Social Council,

Noting resolution 1 (XXVI) of the Commission on Human Rights,

Requests the Secretary-General to make arrangements for Mr. Abu Rannat, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities responsible for the study of equality in the administration of justice, to attend the meetings of the Commission on Human Rights when it considers his report.

II

Question of the punishment of war criminals and of persons
who have committed crimes against humanity^{43/}

The Economic and Social Council,

Recalling General Assembly resolution 2583 (XXIV) of 15 December 1969 on the punishment of war criminals and of persons who have committed crimes against humanity,

Noting with regret that the numerous decisions adopted by the United Nations on the question of the punishment of war criminals and of persons who have committed crimes against humanity are still not being complied with fully,

Expressing deep concern at the fact that in present-day conditions, as a result of aggressive wars and the policies and practices of racism, apartheid and colonialism and other similar ideologies and practices, war crimes and crimes against humanity are being committed in various parts of the world,

Convinced that a thorough investigation of war crimes and crimes against humanity, as also the arrest, extradition and punishment of persons guilty of such crimes - wherever they may have been committed - and the establishment of criteria for determining compensation to the victims of such crimes, are important elements in the prevention of similar crimes now and in the future, and also in the protection of human rights and fundamental freedoms, the strengthening of confidence and the development of co-operation between peoples and the safeguarding of international peace and security,

^{42/} See chap. XXIII, resolution 1 (XXVI), and chap. III, paras. 32-43.

^{43/} See chap. XXIII, resolution 5 A (XXVI), and chap. IV, paras. 47-67.

1. Draws attention to the fact that many war criminals and persons who have committed crimes against humanity are continuing to take refuge in the territories of certain States and are enjoying protection;

2. Calls upon all States Members of the United Nations or members of the specialized agencies to take measures, in accordance with recognized principles of international law, to arrest such persons and extradite them to the countries where they have committed war crimes and crimes against humanity, so that they can be brought to trial and punished in accordance with the laws of those countries;

3. Condemns the war crimes and crimes against humanity at present being committed as a result of aggressive wars and the policies of racism, apartheid and colonialism and calls upon the States concerned to bring to trial persons guilty of such crimes;

4. Also calls upon all the States concerned to intensify their co-operation in the collection and exchange of information which will contribute to the detection, arrest, extradition, trial and punishment of persons guilty of war crimes and crimes against humanity;

5. Once again requests the States concerned, if they have not already done so, to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and for the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punishment;

6. Requests the Secretary-General to continue, in the light of the comments and observations submitted by Governments, the study of the question of the punishment of war crimes and crimes against humanity, and also of the criteria for determining compensation to the victims of such crimes in order to submit a report on this question to the twenty-seventh session of the Commission on Human Rights.

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 44/

The Economic and Social Council,

Recalling resolution 8 (XXVI) of the Commission on Human Rights on the report of the Ad Hoc Working Group of Experts (E/CN.4/1020 and Add.1-3),

44/ See chap. XXIII, resolution 8 (XXVI), and chap. X, paras. 153-166.

1. Requests the General Assembly to adopt the following draft resolution:

"The General Assembly,

"Recalling its resolution 2440 (XXIII) in which, inter alia, it condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African police custody and prisons during interrogation and detention,

"Recalling its resolution 2505 (XXIV) in which it expressed the firm intention of the United Nations, acting in co-operation with the Organization of African Unity, to intensify its efforts to find a solution to the present grave situation in southern Africa,

"Also recalling Security Council resolutions 264 (1969) and 269 (1969) on Namibia,

"Further recalling General Assembly resolution 2547 (XXIV) on, inter alia, the degrading and inhuman treatment and torture of political prisoners, detainees and captured freedom-fighters in the Territories ruled by Governments and régimes wedded to the policies of apartheid, racial discrimination and colonialism, in southern Africa,

"Determined to promote immediate and urgent action with a view to restoring the human rights and fundamental freedoms of the oppressed peoples of southern Africa,

"1. Commends the Ad Hoc Working Group of Experts for the valuable report it has submitted (E/CN.4/984 and Add.1-19);

"2. Reaffirms the legitimacy of the struggles of the peoples of southern Africa to oppose the policies of apartheid, racial discrimination and colonialism and to assert their right to self-determination;

"3. Condemns any and every practice of torture and ill-treatment of prisoners, detainees and captured freedom fighters in Namibia, Southern Rhodesia and the African Territories under Portuguese domination, as well as of persons in police custody in these Territories;

"4. Again condemns any and every practice of torture and ill-treatment of prisoners and detainees in prisons and in police custody in the Republic of South Africa;

"5. Reaffirms that the Standard Minimum Rules for the Treatment of Prisoners of 1955 apply to all political prisoners or detainees, in prison or in police custody throughout the Republic of South Africa, Namibia - a Territory under direct United Nations responsibility and presently under illegal South African occupation - the rebel United Kingdom colony of Southern Rhodesia and the African Territories under Portuguese domination;

"6. Condemns the trial of the twenty-two Africans held under the Suppression of Communism Act and further condemns their subsequent re-arrest under the notorious Terrorism Act;

"7. Reaffirms that:

"(a) The condition of political prisoners in the Republic of South Africa continues to cause alarm;

"(b) The increasing co-operation between the Government of the Republic of South Africa and the illegal racist régime in Southern Rhodesia poses a further and continuing threat to the opponents of the two régimes and to captured freedom fighters;

"(c) Sections 10 and 29 of the General Law Amendment Act, 1969, concerning the Bureau of State Security (BOSS) not only constitute one of the most sinister pieces of legislation in recent years but also contribute decisively towards making South Africa a complete police State; the working of that law is also contrary to article 11 (1) of the Universal Declaration of Human Rights, since it prevents the accused from proving his innocence;

"(d) Many political prisoners and detainees have died in South African prisons during 1969, in conditions which warrant a full inquiry;

"(e) Mr. James Lenkoe, a political prisoner in South Africa, did not commit suicide as reported, but died as a result of electric shocks administered to various parts of his body;

"(f) The practice of compelling prisoners to testify against their erstwhile comrades is reprehensible;

"(g) In the Caprivi strip, Namibian villages have been shelled by the occupying South African security forces and indiscriminate firing has been resorted to in villages that are suspected of harbouring freedom fighters;

"(h) The system of 'Bantustans' established in the Republic of South Africa is being gradually extended to the occupied Territory of Namibia;

"(i) In the absence of intervention by the United Nations, occupation of Namibia by South Africa is resulting in ever-increasing hardship to the non-white population as well as a total suppression of human rights there;

"(j) The so-called 'Constitution of Rhodesia' of 1969 is an illegal as well as a pernicious document and the 'Declaration of Rights' embodied in the above 'Constitution' confers few, if any, rights on non-whites;

"(k) Section 84 of the 1969 'Constitution of Rhodesia' providing that 'no court shall inquire into or pronounce upon the validity of any law on the ground that it is inconsistent with the "Declaration of Rights"', establishes a clear inconsistency in the illegal 'legislation' itself and, further, brings out the authoritarian and racist character of the illegal régime in Southern Rhodesia;

"(l) The reserves in Southern Rhodesia consist of poor and infertile lands into which Africans are herded like cattle;

"(m) The condition of Africans in the reserves is appalling and nothing is being done to improve their conditions of hygiene, diet, nutrition, sanitation, health and their educational standards;

"(n) In the Portuguese Territories mass killing of suspected opponents of the régime continues unabated;

"(o) The most inhuman form of forced labour prevails in the African Territories under Portuguese domination;

"8. Calls upon the Government of the Republic of South Africa to implement the recommendations contained in the earlier reports of the Group and also:

"(a) Immediately to disband the Bureau of State Security (BOSS);

"(b) To discontinue the practice by which political detainees are compelled to testify against their former colleagues;

"(c) To release immediately and unconditionally the twenty-two Africans re-arrested under the Terrorism Act, on 16 February 1970;

"(d) To grant full access at all trials of political opponents of the régime to independent outside observers;

"(e) To permit a full and impartial investigation into the deaths of political prisoners and detainees in its gaols as well as to indemnify fully the families of the deceased;

"9. Condemns the trial of the eight Namibians under the Terrorism Act, which took place in Windhoek between July 1969 and November 1969, and further calls upon the Government of the Republic of South Africa:

"(a) To release immediately and unconditionally those tried under the above Act;

"(b) To desist forthwith from the extension of the 'Bantustans' system into Namibia;

"10. Once again calls upon the Government of the Republic of South Africa to terminate its illegal occupation of the Territory of Namibia in accordance with relevant United Nations resolutions on the subject;

"11. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to intervene in its rebellious colony of Southern Rhodesia with a view to:

"(a) Implementing the action proposed by the Group in paragraphs 82 to 94 of document E/CN.4/984/Add.8;

"(b) Liberating the Africans from the reserves in which they are concentrated in conditions of near captivity and bondage;

"(c) Repealing the entire so-called 'Constitution of Rhodesia' of 1969;

"12. Calls upon the Government of Portugal:

"(a) To observe immediately the provisions of the Geneva Conventions of 1949;

"(b) To eradicate the practice of xibalo or forced labour in its African colonies;

"(c) To introduce a system in which the products of the African farmers can be freely bought and sold in normal market conditions;

"13. Condemns once again the actions of those Governments which continue to maintain diplomatic, economic, cultural and other relations with the Government of South Africa and with the illegal régime in Southern Rhodesia in violation of United Nations resolutions;

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

"15. Requests the Secretary-General to report to the General Assembly at its twenty-sixth session on the implementation of the present resolution and also to report to the Commission on Human Rights at its twenty-seventh session on the measures taken to publicize the report of the Group."

IV

Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries 45/

The Economic and Social Council,

Recalling its resolution 1421 (XLVI),

Noting resolution 11 (XXVI) of the Commission on Human Rights,

1. Requests the Special Rapporteur to complete his study as soon as possible, taking into account the views expressed at the twenty-sixth session of the Commission on Human Rights, and to submit his final report to the Commission if possible at the twenty-seventh session, but in any case no later than the twenty-eighth session in 1972;

2. Requests the Secretary-General to continue providing to the Special Rapporteur all assistance necessary for the early completion of the report and, in particular, to urge once again those Governments and specialized agencies which have not yet done so to submit information on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights.

45/ See chap. XXIII, resolution 11 (XXVI), and chap. XII, paras. 200-211.

Procedure for dealing with communications relating to violations
of human rights and fundamental freedoms 46/

The Economic and Social Council,

Noting resolution 17 (XXV) of the Commission on Human Rights and resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet once a year in private meetings for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of Governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms within the terms of reference of the Sub-Commission;

2. Decides that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, as the first stage in the implementation of this resolution, devise at its twenty-second session appropriate procedure for dealing with the question of admissibility of communications received by the Secretary-General under Council resolution 728 F (XXVIII) and in accordance with Council resolution 1235 (XLII) of 6 June 1967;

3. Requests the Secretary-General to prepare a document on the question of admissibility of communications for the Sub-Commission's consideration at its twenty-second session;

4. Further requests the Secretary-General:

(a) To furnish to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief description of them, together with the text of any replies received from Governments;

(b) To make available to the members of the working group at their meetings the originals of such communications listed as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications;

(c) To circulate to the members of the Sub-Commission, in the working languages, the originals of such communications as are referred to the Sub-Commission by the working group;

46/ See chap. XXIII, resolution 7 (XXVI), and chap. IX, paras. 132-146.

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider in private meetings, in accordance with paragraph 1 above, the communications brought before it in accordance with the decision of a majority of the members of the working group and any replies of Governments relating thereto and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violations of human rights requiring consideration by the Commission;

6. Requests the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:

(a) Whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII);

(b) Whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Commission after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

7. Decides that if the Commission appoints an ad hoc committee to carry on an investigation with the consent of the State concerned:

(a) The composition of the committee shall be determined by the Commission;

(b) The committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary;

(c) The committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential;

(d) The committee shall report to the Commission on Human Rights with such observations and suggestions as it may deem appropriate;

8. Decides that all actions envisaged in the implementation of this resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendation to the Economic and Social Council;

9. Decides to authorize the Secretary-General to assign adequate staff and to provide all facilities and arrangements which may be required to carry out this resolution.

VI

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-sixth session.

ANNEXES

Annex I

ATTENDANCE

MEMBERS

Austria: Mr. Felix Ermacora, Mrs. Edda Weiss*

Chile: Mr. Raúl Bazán, Mr. Carlos Ducci*

Congo (Democratic Republic of): Mr. Théodore Idzumbuir,^{a/} Mr. Nicolas Bofunga*

Finland: Mr. Voitto Saario, Mr. Klaus Törnudd,* Mr. Arto Tanner**

France: Mr. René Cassin, Mr. Pierre Juvigny,* Mrs. Nicole Questiaux,**
Mr. J.D. Paolini,** Mr. J. Bourgoïn**

Ghana: Mr. R.M. Akwei, Mr. Gordon Cudjoe,* Mr. Michael Namon**

Guatemala: Mrs. Ana María Vargas de Ortiz

India: Mrs. Qamar Ahmad, Mr. J.S. Teja,* Mr. N.N. Jha,* Mr. L.N. Piparsania,**
Mr. K.P. Saksena**

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Assad K. Sadry,* Mr. Parviz Radji,**
Miss Shirin Mahdavi,** Mr. Mostafa Dabiri,** Mr. Farrokh Parsi**

Iraq: Mr. Hishman Al-Shawi

Israel: Mr. Shabtai Rosenne, Mr. Moshe Leshem,* Mr. Giora Navon,**
Mr. Yoram Dinstein,** Mr. David Aphek**

Jamaica: Mr. Keith Johnson, Mr. Hugh N. Bonnick,* Mr. Dennis I. Francis*

Lebanon: Mr. Edouard Ghorra, Mr. Yahya Mahmassani,* Mr. Samir Mobarak*

Madagascar: Mr. Honoré Rakotomanana*

Mauritania: Mrs. Turkia Ould Daddah

Morocco: Mr. Ahmed Taibi Benhima, Mr. Mohamed Mahjoubi,* Mr. Abdeslam Benjelloun*

* Alternate.

** Adviser.

a/ Replacing Mr. Simon Ilako.

Netherlands: Mr. Th. C. van Boven, Miss F.Y. van der Wal,*
Mr. Dirk Jan van Houten**

New Zealand: Mr. R.Q. Quentin-Baxter, Mr. P.W. Bennet**

Peru: Mr. Oscar Faura, Miss Bertha Vega*

Philippines: Mr. Emilio D. Bejasa, Mr. Iluminado G. Torres,*
Mr. Cecilio R. Espejo,* Mrs. Maria O. Charnley,** Miss Laura Lopez**

Poland: Mr. Leszek Kasprzyk,* Mr. Tadeusz Strulak,* Mr. Edward Sabik,*
Mr. Tadeusz Kozluk*

Senegal: Mr. M. Ibrahima Boye, Mr. Abdou Salam M'Bengue,*
Mr. Moustaphe Blondin Boye*

Turkey: Mr. A. Suat Bilge, Mr. Argun Ozer*

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

Union of Soviet Socialist Republics: Mr. N.K. Tarassov, Mr. N.I. Evdokeed,*
Mr. V.N. Fedorov,* Mr. O.N. Brushkov,* Mr. S.A. Ordzkovikidze**

United Arab Republic: Mr. Hussein Khalaf, Mr. N. El-Araby,* Mr. A. Moussa,*
Mr. M. Mokbel*

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,
Mrs. M.B. Chitty,* Mr. P. Hall**

United Republic of Tanzania: Mr. W.E. Waldron-Ramsey, Mr. I.A. Steiner,*
Mr. Mulokozi**

United States of America: Mrs. Rita E. Hauser, Mr. Warren E. Hewitt,**
Mr. George W. Gowen,** Mr. E.C. Grigg III,** Mr. L. Ivar Nelson,**
Mr. Lauren D. Rachlin,** Mr. Arthur M. Stillman**

Uruguay: Mr. Augusto Legnani, Mr. Eduardo Baltazar Brum*

Venezuela: Mr. Andrés Aguilar, Mr. Germán Nava Carrillo,* Mr. Pedro E. Coll,*
Miss Valentina Tarchov**

Yugoslavia: Mr. Branimir M. Jankovic, Mr. Naste Calovski,*
Mrs. Gordana Diclić-Trajković**

* Alternate.

** Adviser.

STATES MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS

Belgium: Mrs. E. Gunawardana

Bulgaria: Mrs. Elana Gavrilova

Byelorussian Soviet Socialist Republic: Mr. V.S. Smirnoz, Mr. S.S. Ogurtsov

Canada: Mr. François Mathys

Cuba: Mr. Ricardo Alarcón Quesada, Mrs. Victoria Fernández Padilla,
Mr. Jorge Reyes Vega

Czechoslovakia: Mr. Ilja Hulinsky, Mr. Jan Pechacek

Indonesia: Miss A.S. Muter

Ireland: Mr. Patrick F. Power

Italy: Mr. Joseph Nitti

Japan: Mr. Hajime Sasaki, Miss Nobuko Hirata

Jordan: Mr. Khalil I. Otham

Libya: Mr. Mohamed Husain Iayas

Norway: Mr. Svern Refshal

Pakistan: Mr. Munir Akram

Romania: Mr. Gheorghe Nica

Saudi Arabia: Mr. Jamil M. Baroodi

Spain: Mr. Emilio Artacho

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. Anwar Shaheed

Food and Agriculture Organization of the United Nations (FAO):
Mr. Donald W. Woodward, Mr. Octavian Fenosan

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mr. Hanna Saba, Mr. André Varchenver, Mr. Vidor Nikolsky

World Health Organization (WHO): Dr. Renato M. Malan

REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe: Mr. A.H. Robertson

Organization of American States, Inter-American Commission on Human Rights:
Mr. Luis Reque

League of Arab States: Mr. Borhan Hammad

Organization of African Unity: Mr. Mamadou Mactar Thiam

NON-GOVERNMENTAL ORGANIZATIONS

Category I

International Confederation of Free Trade Unions: Miss Beatrice von Roemer

International Council of Women: Mrs. Sylvester Carter

World Federation of Trade Unions: Mr. Brian Barton

Category II

Agudas Israel World Organization: Mr. Isaac Lewin

All-India Women's Conference: Mrs. Indira Shenoï, Mrs. Sudha Padmanabhan

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

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

International Catholic Child Bureau: Mrs. Eileen M. Connolly,
Mrs. Margaret M. Bedard

International Conference of Catholic Charities: Mr. Louis Longarzo

International Council of Jewish Women: Mrs. Nettie Levy

International Council on Social Welfare: Mrs. A. Bevier

International Federation for the Rights of Man: Mrs. Roberta Cohen

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

International Federation of University Women: Miss M. Morrison,
Miss Genevieve N. Gildersleeve

International Federation of Women Lawyers: Miss Dora Aberlin,
Miss María Ponce de León

International League for the Rights of Man: Mr. Sidney Liskofsky,
Mrs. Florence Kandell

International Movement for Fraternal Union among Races and Peoples: Mrs. Joy Garland

International Organization of Consumer's Unions: Mrs. Persia Campbell

International Social Service: Mrs. Rosalind W. Harris

International Society for Criminology: Mr. Albert G. Hess

International Union of Family Organizations: Mrs. Peter Lawton Collins,
Mrs. William H. Lubbers

Pan-Pacific and South-East Asia Women's Association: Mrs. Charles Horwitz

Pax Romana: Miss Eileen Egan, Mr. Patrick William Jordan, Mrs. Tara Chadda

Women's International League for Peace and Freedom: Miss Mary Hornaday

Women's International Zionist Organization: Mrs. Evelyn Sommer

World Federation of Catholic Youth: Mrs. Rosemary Higgins Cass,
Miss Constance McKenna, Miss Didi Tostanowski

World Jewish Congress: Mr. Max Melamet

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

World Young Women's Christian Association: Mrs. Margaret Forsyth

World Women's Christian Temperance Union: Miss Diane Reed

Roster

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

St. Joan's International Alliance: Miss Frances McGillicuddy,
Miss Margarita Donoghue

World Student Christian Federation: Mr. Lewis Simon

★ ★ ★

Co-ordinating Board of Jewish Organizations: Mr. Harris Schoenberg,
Mr. William Korey b/

b/ Continues in consultative status as a non-governmental organization with the rights and obligations previously exercised by it, pending action by the Council on the recommendation regarding its future status that the Council Committee on Non-Governmental Organizations has been asked to formulate.

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS TWENTY-SIXTH SESSION

1. In the course of its twenty-sixth session, the Commission adopted a total of fourteen resolutions, as well as other decisions, several of which have financial implications. Prior to the adoption of these resolutions by the Commission, the Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations 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 the estimates have been materially affected by such amendments, they are being revised. The statement of financial implications, revised as necessary, will be issued in an addendum to the present report.
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 1970, 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 2614 (XXIV) of 17 December 1969 on unforeseen and extraordinary expenses for the financial year 1970. Requests for additional credits would thereafter be included, as appropriate, in the supplementary estimates for 1970 which the Secretary-General will submit to the General Assembly at its twenty-fifth session. Appropriate provision for expenditures falling in 1971 and 1972 would be included in the budget estimates for those years.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS TWENTY-SIXTH SESSION

Documents of the twenty-fourth session of the General Assembly

		<u>Agenda item No.</u>
A/7649	Programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination: report of the Secretary-General	11
A/7662 and Add.1	Education of youth in the respect of human rights and fundamental freedoms: report of the Secretary-General	16
A/7683	Measures to be taken against nazism and racial intolerance: report of the Secretary-General	6
A/7688	Status of the International Convention on the Elimination of All Forms of Racial Discrimination: note by the Secretary-General	12
A/7690	Report of the Preparatory Committee for the Twenty-fifth Anniversary of the United Nations	7
A/7720	Respect for human rights in armed conflicts: report of the Secretary-General	17

Documents of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa

A/AC.115/ L.256 and Add.1	Report on the commemoration of the International Day for the Elimination of Racial Discrimination: document prepared by the Secretariat at the request of the Special Committee	12
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Documents of the forty-sixth session of the Economic and Social Council

E/SR.1602	Summary record of the 1602nd meeting of the Council, on the question of the reports of the <u>Ad Hoc</u> Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV) and 21 (XXV) of the Commission	10 (b)
E/AC.7/ L.560	Social Committee - Report of the <u>Ad Hoc</u> Working Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission: draft resolution	10 (b)

E/AC.7/ SR.622, 623	Social Committee - Summary records of the 622nd and 623rd meetings on the procedure for dealing with communications relating to violations of human rights and fundamental freedoms	4
E/AC.24/ L.365/ Rev.1	Co-ordination Committee - Periodic reports on human rights - Development and co-ordination of the activities of the organizations within the United Nations system: draft resolution	15

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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	8
E/CN.4/845 and Add.1 and E/CN.4/ 845/Corr.1	Comments by non-governmental organizations on the draft principles on freedom and non-discrimination in the matter of political rights	8
E/CN.4/907 Rev.6	Periodic reports on human rights - Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations: memorandum by the Secretary-General	15
E/CN.4/932 and Add.1-5	Note by the Secretary-General on the question of the establishment of national commissions on human rights, and comments by Governments	20
E/CN.4/956	The question of an international code of police ethics: note by the Secretary-General	23
E/CN.4/966 and Add.1	Report of the <u>Ad Hoc</u> Study Group established under resolution 6 (XXIII) of the Commission on Human Rights	20
E/CN.4/973/ Add.15-18	Periodic reports on human rights - Reports on civil and political rights (comments from Governments): note by the Secretary-General	15
E/CN.4/975 and Add.1-2	Question of the establishment of regional commissions on human rights - Comments received from Member States and regional intergovernmental organizations pursuant to resolution 7 (XXIV) of the Commission on Human Rights: report of the Secretary-General	20

E/CN.4/983 and Add.1-2	Question of the punishment of war criminals and of persons who have committed crimes against humanity - 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: study prepared by the Secretary-General	6
E/CN.4/984 and Add.1, Add.2/Rev.1, Add.3/Rev.1, Add.4 and 5, Add.6/Rev.1, Add.7/Rev.1, Add.8 and 9, Add.10/Rev.1, Add.11/Rev.1, Add.12-14, Add.15/Rev.1, Add.16/Rev.1, Add.17-19	Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the <u>Ad Hoc Working Group of Experts</u> established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission	10 (b)
E/CN.4/988 and Add.1	Preliminary study of issues relating to the 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	14
E/CN.4/1007	Report on the twenty-fifth session of the Commission on Human Rights	
E/CN.4/1008	Report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights	19
E/CN.4/1009	Report of the twenty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: note by the Secretary-General	19
E/CN.4/1010 and Add.1	Question of the punishment of war criminals and of persons who have committed crimes against humanity: note by the Secretary-General	6
E/CN.4/1011 and Add.1-10	Periodic reports on human rights - Reports on economic, social and cultural rights (comments from Governments): note by the Secretary-General	15

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E/CN.4/1012 and Add.1	Periodic reports on human rights - Reports on economic, social and cultural rights (comments from specialized agencies)	15
E/CN.4/1013 and Add.1-3	Study of discrimination in the matter of political rights and draft principles on freedom and non-discrimination in the matter of political rights: note by the Secretary-General	8
E/CN.4/1014 and Corr.1 and Add.1-5	Procedure for dealing with communications relating to violations of human rights and fundamental freedoms: note by the Secretary-General	4
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E/CN.4/1017	Contribution by the Commission to the preparation of the final document or documents to be signed and/or adopted during the commemorative session of the General Assembly to be held on the occasion of the twenty-fifth anniversary of the United Nations (General Assembly resolution 2499 (XXIV)): note by the Secretary-General	7
E/CN.4/1018 and Corr.1 and Add.1	Review of human rights programme and establishment of priorities - Control and limitation of documentation: note by the Secretary-General	9
E/CN.4/1019 and Add.1	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: note by the Secretary-General	10
E/CN.4/1020 and Add.1-3	Report of the <u>Ad Hoc</u> Working Group of Experts on the investigation requested in resolution 21 (XXV) of the Commission on Human Rights	10 (b)
E/CN.4/1021	Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: (d) Model rules of procedure for United Nations bodies dealing with violations of human rights: note by the Secretary-General	10 (d)

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E/CN.4/1023	Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries: note by the Secretary-General	14
E/CN.4/1024 and Add.1-2	Periodic reports on human rights: analytical summary of reports and other material on economic, social and cultural rights for the period 1 July 1966 to 30 June 1969, received under Economic and Social Council resolution 1074 C (XXXIX)	15
E/CN.4/1025	Periodic reports on human rights: subject and country index to reports on economic, social and cultural rights	15
E/CN.4/1026	Report of the <u>Ad Hoc</u> Committee on Periodic Reports	15
E/CN.4/1027	Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms: report of the Director-General of UNESCO	16
E/CN.4/1028 and Add.1-3 and Add.3/ Corr.1 and Add.4	Human rights and scientific and technological developments: report of the Secretary-General	18
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E/CN.4/1031	Measures to be taken against nazism and racial intolerance: note by the Secretary-General	6
E/CN.4/1032 and Add.1-2	Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms: report of the Secretary-General	16

E/CN.4/1033	Respect for human rights in armed conflicts: note by the Secretary-General	17
E/CN.4/1034 and Corr.1	Letter dated 26 February 1970 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary Secretary-General	10 (b)
E/CN.4/1035	Letter from the Chairman of the Special Committee on the Policies of <u>Apartheid</u> of the Government of the Republic of South Africa to the Secretary-General concerning a communiqué adopted by the Special Committee on 25 February 1970	10 (b)
E/CN.4/1036	Letter dated 19 March 1970 from the <u>Chargé d'affaires</u> <u>a.i.</u> of Portugal to the United Nations addressed to the Chairman of the Commission on Human Rights	10 (b)
E/CN.4/1037	Letter from the Chairman of the Special Committee on the Policies of <u>Apartheid</u> of the Government of the Republic of South Africa to the Secretary-General	10 (b)
E/CN.4/1038	Working documents of the twenty-sixth session of the Commission <u>a/</u>	
E/CN.4/ CR.39 and Add.1	Non-confidential list of communications <u>/</u> dealing with principles involved in the promotion of universal respect for and observance of human rights received by the United Nations between 1 January 1969 and 1 February 1970 ⁷	24
E/CN.4/ SR.1046- 1091	Summary records of the meetings of the twenty-sixth session of the Commission	

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E/CN.4/ Sub.2/296	Study of equality in the administration of justice: report submitted by the Special Rapporteur, Mr. Mohammed Ahmed Abu Rannat	19

a/ Contains the texts of documents E/CN.4/L.1118-1148, which were originally distributed to participants only.

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^{b/} The texts of documents E/CN.4/L.1118-1148, which were originally distributed to participants only, are reproduced in document E/CN.4/1038.

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