



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-EIGHTH SESSION

(6 March – 7 April 1972)

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: FIFTY-SECOND SESSION

SUPPLEMENT No. 7

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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-eighth session at United Nations Headquarters in New York from 6 March to 7 April 1972.
2. The session was opened (1139th meeting) by Mr. Andrés Aguilar (Venezuela), Chairman of the Commission at its twenty-seventh session, who made a statement.

B. Attendance

3. The session was attended by representatives of all States members of the Commission, by observers from 20 Member States not members of the Commission and by representatives of specialized agencies, regional intergovernmental organizations and non-governmental organizations. A list of those attending is given in annex I.

C. Election of officers

4. At its 1139th and 1143rd meetings, on 6 and 9 March 1972, the Commission elected the following officers by acclamation:

Chairman:	Mr. Eugeniusz Kulaga (Poland)
Vice-Chairmen:	Mr. Yahya Mahmassani (Lebanon) Miss Maria Lavalle Urbina (Mexico) Mr. Ahmed Kettani (Morocco)
Rapporteur:	Mr. Th. C. van Boven (Netherlands)

D. Agenda

5. The Commission had before it the provisional agenda for the twenty-eighth session (E/CN.4/1072 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.
6. At the 1140th meeting, held on 6 March 1972, the representative of Iraq objected to the inclusion item 11 of the provisional agenda, entitled 'Mass expulsion of Iranian nationals from Iraq'. The representative of Iran accepted the appeal of the representative of Egypt to the effect that he would not insist on the inscription of item 11 but would raise the matter during the discussion of item 10.

7. At the same meeting, the question was raised that, in view of Commission resolution 11 (XXVII), the role of youth in the promotion and protection of human rights, in particular the question of conscientious objection to military service, should again be taken up at the next session of the . Furthermore, there was discussion on the wording of item 10 (a) in relation to Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII).

8. At its 1141st meeting, held on 7 March 1972, the Commission agreed to adopt the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Elimination of racial discrimination:
 - (a) Continued international action to combat racism and racial discrimination (General Assembly resolutions 2784 (XXII), section I, and 2785 (XXVI); and resolution 5 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities);
 - (b) Question of further elaboration of international instruments to deal with crimes against humanity, particularly those arising from the policies of apartheid (General Assembly resolution 2784 (XXVI), section II);
 - (c) Draft convention on the suppression and punishment of the crime of apartheid (General Assembly resolution 2786 (XXVI)).
 - (d) Reports of the Ad Hoc Working Group of Experts under Commission resolutions 8 (XXVI) and 7 (XXVII).
 - (e) Continuation of comprehensive studies of policies and practices of racial discrimination, taking into account in particular discrimination against peoples of African origin in all countries (General Assembly resolution 2784 (XXVI), section III)
5. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East (Commission resolution 9 (XXVII))
6. 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 resolutions 14 (XXV), 11 (XXVI) and 17 (XXVII), and Economic and Social Council resolutions 1421 (XLVI), 1502 (XLVIII) and 1595 (L))

7. Protection of journalists engaged in dangerous missions in areas of armed conflict (General Assembly resolution 2854 (XXVI))
8. Question of the punishment of war criminals and of persons who have committed crimes against humanity (Commission resolution 16 (XXVII) and General Assembly resolution 2840 (XXVI))
9. Report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:
 - (a) Draft principles relating to equality in the administration of justice (Economic and Social Council resolution 1594 (I) and General Assembly resolution 2858 (XXVI));
 - (b) Study of discrimination in the matter of political rights and draft general principles on freedom and non-discrimination in the matter of political rights (Commission decision of 25 March 1971));
 - (c) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and draft principles on freedom and non-discrimination in respect of that right (Commission decision of 25 March 1971));
 - (d) Study of discrimination against persons born out of wedlock, and draft general principles on equality and non-discrimination in respect of such persons (Commission resolution 19 (XXV));
 - (e) Report of the twenty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
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) Study of situations which reveal a consistent pattern of violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII);
 - (b) Model rules of procedure for United Nations bodies dealing with violations of human rights (Commission resolution 14 (XXVII))
11. Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (General Assembly resolution 2649 (XXV) and Commission resolution 8 A (XXVII))
12. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred (General Assembly resolution 2839 (XXVI))

13. Review of the human rights programme and establishment of priorities: control and limitation of documentation (Commission decision of 25 March 1971; Economic and Social Council decision of 21 May 1971; General Assembly resolutions 2836 (XXVI) and 2886 (XXVI))
14. Periodic reports on human rights (Economic and Social Council resolution 1596 (L) and General Assembly resolution 2836 (XXVI))
15. Human rights and scientific and technological developments: report of the Secretary-General (General Assembly resolutions 2450 (XXIII) and 2721 (XXV); Commission resolution 10 (XXVII))
16. Study of the right of everyone to be free from arbitrary arrest, detention and exile, study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and draft principles on freedom from arbitrary arrest and detention (Commission resolution 23 (XXV) and decision of the Commission of 25 March 1971)
17. Advisory services in the field of human rights
18. Further promotion and encouragement of respect for human rights and fundamental freedoms (Commission decision of 25 March 1971)
19. Question of an international code of police ethics (Commission decision of 25 March 1971)
20. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
21. Communications concerning human rights
22. Report on the twenty-eighth session of the Commission to the Economic and Social Council

E. Meetings, resolutions and documentation

9. The Commission held 47 meetings. The views expressed at those meetings are summarized in the records of the 1139th to 1185th meetings (E/CN.4/SR.1139-1185). On 21 March 1972, at the invitation of the Special Committee on Apartheid, members of the Commission attended a meeting in observance of the International Day for the Elimination of Racial Discrimination.

10. The resolutions and other decisions adopted by the Commission at its twenty-eighth session are contained in chapter XIII. The draft resolutions submitted for consideration by the Economic and Social Council and other matters of concern to it are set out in chapter XIV. Annex II refers to the statements of financial implications of certain decisions. Annex III contains a list of the documents submitted for the Commission's consideration.

F. Organization of work

11. At its 1141st meeting, on 7 March 1972 the Commission agreed to follow the order of the items as set out in the provisional agenda (E/CN.4/1072 and Add.1). At its 1147th meeting, on 13 March 1972, the Commission took note of the suggested guidelines for a time-table for consideration of items, as prepared by the Chairman and other officers of the Commission at its request (see also chapter X below).

II. ELIMINATION OF RACIAL DISCRIMINATION

12. The Commission considered agenda item 4 at its 1142nd to 1157th meetings, held from 8 to 20 March 1972 and at its 1162nd and 1163rd meetings on 23 March.

13. The agenda item was introduced at the 1142nd meeting by the Director of the Division of Human Rights, who drew the attention of the Commission in particular to resolutions 2784 (XXVI) and 2785 (XXVI), adopted by the General Assembly following the International Year for Action to Combat Racism and Racial Discrimination, in which the General Assembly had called for continued international action to combat racism and racial discrimination; to resolution 2786 (XXVI), in which the General Assembly had requested the Secretary-General to transmit to the Commission on Human Rights the draft convention on the suppression and punishment of the crime of apartheid that had been submitted to the General Assembly by Guinea and the Union of Soviet Socialist Republics (A/C.3/L.1871), together with the records of the discussion which had taken place in the General Assembly (A/C.3/SR.1859-1863 and A/PV.2001), and had recommended that the Commission should consider the draft Convention in co-operation with the Special Committee on Apartheid; and to resolution 5 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission had recommended that the Commission should review at its twenty-eighth session the results of the observance of the International Year for Action to Combat Racism and Racial Discrimination and submit its conclusions and recommendations to the Economic and Social Council.

14. The Commission had before it the report of the Secretary-General on continued international action to combat racism and racial discrimination (E/CN.4/1093 and Add.1 and 2), as well as resolution 5 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see para. 13 above).

15. The Secretary-General's report reproduced communications received from Governments in reply to the special message concerning the United Nations campaign against racial discrimination forwarded to the heads of State or Government of States Members of the United Nations and States members of the specialized agencies by the President of the General Assembly in accordance with section I, paragraph 1, of General Assembly resolution 2784 (XXVI).

16. The Commission had before it a note by the Secretary-General (E/CN.4/1090 and Add.1) which included information which had been furnished by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization in response to the invitation addressed to those organizations by the General Assembly in resolution 2785 (XXVI) to provide the Commission on Human Rights annually with reports on the nature and effect of any racial discrimination of whose existence they had knowledge in their sphere of competence, as well as the reports on two human rights seminars held in 1971 on subjects related to the elimination of racial discrimination, the first in Yaoundé (Cameroon) on measures to be taken on the national level for the implementation of United Nations instruments aimed at combating and eliminating racial discrimination and for the promotion of harmonious race relations (see ST/TAO/HR.42), and the second in Nice (France) on the dangers of a recrudescence of intolerance in all its forms and the search for ways of preventing and combating it (see ST/TAO/HR.44).

17. The Commission heard statements by the observer for Israel (1145th and 1148th meetings), the observer for the Syrian Arab Republic (1148th meeting) and the observer for the Ukrainian Soviet Socialist Republic (1148th meeting).

18. The Commission heard statements by the representatives of the International Labour Organisation (1149th meeting), the United Nations Educational, Scientific and Cultural Organization (1149th meeting) and the Organization of African Unity (1150th meeting). The Commission also heard a statement by the representative of the International Confederation of Free Trade Unions, a non-governmental organization in consultative status (1156th meeting).

19. After a general debate on the agenda item, the discussion centred upon two main questions: (a) continued general international action to combat racism and racial discrimination, and (b) specific international instruments to deal with the crime of apartheid. The Commission also examined the study of its Ad Hoc Working Group concerning the question of apartheid from the view of international penal law (E/CN.4/1075), submitted in accordance with Commission resolution 8 (XXVI), and the report of its Ad Hoc Working Group of Experts (E/CN.4/1076), submitted in accordance with Commission resolution 7 (XXVII).

A. Continued general international action to combat racism and racial discrimination

20. Representatives who spoke on the subitem referred to the continuing measures taken by their respective Governments to end all forms of racism and racial discrimination and commented favourably on the far-reaching campaigns that had been conducted on the national and international levels during the International Year for Action to Combat Racism and Racial Discrimination. A number of representatives expressed dissatisfaction that several States were failing to implement many resolutions and decisions of the United Nations concerning the struggle against racism and racial discrimination in southern Africa and some of those representatives condemned the policy pursued by States members of NATO which were continuing to give political, military and economic assistance to the racist and colonial régimes and to engage in extensive trade with those régimes. They stressed that the discontinuance of such assistance would play a decisive role in the liquidation of the racist régimes and of the policy and practice of apartheid.

21. The following views received a wide measure of support in the Commission:

(a) That the elimination of racism and racial discrimination in various forms and manifestations continued to be the most urgent task in the field of human rights confronting the United Nations;

(b) That although many of the programmes and activities undertaken during the International Year for Action to Combat Racism and Racial Discrimination had proved effective, particularly the educational campaigns, almost no progress had been achieved in areas of the world where racial discrimination had become a matter of state policy, and the situation in southern Africa had continued to deteriorate;

(c) That there was an urgent need for more vigorous and continued action at the national and international levels, to combat racism and racial discrimination and to secure for the victims of such discrimination the full enjoyment of all their human rights and fundamental freedoms;

(d) That it was essential to ensure that those States which were providing assistance to the racist and colonial régimes in southern Africa discontinued such assistance and carried out the decisions of the competent organs of the United Nations by which sanctions against those régimes had been instituted.

(e) That the decision of the General Assembly to launch a continuing action programme on the basis of a "Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms" should be welcomed and implemented, as it concerned the Commission and its subsidiary bodies, including the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

22. Many members stressed education and encouraging conciliation and harmony between different racial groups as the most effective approach to the elimination of racial discrimination and called in particular for a world-wide educational campaign to publicize the results of research studies that demonstrated the falsity of racist theories. The important role played by non-governmental organizations acting in goodfaith at various levels in combating racism and racial discrimination was also underlined, as was the need for them to act in good faith. Others felt that legal measures would also prove effective and proposed a concerted effort to encourage ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments. Several representatives stressed the need for a substantial increase in assistance to movements fighting against apartheid and an expansion of the functions of the United Nations Trust Fund for South Africa to encompass the whole of southern Africa; they maintained that racist régimes should be isolated from other countries by political, legal and economic measures, and that countries which continued to support such régimes should be publicly condemned in order to awaken the conscience of the peoples of those countries and to intensify their opposition to the policies of their Governments aimed at many-sided assistance in support of racist and colonial régimes.

23. Several representatives suggested new approaches that might be explored in connexion with planning for the decade envisaged by the General Assembly. It was stressed that any such long-term campaign should endeavour not only to eradicate existing forms of racial prejudice and discrimination but to anticipate and prevent new forms and manifestations of intolerance from arising in a fast-changing world. It was suggested that young people residing in countries where racial discrimination was practised should be given opportunities to study abroad, perhaps with the assistance of United Nations fellowships. It was also suggested that, in a spirit of critical self-examination, each State might itself undertake to provide a complete and frank analysis of the racial situation within its borders. The need for full co-operation on the part of all competent national and international bodies was emphasized by some representatives, who added that co-ordination of the efforts of those bodies was necessary in order to avoid duplication of effort.

24. At the 1148th meeting, the representatives of Egypt, India, Morocco, Nigeria, Norway, Pakistan and Senegal, joined by Iran and Romania, submitted a draft resolution (E/CN.4/L.1187), which proposed that the Commission should welcome General Assembly resolution 2784 (XXVI), calling for continued international action to combat racism and racial discrimination on the basis of a "Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms" and should request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare a draft programme to be followed during the decade and to submit its suggestions and the draft programme to the Commission at

its twenty-ninth session. The draft resolution set out a number of guidelines to be borne in mind by the Sub-Commission in carrying out its task and requested the Secretary-General to prepare and submit to the Sub-Commission, in the light of the guidelines, an outline of a long-term programme of international action to combat racism and racial discrimination. Chile and Peru subsequently joined as co-sponsors of the draft resolution.

25. Amendments to the draft resolution were submitted by the Union of Soviet Socialist Republics (E/CN.4/L.1190) and by Italy and the Netherlands (E/CN.4/L.1191). Substantive and stylistic changes in the draft resolution were proposed orally by the representatives of France, Ghana, the Philippines and Poland.

26. At the 1152nd meeting, the sponsors of the draft resolution, joined by Ghana, Mauritius and the United Republic of Tanzania, submitted a revised draft resolution (E/CN.4/L.1187/Rev.1), incorporating the amendments proposed by France, Ghana, the Philippines and Poland, and a number of those proposed by the USSR.

27. The representative of the USSR did not press for a vote on those of his amendments which had not been incorporated in the revised draft resolution. The representatives of Italy and the Netherlands did not press for a vote on the amendments that they had submitted but requested a separate vote on paragraph 2 (b) (iv) of the revised draft resolution. The view was expressed that the sixth preambular paragraph and subparagraphs (i) and (ii) of paragraph 2 (b) must be interpreted as meaning that the struggle of the oppressed people, as well as the support given to them, would be carried out in conformity with the Charter of the United Nations, in other words, by peaceful means and with full respect for international law and the principles of justice. The view was also expressed that any interpretation of the text must take into account the relevant resolutions which reaffirmed the right of oppressed peoples to struggle for their liberation by any means, including armed struggle.

28. At the 1152nd meeting, the Commission voted on the revised draft resolution. Paragraph 2 (b) (iv) was adopted by 25 votes to 4, with 3 abstentions. Draft resolution E/CN.4/L.1187/Rev.1 as a whole, as amended, was adopted by 30 votes to none, with 1 abstention. For the text of the resolution, see chapter XIII, resolution 1 (XXVIII).

29. At the same meeting, a draft resolution concerning the elimination of racial discrimination (E/CN.4/L.1188/Rev.1) was submitted by Nigeria and the United Republic of Tanzania.

30. In paragraph 1 of the draft resolution, it was proposed that the Commission should decide to consider again, at its twenty-ninth session, the question of the elimination of racial discrimination. In paragraph 2, it was proposed that the Commission should recommend to the Economic and Social Council the adoption of a draft resolution containing four operative paragraphs. Under paragraph 1 of the latter draft resolution, the Council would recommend that the General Assembly should renew its work on the code of offences against the peace and security of mankind, independently of the definition of aggression, should take into account inhuman acts resulting from the policies of apartheid and should provide a clear interpretation of the term "inhuman acts resulting from the policies of apartheid". Under paragraph 2, the Council would request that the General Assembly should

recommend that the International Law Commission should make a detailed study, as a matter of priority, of the present state of international penal law and report to the General Assembly at its twenty-ninth session. Under paragraph 3, the Council would authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to make special studies of policies and practices of discrimination against people of African origin in all countries with a view to the submission of a report to the General Assembly by the Commission on Human Rights through the Economic and Social Council as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices, in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI). Under paragraph 4, the Council would transmit to Member States, to the Special Committee on Apartheid and to the International Law Commission the report of the Ad Hoc Working Group of Experts (E/CN.4/1075) prepared in accordance with Commission resolution 8 (XXVI).

31. At the 1154th meeting, the representative of the Secretary-General presented a statement (E/CN.4/L.1192) on the financial implications of draft resolution E/CN.4/L.1188/Rev.1.

32. All members of the Commission were in agreement with the proposal in paragraph 1 of the draft resolution, but some representatives expressed reservations concerning certain portions of the draft resolution recommended for adoption by the Economic and Social Council. Some questioned the competence of the General Assembly to interpret the term "inhuman acts resulting from policies of apartheid", and others pointed out that a renewal by the General Assembly of its work on the code of offences against peace and security might delay and complicate work that was already being done along those lines. It was remarked that the International Law Commission, because of its heavy programme of work, might be unable to complete the study of the present state of international penal law within the time-limit proposed.

33. Doubts were expressed with regard to the proposal in paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council concerning special studies of policies and practices of discrimination against people of African origin. It was pointed out that such a study might be considered tantamount to introducing discrimination within discrimination by ignoring the plight of persons of other origins who were also the victims of racial discrimination; that it would probably duplicate material in the study 1/ prepared by Mr. Hernán Santa Cruz, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and that it might also overlap the work being done by the Committee on the Elimination of Racial Discrimination. The representative of the United States of America proposed that paragraph 3 should be amended to read:

"Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to keep under review its study on racial discrimination and bring it up to date as appropriate".

1/ Racial Discrimination (United Nations publication, Sales No.: E.71.XIV.2).

34. In support of the proposal concerning special studies of policies and practices of discrimination against people of African origin, it was maintained that racial discrimination was an extremely broad subject and that, in practice, there was far more discrimination against people of African origin than against other people. It was suggested that studies of racial discrimination might, in future, be undertaken step by step; thus special studies of discrimination against people of African origin might be followed, for example, by studies of discrimination against people of Asian origin.

35. At the 1155th meeting, Nigeria and the United Republic of Tanzania, joined by Egypt and Pakistan, submitted a revised draft resolution (E/CN.4/L.1188/Rev.2), taking into account the various suggestions that had been made.

36. The Commission voted at the same meeting on the draft resolution and on the United States oral amendment thereto. The United States amendment was rejected by 12 votes to 9, with 6 abstentions. Draft resolution E/CN.4/L.1888/Rev.2 was adopted by 19 votes to none, with 9 abstentions. For the text of the resolution, see chapter XIII, resolution 2 (XXVIII).

B. Specific international instruments to deal
with the crime of apartheid

37. The Commission considered subitems 4 (b) and (c) together at the 1155th to 1157th meetings and at the 1162nd and 1163rd meetings.

38. At the 1859th meeting of the Third Committee of the General Assembly, held on 5 November 1971, a draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871) was submitted to the Committee by Guinea and the USSR during the discussion of item 54 (a) of the Assembly's agenda (International Year for Action to Combat Racism and Racial Discrimination). The General Assembly, considering that it could not examine the draft convention fully at its twenty-sixth session, in resolution 2786 (XXVI) of 6 December 1971, invited the Secretary-General to transmit the draft convention, together with the relevant records of the discussion in the General Assembly (A/C.3/SR.1859-1863 and A/PV.2001), to the Commission on Human Rights and recommended that the Commission and the Economic and Social Council should consider the item, in co-operation with the Special Committee on Apartheid, as a matter of priority at their twenty-eighth and fifty-second sessions, respectively, and submit the text of a draft convention on the suppression and punishment of the crime of apartheid to the General Assembly at its twenty-seventh session. The Economic and Social Council, at its 1810th meeting on 6 January 1971, decided to transmit General Assembly resolution 2786 (XXVI) to the Commission on Human Rights and to consider the matter at its fifty-second session in the context of the report of the Commission on its twenty-eighth session.

39. As authorized by the Commission, the Chairman consulted the Chairman of the Special Committee on Apartheid with reference to the form which the co-operation between the Commission and the Committee, called for by the General Assembly, might take. The Chairman of the Special Committee on Apartheid suggested the possibility of a joint meeting of the two bodies to consider the draft convention and related matters. Some representatives expressed doubts as to the validity of such a joint meeting so far as any decisions it might take were concerned. Several members of

the Commission, although not ruling out entirely the possibility of such a joint meeting, suggested that the pertinent documents should be sent to the Special Committee on Apartheid so that it could examine them and prepare its comments. With the agreement of the Commission, the Chairman transmitted those documents to the Chairman of the Special Committee on Apartheid.

40. The Commission considered the draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871) together with a draft resolution (E/CN.4/L.1189) submitted by Nigeria, Pakistan and the United Republic of Tanzania proposing a separate protocol on the suppression and punishment of the crime of apartheid to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, and a draft resolution submitted by the USSR (E/CN.4/L.1193) relating to the draft convention on the suppression and punishment of the crime of apartheid. The Commission also had before it an amendment to article 5 of the draft convention submitted by the Byelorussian SSR (E/CN.4/L.1194).

41. The sponsors of the draft convention and those of the draft protocol pointed out that there was no difference of objective between the two drafts, as both sought to serve the same purpose: the abolition of policies of apartheid and the punishment of persons responsible for it. Only the methods envisaged were different.

42. Some members of the Commission called for immediate approval by the Commission of the draft convention and pointed out that the Commission had been given a clear mandate to consider and submit the text of a draft convention on the suppression and punishment of the crime of apartheid to the General Assembly at its twenty-seventh session. Others maintained that before either text could be subjected to detailed examination and approval, it was necessary to obtain the comments of Governments thereon.

43. There was some discussion in the Commission on the relative merits of a convention or a protocol. Reference was made to difficulties that might be encountered by certain States parties to the International Convention on the Elimination of All Forms of Racial Discrimination if they were presented with an additional protocol which would utilize and for that matter affect the implementation machinery of the Convention. It was said that the proposed protocol in its present form did not contain the rules necessary to co-ordinate the functions of the Committee established under article 8 of the Convention on the Elimination of all Forms of Racial Discrimination with the new functions it was proposed to allocate to that Committee. Some representatives maintained that the draft protocol included formulations which were somewhat weaker and less precise than those appearing in the draft convention; others pointed out that the draft protocol attempted to provide for measures of implementation, whereas the draft convention restricted itself to urging States parties to take action.

44. The sponsors explained that the purpose of the annexation of the draft protocol to the International Convention on the Elimination of All Forms of Racial Discrimination was only to utilize the implementation machinery of that Convention which was already in operation in order to alleviate the complex and expensive exercise of establishing new machinery. They pointed out that apartheid was after all an extreme form of racial discrimination. The provisions of the protocol would in no way affect the provisions or operation of the Convention.

In the utilization of the implementation machinery under the Convention, a special procedure was to be provided that would not add or complicate the operation of the implementation machinery of the Convention. As to the imprecise nature of the drafting of the separate protocol, it was stressed that the protocol was in draft form and was subject to clearer elaboration as to form and procedure by the Commission.

45. At the 1156th meeting, the representative of the USSR submitted a draft resolution (E/CN.4/L.1193) under which the Commission would take action on the draft convention and the draft protocol. After discussion in the Commission and consultation between the sponsors of the draft resolution proposing the draft protocol (E/CN.4/L.1189) and of the draft resolution proposing the draft convention (E/CN.4/L.1193), a revised draft resolution (E/CN.4/L.1193/Rev.1) was submitted by Nigeria and the USSR to the Commission at the 1162nd meeting. The revised draft resolution omitted the question of approval by the Commission of either of the draft instruments and took into account certain suggestions designed to improve the text. It requested the Secretary-General to circulate the text of the draft convention on the suppression and punishment of the crime of apartheid, together with amendments thereto, and the text of the draft protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination to Governments for their comments and views and to transmit the comments and views received, together with the comments made in the Commission on Human Rights during its twenty-eighth session on the relevant drafts, to the General Assembly at its twenty-seventh session; it requested Governments to communicate their comments and views concerning the draft convention and the draft protocol to the Secretary-General at the earliest possible date for consideration by the General Assembly at its twenty-seventh session; it invited the Special Committee on Apartheid to consider the draft convention and the draft protocol and to submit its recommendations to the General Assembly at its twenty-seventh session; and it requested the Economic and Social Council to invite the General Assembly to give priority to the question of the adoption of an international instrument for the suppression and punishment of the crime of apartheid in the agenda for its twenty-seventh session.

46. The majority of the members of the Commission spoke of the need for the speedy elaboration and adoption by the General Assembly of an international instrument concerning the suppression and punishment of the crime of apartheid in view of the continuing crimes of apartheid which were being perpetrated against the African population by the racist régimes in southern Africa.

47. While most representatives supported draft resolution E/CN.4/L.1193/Rev.1, some pointed out that it would be premature for the Commission to call for the adoption of a final text at the twenty-seventh session of the General Assembly, particularly since the necessary preliminary studies might not be finished in time. They underlined the need for careful preparation of whatever text was ultimately to be submitted to the General Assembly since it was essential for any international instrument to command a wide measure of acceptance in order to ensure respect for international law. They also pointed to the absence of effective enforcement machinery as a serious defect and outlined a number of matters which would need attention before such an instrument could be effectively prepared. The representative of the United States of America proposed (E/CN.4/L.1196) that operative paragraph 4 of the draft resolution should be amended to read:

"Requests the Economic and Social Council to invite the General Assembly to consider this question at its twenty-seventh session."

48. At the 1163rd meeting, the Commission voted on the revised draft resolution (E/CN.4/L.1193/Rev.1) and the amendment (E/CN.4/L.1196) submitted by the United States of America. A separate vote on the first three preambular paragraphs of the draft resolution was taken at the request of the representative of Austria. Those paragraphs were adopted by 19 votes to none, with 7 abstentions. The amendment to operative paragraph 4 (E/CN.4/L.1196) was rejected by 13 votes to 8, with 6 abstentions. The draft resolution as a whole was adopted by 22 votes to none, with 5 abstentions. For the text of the resolution, see chapter XIII, resolution 4 (XXVIII).

C. Reports of the Ad Hoc Working Group of Experts

49. The reports under subitem 4 (d) submitted by the Ad Hoc Working Group of Experts in accordance with Commission resolutions 8 (XXVI) and 7 (XXVII) were introduced by the Chairman-Rapporteur of the Ad Hoc Working Group at the 1143rd meeting. The report submitted under resolution 7 (XXVII) (E/CN.4/1076) surveyed new developments in matters relating to human rights that had taken place in southern Africa during the year ending 4 February 1972, and was intended primarily to provide the Commission with up-to-date information. The report submitted under resolution 8 (XXVI) (E/CN.4/1075) consisted of a study, from the point of view of international penal law, of the question of apartheid. The study dealt with the relevant doctrine, with international instruments relating to international penal law, and with practices and manifestations of apartheid which could be considered as crimes under international law. It also included an introduction enumerating the United Nations resolutions in which apartheid had been referred to as a crime against humanity.

50. One representative regretted the reference in paragraph 10 of the report (E/CN.4/1075) to the Peace Treaty of Sèvres, which had never entered into force and was therefore a dead letter. The Working Group should delete that reference, which was out of place in a basic legal document.

51. As stated in section A above, the Commission decided, in resolution 2 (XXVIII), to request the Economic and Social Council to transmit the study by the Ad Hoc Working Group on the question of apartheid from the point of view of international penal law (E/CN.4/1075) to Member States, the Special Committee on Apartheid and the International Law Commission. In that connexion, the Commission agreed that the material errors of substance in document E/CN.4/1075, which had been pointed out during the debate, would be corrected before the study was transmitted to Member States and the appropriate bodies.

52. At the 1147th meeting, the Chairman of the Commission announced that in view of the resignation of Mr. N. N. Jha (India) as a member of the Ad Hoc Working Group of Experts, and after consultations with the Asian group, he had appointed Mr. A. S. Mani (India) to the Ad Hoc Working Group in place of Mr. Jha. In this connexion several members of the Commission, while welcoming the appointment of Mr. Mani, expressed the view that in deciding on the composition of the Ad Hoc Working Group the Commission should, in accordance with Economic and Social Council resolution 9 (II), give first consideration to the personal qualifications of the members rather than to the fact that they came from a particular region. Others pointed out that although members of the Ad Hoc Working Group were chosen primarily on the basis of their personal qualifications, due regard had also to be given to the requirements of equitable geographical distribution and to the need for representation of the principal legal systems.

III. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES
OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

53. The Commission considered agenda item 5 at its 1158th to 1161st meetings, held from 20 to 22 March 1972.

54. In resolution 9 (XXVII), the Commission decided to include this question "as a separate item of high priority" in the agenda of its twenty-eighth session.

55. The Commission had before it notes by the Secretary-General (E/CN.4/1069 and Add.1-10) drawing the attention of the Commission, at the request of the Permanent Representatives to the United Nations of Egypt, Iraq, Israel, Jordan and the Syrian Arab Republic, to the following General Assembly and Security Council documents: A/8310, A/8315, A/8316, A/8317, A/8321, A/8323, A/8335, A/8343, A/8344, A/8357, A/8363 (also issued as S/10188, 2/ S/10203, 2/ S/10210, 2/ S/10213, 2/ S/10219, 2/ S/10220, 2/ S/10256, 3/ S/10270, 3/ S/10271, 3/ S/10293, 3/ S/10295, 3/ respectively) and A/8365-S/10300, 3/ A/8651-S/10495, 4/ A/8667-S/10565, 4/ A/8671-S/10570, 4/ A/8674-S/10582, 4/ and A/8675-S/10587. 5/ The Commission also had before it a communication dated 16 March 1972 addressed to its Chairman by the Deputy Permanent Representative of Israel to the United Nations (E/CN.4/1095). In addition, at the request of the representative of Egypt on the Commission, the following documents were made available to members of the Commission: A/8383 and Add.1, A/8389 and Corr. 1 and 2 and A/8389/Add.1 and Corr. 1 and 2

56. In the view of several representatives, the evidence presented in the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to the twenty-sixth session of the General Assembly (A/8389 and Corr.1 and 2 and A/8389/Add.1 and Corr.1 and 2), corroborated and supplemented by other documents of international bodies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the International Committee of the Red Cross, Amnesty International and the Israeli League for Human and Civil Rights, and by reports appearing in the Israeli and international press, showed that violations by Israel of the provisions of the fourth Geneva Convention of 12 August 1949 and of other relevant humanitarian provisions had continued unabated since the twenty-seventh session of the Commission. These violations in their view reflected a policy which the Government of Israel was pursuing in the occupied territories, aimed at the annexation of those territories. Moreover, Israel was pursuing a policy designed to effect radical changes in the physical character and demographic composition of several areas of the occupied territories. It was noted that the Government of Israel had always refused to co-operate with any United Nations body established to determine whether it was respecting the relevant humanitarian instruments.

2/ See Official Records of the Security Council, Twenty-sixth Year, Supplement for April, May and June 1971.

3/ Ibid., Supplement for July, August and September 1971.

4/ Ibid., Twenty-seventh Year, Supplement for January, February and March 1972.

5/ Ibid., Supplement for April, May and June 1972.

57. It was recalled that the General Assembly, in resolution 2851 (XXVI) of 20 December 1971, had strongly called upon Israel to rescind forthwith all measures and to desist from all policies and practices such as the annexation of any part of the occupied Arab territories, the establishment of Israeli settlements in those territories and the transfer of parts of its civilian population into the occupied areas, the destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property; the evacuation, transfer, deportation and expulsion of the inhabitants of the occupied Arab territories; the denial of the right of the refugees and displaced persons to return to their homes; the ill-treatment and torture of prisoners and detainees; and collective punishment. It had further called upon the Government of Israel to permit all persons who had fled the occupied territories or had been deported or expelled therefrom to return to their homes. Israel not only refused to respect and implement those and other United Nations resolutions but had taken further measures to settle the occupied territories, including Jerusalem. Moreover, Israel had failed to apply the relevant humanitarian laws and conventions, in particular the fourth Geneva Convention of 1949 to which Israel was a party, and had refused to co-operate with the investigation machinery established by the United Nations to deal with such cases of violations of human rights. As a result, the situation was continuing to deteriorate. Israel continued to establish settlements in the occupied territories, to transfer parts of its civilian population to those territories, to evacuate, deport or expel Arab inhabitants therefrom, to destroy villages, quarters and homes, to expropriate property, to deny refugees and displaced persons the right to return to their homes, to impose collective punishment measures, and to ill-treat prisoners and detainees. It was pointed out that many of the violations of human rights committed by Israel were "grave breaches" enumerated in article 147 of the fourth Geneva Convention. Those "grave breaches" constituted, as had been stated in Commission resolution 5 B (XXVI), war crimes and were an affront to humanity. Consequently, the "grave breaches" of the fourth Geneva Convention committed by Israel in the occupied territories constituted war crimes. A number of delegations observed that there was ample irrefutable evidence that in the occupied territories Israel, with the support of certain imperialist Powers, was pursuing a racist policy, committing heinous crimes and brazenly violating fundamental human rights and freedoms.

58. Many speakers endorsed the recommendations made in the reports of the Special Committee to the General Assembly and confirmed the view expressed by the Special Committee that the fundamental violation of human rights lay in the fact of occupation and that the most effective way of safeguarding the human rights of the population of the occupied territories was by ending the occupation. Several speakers expressed the view that a solution could be found only in an over-all political settlement of the question of the Middle East, based on Security Council resolution 242 (1967), as well as General Assembly resolutions 2628 (XXV) and 2799 (XXVI). It was also stated that since the Commission was not in a position to bring about such a political settlement, its job was to ensure that the world did not become complacent and turn a blind eye to the disruptions of civilian life in the occupied territories, and to ensure that the Geneva Conventions, which were undoubtedly applicable in the present case, were scrupulously respected by all parties concerned. In this respect the International Committee of the Red Cross could play an important humanitarian role. Some speakers pointed out that it had not been proved that Israel was in fact committing war crimes in the occupied territories and that none of the reports of the United Nations investigating committees had invoked the notion of war crimes. A few speakers did not endorse some of the recommendations of the Special Committee, but called for compliance with the Geneva Conventions.

59. The observer for Israel denounced the reports of the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories as lacking in impartiality and objectivity. He contended that Israel, while reserving its position concerning the applicability of the fourth Geneva Convention on a number of legal grounds, was in practice applying its provisions. It had been necessary to deport a number of saboteurs and agitators, but in some cases those persons had been re-admitted after giving assurances that they would no longer engage in such activities. Demolition of houses had been carried out in some areas, not as a measure of collective punishment but as a personal punitive measure against individuals in whose houses arms caches had been found or acts of terrorism had originated. Since 1967 the areas had been visited by foreigners who had formed their own opinions. In 1971 there had been widespread travelling by Arab inhabitants as well as by their friends and relatives to and from the areas. There had been a considerable increase in the number of Arabs living in the areas and admitted therein for permanent residence.

60. The observer for the Syrian Arab Republic said that Israel should not be allowed to distort the facts of the situation and to persist in its violations of human rights, and that it should apply the resolutions of various United Nations organs. It went against conscience and common sense that any resolution could give Israel the right to evict the inhabitants of the occupied territories, to destroy their villages and towns, to impose collective punishment and perpetrate war crimes. It was incomprehensible that Security Council resolution 242 (1967) could be invoked in the face of massive violations of human rights, as evidenced in official reports of the General Assembly and of outside bodies such as the International Committee of the Red Cross and Amnesty International. The observer for Kuwait spoke to the same effect.

61. The following views received wide support in the Commission: (a) That Israel should fully respect and apply the provisions of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War; (b) That no change in the demographic character or the demographic composition of the Arab territories occupied by Israel should be effected; (c) That strict observance of the principles of human rights in the occupied Arab territories should be undertaken by Israel.

62. At the 1160th meeting the Commission heard a statement by the Assistant-Secretary-General in charge of the Office of Public Information, describing the action taken by that Office in implementation of paragraph 10 of Commission resolution 9 (XXVII), which requested the Secretary-General to give wide publicity to United Nations documents dealing with violations of human rights in the occupied territories.

63. At the same meeting, a draft resolution (E/CN.4/L.1195) was submitted by Egypt, Lebanon and the United Republic of Tanzania. India and Pakistan later joined as co-sponsors of the draft resolution.

64. At the 1161st meeting, the Commission decided, by 13 votes to 7, with 8 abstentions, to proceed immediately to the vote on the draft resolution.

65. At the request of the representative of the Netherlands, a separate vote was taken on the eleventh preambular paragraph and operative paragraph 7 of the draft resolution. At the request of the representative of the United Kingdom, a separate vote was taken on the twelfth preambular paragraph.

66. The eleventh preambular paragraph was adopted by 14 votes to 7 with 9 abstentions. The twelfth preambular paragraph was adopted by 14 votes to 6, with 10 abstentions. Operative paragraph 7 was adopted by 12 votes to 8, with 10 abstentions.

67. Draft resolution E/CN.4/I.1195 as a whole was adopted by 15 votes to 4, with 11 abstentions. The vote was taken by roll-call, at the request of the representative of Iraq. The voting was as follows:

In favour: Byelorussian, Soviet Socialist Republic, Egypt, France, India, Iran, Iraq, Lebanon, Morocco, Nigeria, Pakistan, Poland, Romania, Turkey, Union of Soviet Socialist Republics, United Republic of Tanzania.

Against: Guatemala, Netherlands, United States of America, Zaire,

Abstaining: Austria, Chile, Ecuador, Ghana, Italy, Mexico, Norway, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, Venezuela

For the text of the resolution, see chapter XIII, resolution 3 (XXVIII).

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

68. The Commission considered agenda item 6 at its 1163rd to 1165th meetings, held on 23 and 24 March 1972, and at its 1167th and 1168th meetings, on 27 and 28 March.

69. On the recommendation of the Commission in its resolution 17 (XXVII) of 25 March 1971, the Economic and Social Council adopted at its 1771st meeting, on 21 May 1971, resolution 1595 (L) on the 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. In that resolution, the Council recalled its resolutions 1421 (XLVI) of 6 June 1969 and 1502 (XLVIII) of 27 May 1971 and requested that the Special Rapporteur should submit his final report to the Commission on Human Rights not later than at its twenty-eighth session in 1972.

70. At its twenty-eighth session, the Commission had before it addenda to a note by the Secretary-General (E/CN.4/1023/Add.2, Add.3, Add.3/Corr.1 and Add.4), containing substantial excerpts from information on the effectiveness of the methods and means used by Governments in the realization of economic, social and cultural rights received from the Governments of Brazil, the Byelorussian SSR, Canada, Cyprus, Czechoslovakia, Ecuador, the Federal Republic of Germany, Finland, France, Hungary, Iran, Iraq, Jamaica, Madagascar, Malta, Mauritius, the Netherlands, Niger, Pakistan, Panama, Peru, the Republic of Viet-Nam, Singapore, Somalia, Switzerland, the Union of Soviet Socialist Republics and the United States of America, as well as from the Food and Agriculture Organization of the United Nations (FAO). The Commission was informed that further replies had been received from the Governments of Argentina, Belgium, Denmark and Turkey and that extracts from those replies would be reproduced in another addendum. The Commission also had before it a statement submitted by the International Organization of Consumers Unions (E/CN.4/NGO/164).

71. At the 1164th meeting, the representative of the Secretary-General read out a communication that he had received from the Special Rapporteur concerning the progress of his work.

72. At its 1165th meeting, the Commission heard a statement by the representative of the International Labour Organisation (ILO).

73. Most representatives who spoke during the discussion expressed concern because the Commission had not been able to make significant progress on this question since its twenty-fifth session and was not yet in a position to work out constructive proposals which would contribute to the realization of economic,

social and cultural rights in all countries. It was recognized that the slow progress was attributable in part to the fact that the Commission had not received the study entrusted to the Special Rapporteur appointed under its resolution 14 (XXV).

74. Several representatives pointed out that even though the subject was a complex and extremely difficult one, that did not entirely justify the delay. It was their view that extensive material and data were available for the preparation of the study. It was also recalled that the Commission had previously made many suggestions regarding the substantive scope of the study. Several representatives drew to the attention of the Special Rapporteur certain specific considerations and recent international documents which he might be expected to take into account in conducting his study. Some representatives also felt that new procedures might be considered and that the regional economic commissions could be asked to study the implementation of economic, social and cultural rights in their respective areas and to suggest to the Commission a series of topics and issues for its consideration. However, it was pointed out that such studies by the regional economic commissions should supplement but not substitute for the study currently being prepared by the Special Rapporteur.

75. It was stated that the enjoyment by all, without distinction, of the economic, social and cultural rights and the civil and political rights contained in the two International Covenants on Human Rights was an essential basis for any society aspiring to true democracy and a prerequisite to human dignity and freedom from fear and want for everyone. It was further noted that it was not enough to include provisions concerning economic, social and cultural rights in a constitution; those provisions had to be enforced by adopting laws which established specific rights and obligations in that field, by setting up appropriate machinery for action and supervision, by creating adequate material resources and by developing the rights of trade unions and other social organizations. In the opinion of several representatives, a serious obstacle to the realization of economic, social and cultural rights was the existence in a number of countries of the system of exploitation of man by man, unemployment, the use of the national income for the waging of aggressive wars, and so on.

76. It was pointed out that developing countries, in their efforts to achieve economic, social and cultural rights, faced many obstacles, both internal and external. On the internal level, the realization of those rights implied the availability of, and control over, adequate resources and the transfer and utilization of advanced technology. In addition, in some cases, a certain reluctance to change traditions and customs had to be overcome. On the international level, the developing countries, though having to depend mainly on their own efforts, should also be able to count on effective international co-operation. The international community had decided on certain provisions for different forms of international co-operation during the Second United Nations Development Decade, and it remained to be seen whether developed countries would take the steps that would result in real progress in the realization of economic, social and cultural rights before the end of the Decade.

77. It was emphasized that the specialized agencies had a very important role to play in promoting economic, social and cultural rights and were actually engaged in valuable work in that field. Reference was made to the supervisory machinery developed by the ILO for the promotion and protection of human rights in its field of activity.

78. Several representatives described in some detail the various policies, plans and measures adopted by their Governments for the purpose of improving the well-being of the people and securing for all social, economic and political justice and equality of status and opportunity.

79. At the 1167th meeting, the representatives of India and Poland introduced a draft resolution (E/CN.4/L.1197), which was also sponsored by Chile. After discussion, a revised draft was submitted (E/CN.4/L.1197/Rev.1).

80. It was stated that the regional economic commissions could assist the Commission in this matter by drawing up a list of issues and topics on which the Commission might concentrate its work. Differences of opinion, however, arose concerning the role that the regional economic commissions could play, and fear was expressed that involving them might serve as an excuse for further delay in the Special Rapporteur's study.

81. Several representatives emphasized the necessity of referring in the draft resolution to the importance of implementing the provisions of the International Development Strategy for the Second United Nations Development Decade, especially the goals and policy measures enumerated therein, for the achievement of economic, social and cultural rights in the developing countries. It was also stressed that a methodology should be elaborated to enable the Commission to deal in a rational way with the available information and relate it constructively to the realization of economic, social and cultural rights.

82. As regards the idea of observing an international year for the eradication of poverty, the original proposal was adjusted so as to enable the Economic and Social Council to take into account all the economic, social and cultural aspects of poverty, the Commission being then called upon to discuss the human rights aspects of such a year.

83. At the 1167th meeting, the representative of the Secretary-General made a statement, later circulated as document E/CN.4/L.1200, concerning the financial implications of draft resolution E/CN.4/L.1197/Rev.1. He indicated that the estimates were based on the Special Rapporteur's own programme of work. Several representatives commented on the expenditures involved in the contemplated visits of the Special Rapporteur to a number of countries and on the appropriate use which should be made of expert consultant services for the project.

84. In the light of the discussion, and taking into account various suggestions, the sponsors further revised their draft resolution orally.

85. At its 1168th meeting, the Commission adopted draft resolution E/CN.4/L.1197/Rev.1, as orally revised, unanimously.

86. For the text of the resolution, see chapter XIII, resolution 5 (XXVIII).

V. PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS MISSIONS
IN AREAS OF ARMED CONFLICT

87. The Commission considered agenda item 7 at its 1165th and 1166th meetings, held on 24 and 27 March 1972, and at its 1168th to 1176th meetings, held from 28 March to 3 April.

88. In accordance with General Assembly resolution 2854 (XXVI), which the Economic and Social Council transmitted to the Commission on Human Rights on 6 January 1972, the Commission was invited to consider, as a matter of priority at its twenty-eighth session, the preliminary draft international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict contained in Economic and Social Council resolution 1597 (L) (A/8371, annex I) taking into consideration: the draft convention submitted by Australia (A/C.3/L.1902) the United States working paper (A/C.3/L.1903) and the observations of Governments (A/8371, annex II, and A/8371/Add.1 and 2), as well as all subsequent documents, including the draft protocol (A/8438, annex) prepared by the Working Group established under resolution 15 (XXVII) of the Commission of Human Rights. The subsequent documents which were transmitted to the Commission included the draft of final clauses of the preliminary draft international convention on the protection of journalists engaged in dangerous missions submitted by Austria, France, Iran and Uruguay (A/C.3/L.1905); the records of discussion at the twenty-sixth session of the General Assembly (A/C.3/SR.1885-1887 and A/C.3/SR.1889-1898, A/PV.2027); and a note by the Secretary-General (E/CN.4/1091 and Add.1). By resolution 2854 (XXVI), the Assembly further decided to examine the item as a matter of the highest priority at its twenty-seventh session, taking into consideration the recommendations transmitted by the Economic and Social Council, and taking also into account the observations of Governments and of the Conference of Government Experts convened by the International Committee of the Red Cross on the part of the report of the Commission on Human Rights relating to the item.

89. At the 1169th meeting, the representatives of Austria, Ecuador, France, Lebanon, Morocco and Turkey submitted a draft international convention on the protection of journalists engaged in dangerous missions (E/CN.4/L.1198). The representative of the United States of America also submitted a draft international convention on the protection of journalists engaged in dangerous missions (E/CN.4/L.1199 and Corr.1).

90. Amendments to the draft international convention contained in document E/CN.4/L.1198 were submitted by the Netherlands (E/CN.4/L.1202), the United Kingdom (E/CN.4/L.1203), the Philippines (E/CN.4/L.1204), the United States (E/CN.4/L.1205), Nigeria (E/CN.4/L.1206), Poland (E/CN.4/L.1207), the Union of Soviet Socialist Republics (E/CN.4/L.1208), Ghana (E/CN.4/L.1209) and Pakistan (E/CN.4/L.1210).

91. At the 1173rd meeting, a revised text of the draft international convention (E/CN.4/L.1198/Rev.1), which incorporated or took into account some of the amendments, was submitted by the sponsors, joined by the representative of Iran. At the request of the observer for Australia and of the sponsors, who invoked

rule 72 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission agreed that Australia should be listed as a co-sponsor of the draft international convention (E/CN.4/L.1198/Rev.1), on the understanding that this would not be considered a precedent.

92. During a general debate, a number of representatives stressed that, in their view, an adequate international instrument on the protection of journalists in areas of armed conflict was necessary to facilitate the carrying out of an important mission of public interest: the gathering and dissemination of news about armed conflicts, which should normally help to promote peace and respect for human rights. It was frequently objected that it would not be desirable to increase the number of categories of persons protected in war-time and that a special régime for journalists was not justified. It was replied that such protection was justified and restricted in scope by the fact that the journalist was the agent through whom the right to information proclaimed in article 19 of the Universal Declaration of Human Rights was implemented. Some representatives indicated, however, that references to article 19 of the Universal Declaration could not be applied in this particular case, since the collection of information in areas of armed conflict by any means and irrespective of State frontiers might be used for purposes of espionage. The view was also expressed that care should be taken to ensure full respect by protected journalists for the highest standards of impartiality and objectivity, since biased reporting of armed conflicts might damage international understanding and increase tensions and also to ensure that they respected the laws of the country in which they found themselves. While most speakers voiced no reservation as to the advisability of preparing a special convention within the framework of the United Nations, some felt that the question should be studied, preferably by the Conference of Government Experts convened by the International Committee of the Red Cross, within the broad context of the protection of all civilians in time of armed conflicts. It was pointed out, as one of the weaknesses of the present draft convention, that while adequate protection was provided for journalists when engaged in their professional activities in areas of armed conflict, it did not appear that there was adequate provision regarding their responsibility for impartiality and respect for local culture, practices and laws. Several members felt that since the draft convention was meant to fulfil a humanitarian function, war correspondents should also be covered, even though they were already protected under the Geneva Conventions of 1949. Other members considered that this was unnecessary and might complicate the issue from the standpoint of both the respective spheres of competence of the United Nations and the International Committee of the Red Cross and the implementation of the Geneva Conventions on the one hand and of the future convention on the protection of journalists on the other. In the absence of a satisfactory solution, no specific reference as to the inclusion or exclusion of war correspondents was made. The debate on some specific substantive aspects of the draft international convention (E/CN.4/L.1198/Rev.1) is briefly summarized in paragraphs 93 to 98 below.

93. With a view to preventing the carrying out of undesirable activities under the guise of journalism, amendments were submitted by the representatives of Ghana (E/CN.4/L.1209) and the USSR (E/CN.4/L.1208), supported by some members of the Commission, which proposed that the scope of the draft convention should be restricted to persons whose "sole" occupation would be the gathering and dissemination of news. However, the sponsors of draft convention E/CN.4/L.1198/Rev.1, supported by some other representatives, felt that it would

be legitimate and more realistic to extend protection to all those who practised journalism as their "principal" occupation. Some members considered the term "dangerous missions" somewhat ambiguous. They thought it would be proper to insert the word "professional" and to delete the word "dangerous", as proposed by the representative of Poland (E/CN.4/L.1207). This proposal was accepted by the sponsors of the draft. Several representatives also referred to the term "open armed conflict" as unsatisfactory; they thought that the word "open" should be deleted and that "armed conflict" should be defined by reference to a well-established international instrument, such as the Geneva Conventions of 1949.

94. In support of the view, expressed in particular in one of the amendments of the USSR (E/CN.4/L.1208), that the scope of the draft convention should be restricted to international armed conflicts, it was felt that a State party to an international legal instrument could be bound by its provisions only in the case of an international conflict and that extending the scope of the draft convention to non-international armed conflicts might open the way to illegal interference in the domestic affairs of States. On the other hand, the sponsors of the draft convention, supported by some other speakers, maintained that, in order to acquire its full meaning, the draft convention should encompass internal armed conflicts, which had occurred more frequently than international conflicts during the last two decades and had claimed the lives of many journalists. They further recalled that the draft convention did not constitute an innovation in that respect, since non-international armed conflicts were already regulated to some extent by article 3 of the Geneva Conventions and a draft protocol on this subject would be considered by the next Conference of Government Experts to be convened by the International Committee of the Red Cross.

95. Regarding the machinery and procedure for the issuance and withdrawal of the card which would entitle journalists to the protection of the Convention, three main systems were proposed. One opinion, which was embodied at the current session in an amendment by the United Kingdom (E/CN.4/L.1203), was that the issuance, authentication and withdrawal of the card should be entrusted solely to an International Professional Committee composed of journalists acting in their personal capacity and elected by the States parties in order to avoid any interference with the freedom of the press. According to other views, reflected in the United States text (E/CN.4/L.1199 and Corr.1) and the USSR amendments (E/CN.4/L.1208), no international committee should be, or need be, established, and full responsibility for issuing and withdrawing the cards should rest with the competent authorities of the States parties. Under the mixed system chosen by the sponsors of the draft convention submitted in document E/CN.4/L.1198/Rev.1 (articles 3, 4 and 6), while an International Professional Committee, whose members would be appointed by the Secretary-General in consultation with the Chairman of the Commission on Human Rights, would issue regulations on the form, contents and conditions for issuance and withdrawal of the card, the actual issuance and withdrawal in each case would be effected by the competent authorities of the States parties. Several delegations expressed serious doubts as to the necessity of retaining the words "conditions for the issuance and the withdrawal of the card" since in their opinion that would entitle the International Professional Committee to indicate to sovereign States in what conditions those States should issue or withdraw the cards.

96. Another issue concerning the conditions of issuance of the card was whether it should be granted for "a specified geographical area where there is an armed conflict", as was proposed in the draft convention. Amendments were submitted

by the Netherlands (E/CN.4/L.1202) proposing the deletion of those words, mainly on the grounds that the implied obligation for States parties to make a determination as to the existence of armed conflicts would lead to delays and possibly have an inhibiting effect on the card-issuing authorities. A similar amendment was presented by the United Kingdom (E/CN.4/L.1203). The words, however, were maintained by the sponsors. They contended that the phrase "geographical area" was sufficiently broad to cover a wide region.

97. As regards the extent of the protection to be granted under article 10 of the draft convention, it was generally agreed that journalists in areas of armed conflict should, as far as possible, enjoy protection from the dangers inherent in the conflict. The proposals made evolved from general and short formulae to elaborate ones, in an effort to express this principle as precisely as possible. However, some members still preferred the United States formula (E/CN.4/L.1199 and Corr.1) of "particular respect and protection", which was based on a similar provision in article 16 of the fourth Geneva Convention of 12 August 1949. It was stated that there were no valid reasons why the sponsors of draft convention (E/CN.4/L.1198/Rev.1), in spite of reservations by some members, maintained that articles 79 to 135 of the fourth Geneva Convention could not be applied to detained journalists in non-international armed conflicts as well as in international armed conflicts.

98. In the opinion of several representatives, any convention on the protection of journalists in areas of armed conflicts could easily lead to undue privileges and to abuse if the duties of journalists towards the State of sojourn were not strictly defined in that instrument (see also para. 92 above). The second paragraph of article 13 of the draft convention (E/CN.4/L.1198/Rev.1) was meant to take such views into account, while avoiding or at least limiting the risk of undue interference by external authorities into the professional tasks of bona fide journalists. The sponsors of the draft convention also pointed out that withdrawal of the card, provided for in article 6, might be used as a sanction for misconduct of journalists. Some other representatives, however, favoured what appeared to them as more comprehensive statements of the obligations of journalists in areas of armed conflict, such as the formula, based on article 6, paragraph 1 of the draft protocol (A/8438, annex), which was proposed by Egypt and the Philippines orally and by the Philippines in document E/CN.4/L.1204. A few other members, supporting the USSR amendment contained in document E/CN.4/L.1208, felt that it was also necessary to require that journalists should act in accordance with the "instructions of the military authorities", particularly as regards "any prohibition concerning the collection or dissemination of information". Again, other representatives expressed concern that the proposed convention might go too far in limiting the activities of journalists. They wondered what views the members of the journalistic profession itself would have in this respect. Some delegations supported the view expressed in the USSR amendments (E/CN.4/L.1208) that international conventions in general, and particularly conventions of a humanitarian character, should be open for signature by all States.

99. At the 1171st meeting, the representatives of Austria, Ecuador, France, Iran, Morocco and Turkey submitted a draft resolution (E/CN.4/L.1201) concerning the future stages in the consideration of the draft convention. It proposed, in particular, that the Commission should "approve" the draft international convention and that, at the request of the Commission, the Economic and Social Council should transmit such a draft to the General Assembly "for approval". An

oral amendment by the representatives of the Netherlands and Nigeria was to qualify the approval by the Commission with the phrase "as the basis for further work". Written amendments to draft resolution E/CN.4/L.1201 were submitted by the representatives of Pakistan, the United Kingdom and the United States (E/CN.4/L.1213). An oral amendment was proposed by Austria referring to proposals not incorporated in the draft convention. This proposal was further elaborated by Chile and finally redrafted by Egypt with the purpose of transmitting the draft convention together with proposals and comments to the General Assembly. An oral amendment by the USSR to use "draft articles of the convention" instead of "draft convention" was accepted by the sponsors.

100. After some discussion, the Commission agreed to vote first on the revised draft convention (E/CN.4/L.1198/Rev.1) and, secondly, on the procedural draft resolution (E/CN.4/L.1201) and the amendments thereto (E/CN.4/L.1213). Some doubts were expressed as to this procedure. Objections were raised, to the consideration of only the draft convention contained in document E/CN.4/L.1198/Rev.1, since there were other draft proposals before the Commission. Upon the suggestion of the representative of Lebanon, the authors of the various amendments to the revised draft convention agreed not to press them to a vote at the current session of the Commission. However, the Commission agreed that the amendments which had not been accepted by the sponsors would retain their validity and would be transmitted to higher organs, and that their sponsors could, if they so wished, have them voted upon in the Economic and Social Council or the General Assembly.

101. The voting took place at the 1175th meeting. The Commission voted on the draft articles of the international convention (E/CN.4/L.1198/Rev.1), as orally revised, as follows:

(a) The title of the draft convention was adopted by 25 votes to none, with 2 abstentions;

(b) In a separate vote requested by the representative of Nigeria, the words "provided for in article 4 below, and subsequent articles" in article 1 were adopted by 17 votes to 5, with 4 abstentions;

(c) Article 1 as a whole was adopted by 18 votes to none, with 9 abstentions;

(d) The first paragraph of article 2 was adopted by 18 votes to none, with 8 abstentions;

(e) In a separate vote requested by the representative of Nigeria, the word "professional" in the second paragraph of article 2 was adopted by 18 votes to 2, with 8 abstentions;

(f) In a separate vote requested by the representative of Romania, the words "whether or not of an international character", in the second paragraph of article 2, were adopted by 15 votes to 4, with 8 abstentions;

(g) The second paragraph of article 2 was adopted by 15 votes to none, with 11 abstentions;

(h) The third paragraph of article 2 was adopted by 18 votes to none, with 8 abstentions;

(i) Article 2 as a whole was adopted by 17 votes to 1, with 7 abstentions;

(j) Article 3 was adopted by 18 votes to 4, with 4 abstentions;

(k) In a separate vote requested by the representative of the Union of Soviet Socialist Republics, the words "and conditions for the issuance and withdrawal of the card" in the first paragraph of article 4, were adopted by 15 votes to 6, with 5 abstentions;

(l) In a separate vote requested by the representative of Nigeria, the first paragraph of article 4, was adopted by 17 votes to 7, with 3 abstentions;

(m) Article 4 as a whole was adopted by 16 votes to 6, with 5 abstentions;

(n) In a separate vote requested by the representative of the Netherlands, the words "in a specified geographical area where there is an armed conflict and", which appeared in the second paragraph of article 5, were adopted by 15 votes to 2, with 10 abstentions;

(o) In a separate vote requested by the representative of Nigeria, the third paragraph of article 5 was adopted by 14 votes to 2, with 9 abstentions;

(p) Article 5 as a whole was adopted by 17 votes to none, with 10 abstentions;

(q) Article 6 was adopted by 22 votes to none, with 6 abstentions;

(r) In a separate vote requested by the representative of Romania, the words "and as far as possible all parties to an armed conflict in the territory of a State party to the Convention", appearing in the first paragraph of article 7 were adopted by 15 votes to 1, with 10 abstentions;

(s) Article 7 as a whole was adopted by 16 votes to none, with 11 abstentions;

(t) Article 8 was adopted by 24 votes to none, with 4 abstentions;

(u) Article 9 was adopted by 22 votes to none, with 6 abstentions;

(v) Article 10 was adopted by 19 votes to 1, with 7 abstentions.

(w) Article 11 was adopted by 21 votes to none, with 7 abstentions;

(x) Article 12 was adopted by 20 votes to none, with 7 abstentions;

(y) In a separate vote requested by the representative of the Union of Soviet Socialist Republics, the first paragraph of article 13 was adopted by 23 votes to none, with 4 abstentions;

(z) In a separate vote requested by the representative of the Union of Soviet Socialist Republics, the second paragraph of article 13 was adopted by 10 votes to none, with 14 abstentions;

(aa) Article 13 as a whole was adopted by 14 votes to none, with 13 abstentions;

(bb) Article 14 was adopted by 25 votes to none, with 4 abstentions;

(cc) The text of the draft articles of an international convention (E/CN.4/1198/Rev.1) as a whole, as orally revised, was adopted by 16 votes to 2, with 10 abstentions.

102. The Commission then voted on the procedural draft resolution (E/CN.4/L.1201), as orally revised, and on the amendments thereto contained in document E/CN.4/L.1213 and on the oral amendments. The voting was as follows:

(a) The first preambular paragraph was adopted by 28 votes to none;

(b) The first amendment contained in document E/CN.4/L.1213, suggesting the replacement of the second preambular paragraph of the draft resolution by a new text, was rejected by 12 votes to 12, with 4 abstentions;

(c) The second preambular paragraph of the draft resolution was adopted by 18 votes to 2, with 5 abstentions;

(d) The oral amendment proposed by the representatives of the Netherlands and Nigeria suggesting the insertion of the words "as the basis for further work" after the word "Approves" in operative paragraph 1 was adopted by 16 votes to 11;

(e) In a separate vote requested by the representative of Nigeria, the insertion of the word "professional" in operative paragraph 1 was adopted by 17 votes to 2, with 8 abstentions.

(f) Operative paragraph 1 as a whole, as amended, was adopted by 26 votes to 1, with 1 abstention;

(g) The second amendment contained in document E/CN.4/L.1213, proposing the insertion after the word "convention" in operative paragraph 2 of the draft resolution, of the words "as well as all other relevant documents containing drafts or amendments that were submitted during its twenty-eighth session" was adopted by 18 votes to 6, with 4 abstentions.

(h) Operative paragraph 2 as a whole, as amended, was adopted by 28 votes to none;

(i) Operative paragraph 3 was adopted by 25 votes to none, with 2 abstentions:-

(j) The first preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council was adopted by 28 votes to none;

(k) The second preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 28 votes to none;

(l) The oral amendment proposed by the representative of the Byelorussian Soviet Socialist Republic calling for the replacement of the third preambular paragraph of the draft resolution recommended for adoption by the Council by the words "Stressing that the purpose of the United Nations is to maintain international peace and security and to develop friendly relations among nations" was rejected by 10 votes to 4, with 12 abstentions;

(m) The third preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 23 votes to none, with 4 abstentions;

(n) The fourth preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 28 votes to none;

(o) The fifth preambular paragraph of the draft resolution recommended for adoption by the Council, as orally revised to replace the word "press" by the words "mass media of information", was adopted by 28 votes to none;

(p) The sixth preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 27 votes to none, with 1 abstention;

(q) The seventh preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 27 votes to none, with 1 abstention;

(r) The eighth preambular paragraph of the draft resolution recommended for adoption by the Council was adopted by 26 votes to none, with 2 abstentions;

(s) The operative paragraph of the draft resolution for adoption by the Council had been orally revised upon the proposal of Egypt. In a separate vote requested by the representative of Nigeria, the word "professional" in subparagraph (a) of the operative paragraph of the draft resolution recommended for adoption by the Council was adopted by 18 votes to 2, with 8 abstentions;

(t) The oral amendment proposed by the representatives of the Netherlands and Nigeria calling for the addition of the words "as the basis for further work" at the end of subparagraph (a) of the operative paragraph of the draft resolution recommended for adoption by the Council was adopted by 17 votes to 11;

(u) Subparagraph (a) of the operative paragraph as a whole, as amended, of the draft resolution recommended for adoption by the Council was adopted by 26 votes to none, with 2 abstentions;

(v) The operative paragraph of the draft resolution recommended for adoption by the Council, as orally revised and as amended, was adopted by 27 votes to none, with 1 abstention;

(w) Draft resolution E/CN.4/L.1201 as a whole, as orally revised and as amended, was adopted by 26 votes to none, with 2 abstentions.

103. For the text of the resolution, see chapter XIII, resolution 6 (XXVIII).

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

104. The Commission considered agenda item 8 at its 1173rd meeting, held on 30 March 1972, and at its 1176th and 1177th meetings held on 3 April.

105. By resolution 16 (XXVII) of 25 March 1971, the Commission on Human Rights had, in particular, requested the Secretary-General, in the light of the information received from Governments, to submit to the Commission at its twenty-eighth session a report on the question of the punishment of war criminals and of persons who have committed crimes against humanity. The Commission had also decided to consider the question at its twenty-eighth session. At its twenty-sixth session, the General Assembly, having received the supplementary study (A/8345) prepared by the Secretary-General in pursuance of resolution 2712 (XXV), adopted resolution 2840 (XXVI) by which, inter alia, the Commission on Human Rights was requested to consider the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity and to submit a report on the question to the General Assembly at its twenty-seventh session. At its 1811th meeting, on 6 January 1972, the Economic and Social Council transmitted that request from the Assembly to the Commission on Human Rights.

106. The documents before the Commission included the report of the Secretary-General (E/CN.4/1082) prepared in pursuance of Commission resolution 16 (XXVII) and the above-mentioned study of the Secretary-General (A/8345) originally submitted to the General Assembly in accordance with its resolution 2712 (XXV).

107. At the 1177th meeting the representative of the Byelorussian SSR submitted a draft resolution (E/CN.4/L.1212), which he subsequently revised orally. At the same meeting, a draft resolution (E/CN.4/L.1215) was also submitted by the representative of Egypt.

108. Some representatives drew attention to the failure - in their view all too frequent - of efforts to punish war criminals and persons guilty of crimes against humanity, in the case both of crimes committed during the Second World War and of crimes still being committed as a result of wars of aggression, the policy of apartheid and colonialism. In their view, that failure clearly illustrated the need for an international instrument of broad scope to co-ordinate and rationalize attempts at international co-operation in that regard.

109. Those representatives believed that the Commission could, on the basis of various international conventions and declarations, evolve a number of guiding principles for such co-operation. The same representatives suggested that those principles could affirm or reaffirm, in particular the obligation of States to take all measures necessary to prevent and punish war crimes and crimes against humanity which had been committed in the past and were still being committed; the prohibition of the granting of asylum to perpetrators of such deeds; the non-applicability of statutory limitations to such crimes; the criminal responsibility of all persons guilty of such crimes, whether they acted as

individuals or as representatives of the State authorities; the need for international co-operation to facilitate the collection and exchange of evidence, and the detection, arrest and extradition of persons guilty of such crimes. Lastly, they felt that such principles could affirm that refusal by a State to co-operate in such matters was contrary to the purposes and principles of the Charter of the United Nations and to generally recognized norms of international law. One representative made fairly specific suggestions regarding the principles which should govern the extradition of persons guilty of such crimes. The basis of any convention on extradition which might be drafted by the Commission in future should be the principle of universal prosecution of war criminals and persons who had committed crimes against humanity. That principle should be based on the non-applicability of statutory limitations and on extradition. The basic provisions of extradition should derive from the premise that such crimes cannot be regarded as political crimes and that extradition should be effected irrespective of the nationality of the person involved, irrespective of the domestic legislation of the country of which he was a national, and irrespective of the principle of dual jeopardy. A number of specific examples were cited to show that many Nazi war criminals and traitors had still not received the punishment they deserved owing to the policies of certain countries, in which they were hiding, and it was also pointed out that certain States, within whose jurisdiction persons were to be found who were at the present time committing war crimes and crimes against humanity, did not, because of aggressive wars and the policy of colonialism, take measures for the punishment of such criminals or their extradition to the countries in whose territory they had committed such crimes.

110. In support of the draft resolution submitted by the Byelorussian SSR (E/CN.4/L.1212), it was stated, inter alia, that, although the analytical survey requested of the Secretary-General would not itself contain draft principles, it would no doubt provide a useful basis for the Commission's work on that subject. Most speakers did not voice any objections to the Byelorussian proposal, which was generally described as being essentially procedural on nature. Some representatives, however, expressed reservations or objections regarding the expanded definition of the concepts of "war crimes" and "crimes against humanity" referred to in the preamble of the draft resolution proposed for adoption by the Economic and Social Council in the draft resolution of the Byelorussian SSR. General doubt was also expressed regarding the usefulness of repeating requests for information to which a decreasing number of Governments appeared to be responding.

111. According to its sponsor, who was supported by several other members, the purpose of the Egyptian draft resolution (E/CN.4/L.1215) was simply to update United Nations documentation on the question of war crimes. The purpose of the note which the Secretary-General was requested to prepare was to compare the texts of certain resolutions concerning the declaration of "grave breaches" of the fourth Geneva Convention as "war crimes", and conclusions and recommendations of certain United Nations bodies and of the International Committee of the Red Cross relating to "grave breaches" of the fourth Geneva Convention bearing those resolutions in mind. Certain representatives objected to the draft, particularly on the grounds that the terms used were very dubious in the context in which they were presented, lacked clarity and might give rise to disputes on the choice of the texts to be assembled.

112. The representative of the Secretary-General said that in preparing the survey requested by the Byelorussian SSR (E/CN.4/L.1212) the Secretariat would, as in the past, analyse the information received from Governments and try where possible to identify dominant trends in those replies; it would not formulate draft principles itself, as that might imply value judgements on the laws or practices of Member States. He also stated that the Secretariat did not anticipate any difficulty in assembling the texts, as requested by the Egyptian draft resolution (E/CN.4/L.1215), on the understanding that the criterion on the basis of which texts would be selected would be their explicit use of the words "war crimes" to describe grave breaches of the Geneva Conventions.

113. At its 1177th meeting, the Commission voted on the two draft resolutions. The Byelorussian draft resolution (E/CN.4/L.1212), as orally revised, was adopted by 26 votes to none, with 3 abstentions. The Egyptian draft resolution (E/CN.4/L.1215) was adopted by 13 votes to 1, with 15 abstentions.

114. For the text of the resolutions, see chapter XIII, resolution 7 A (XXVIII) and 7 B (XXVIII).

VII. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES

115. In resolution 1334 (XLIV) of 31 May 1968, the Economic and Social Council decided to increase the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to 26 as from 1969. The Council also requested the Commission on Human Rights, at its twenty-fifth session, to elect the 26 members of the Sub-Commission from nominations of experts made by Member States of the United Nations on the following basis:

From the Afro-Asian group of States, 12 members;

From Western European and other States, 6 members;

From Latin American States, 5 members;

From Eastern European States, 3 members.

116. At its twenty-fifth session, the Commission on Human Rights, at its 1042nd meeting on 20 March 1969, in accordance with Economic and Social Council resolution 1334 (XLIV), elected the members of the Sub-Commission for a three-year period.

117. The Secretary-General received the following nominations for election to membership in the Sub-Commission by the Commission at its twenty-eighth session: Mr. Mohammed A. Abu Rannat (Sudan), Mr. Hisham Al-Shawi (Iraq), Mr. Bali Ram Bhagat (India), Mr. Abdelwahab Bouhdiba (Tunisia), Mr. Francesco Capotorti (Italy), Mr. Beverly Carter, Jr. (United States of America), Mrs. Erica-Irene A. Daes (Greece), Mr. Adib Daoudy (Syria), Mr. Vicente Diaz Samayoa (Guatemala), Mr. I. J. D. Durlong (Nigeria), Mr. Hector Gros Espiell (Uruguay), Mr. A. G. Ravan Farhadi (Afghanistan), Mr. Troel Fink (Denmark), Mr. Moises Fuentes Ibañez (Bolivia), Mr. John P. Humphrey (Canada), Mr. José D. Ingles (Philippines), Mr. Robert R. James (United Kingdom), Mr. Branimir M. Jankovic (Yugoslavia), Mr. Ahmed Kettani (Morocco), Mr. Ahmed M. Khalifa (Egypt), Mrs. Kezia N. Egeria Kinyanjui (Kenya), Mr. Antonio Martínez Baez (Mexico), Mr. José R. Martínez Cobo (Ecuador), Mr. José R. Morales Marengo (Nicaragua), Mr. Erik Nettel (Austria), Mr. Paul Nikiema (Upper Volta), Mr. Syed Sharifuddin Prizada (Pakistan), Mrs. Nicole Questiaux (France), Mr. Samuel Rajaona (Madagascar), Mr. Hernán Santa Cruz (Chile), Mr. E. K. Sekyiamah (Ghana), Mr. Sergey N. Smirnov (USSR), Mr. Ioan Voicu (Romania) and Mr. W. E. Waldron-Ramsey (Barbados).

118. The curricula vitae of the candidates were circulated in documents E/CN.4/1088 and Corr.1 and Add.1-5.

119. At its 1179th meeting, the representative of Ghana announced that it had been agreed that the 12 members of the Sub-Commission to be elected from the Afro-Asian group would be in the proportion of seven African to five Asian. At the same meeting, in accordance with Economic and Social Council

resolution 1334 (XLIV), the Commission elected the following persons to serve as members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for a three-year period: Mr. Mohammed A. Abu Rannat (Sudan), Mr. Hisham Al-Shawi (Iraq), Mr. Bali Ram Bhagat (India), Mr. Abdelwahab Bouhdiba (Tunisia), Mr. Francesco Capotorti (Italy), Mr. Beverly Carter, Jr. (United States of America), Mrs. Erica-Irene A. Daes (Greece), Mr. Vincente Diaz Samayoa (Guatemala), Mr. I. J. D. Durlong (Nigeria), Mr. A. G. Ravan Farhadi (Afghanistan), Mr. Hector Gros Espiell (Uruguay), Mr. José D. Ingles (Philippines), Mr. Robert R. James (United Kingdom), Mr. Branimir M. Jankovic (Yugoslavia), Mr. Ahmed Kettani (Morocco), Mr. Ahmed M. Khalifa (Egypt), Mrs. Kezia N. Egeria Kinyanjui (Kenya), Mr. Antonio Martínez Baez (Mexico), Mr. José R. Martínez Cobo (Ecuador), Mr. Erik Nettel (Austria), Mr. Syed Sharifuddin Pirzada (Pakistan), Mrs. Nicole Questiaux (France), Mr. Hernán Santa Cruz (Chile), Mr. E. K. Sekyiamah (Ghana), Mr. Sergey N. Smirnov (USSR) and Mr. Ioan Voicu (Romania).

VIII. REPORT AND STUDIES OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES

120. The Commission considered agenda item 9 at its 1177th to 1180th meetings, from 3 to 5 April 1972. The item, which comprised five subitems, was introduced by the Director of the Division of Human Rights at the 1177th meeting.

121. In connexion with subitem (a) entitled "Draft principles relating to equality in the administration of justice", the Economic and Social Council had recommended that the Commission should examine at its twenty-eighth session the draft principles adopted by the Sub-Commission and take a decision on further action. The General Assembly, in resolution 2858 (XXVI) of 20 December 1971, had endorsed the Council's recommendation. The Commission had before it a note by the Secretary-General (E/CN.4/1077) containing the draft principles adopted by the Sub-Commission at its twenty-third session.

122. Subitems (b) and (c) entitled respectively "Study of discrimination in the matter of political rights and draft general principles on freedom and non-discrimination in the matter of political rights" and "Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and draft principles on freedom and non-discrimination in respect of that right" were included in the agenda in accordance with the decision taken by the Commission at its previous session on 25 March 1971 (1136th meeting). Concerning subitem (b), the Commission had before it the printed version of the study, 6/ which was issued in English, French and Spanish; it included, in annex I, the draft principles on freedom and non-discrimination in the matter of political rights. The Russian version of the report was contained in document E/CN.4/Sub.2/213 and that of the draft principles in the report of the fourteenth session of the Sub-Commission (see E/CN.4/830, resolution 1 (XIV), annex). The Commission also had before it a note by the Secretary-General (E/CN.4/1013), containing a brief history of the consideration of the item, a comparative chart of the provisions of the draft principles and the related provisions 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. Replies of Governments received pursuant to Sub-Commission resolution 1 (XXII) of 28 August 1969 concerning new developments on political rights since the preparation of the report were contained in addenda to the note (E/CN.4/1013/Add.1-4). Concerning subitem (c), the Commission had before it the printed version of the study 7/ in English, French and Spanish, annex VI of which contained the draft principles. The Russian version of the report was available in document E/CN.4/Sub.2/220 and that of the draft principles in

6/ Study of Discrimination in the matter of Political Rights (United Nations publication, Sales No.: 63.XIV.2).

7/ Study of Discrimination in respect of the Right of Everyone to leave any Country, including his own, and to Return to his Country (United Nations publication, Sales No.: 64.XIV.2).

document E/CN.4/846, resolution 2 (XV), annex I. The Commission also had before it a note by the Secretary-General (E/CN.4/1042 and Add.1-3), containing a brief history of the consideration of the question by various bodies of the United Nations and the replies from Governments concerning new developments on the question since the preparation of the report, received pursuant to Sub-Commission resolution 1 (XXII); and the comments of Governments of Member States and non-governmental organizations (E/CN.4/869 and Corr.1, E/CN.4/869/Add.1 and Corr.1, E/CN.4/869/Add.2-5) received under Commission resolution 4 (XIX) of 3 April 1963.

123. Subitem (d), entitled "Study of discrimination against persons born out of wedlock, and draft general principles on equality and non-discrimination in respect of such persons", was included in the agenda in accordance with resolution 19 (XXV) of 18 March 1969 in which the Commission decided to consider and give priority at its twenty-eighth session to the study of discrimination against persons born out of wedlock. The Commission had before it the printed version of the study 8/ in English, French and Spanish. The report contained, in annex VII, draft general principles on equality and non-discrimination in respect of persons born out of wedlock. The Russian version of the report was available in document E/CN.4/Sub.2/265 and that of the draft principles in the report of the nineteenth session of the Sub-Commission to the Commission on Human Rights (see E/CN.4/930, resolution 1 (XIX), annex). The Commission also had before it a note by the Secretary-General (E/CN.4/1078 and Add.1 and 3) containing information received from Member States, pursuant to Sub-Commission resolution 1 (XXII), on developments relating to discrimination against persons born out of wedlock that had taken place since the completion of the study in 1966.

124. In connexion with subitem (e) entitled "Report of the twenty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission had before it the report of the twenty-fourth session of the Sub-Commission (E/CN.4/1070 and Corr.1). The report contained nine resolutions, four of which called for action by the Commission. They were: resolution 3 (XXIV), "Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism"; resolution 4 (XXIV), "Consideration of the future work of the Sub-Commission"; resolution 5 (XXIV), "International year for action to combat racism and racial discrimination"; and resolution 9 (XXIV), "Consideration of the future work of the Sub-Commission".

125. The Commission heard statements by representatives of the following non-governmental organizations in consultative status: the All-India Women's Conference (1180th meeting); the Anti-Slavery Society (1179th meeting); the International Commission of Jurists (1180th meeting) and the International Association for Religious Freedom (1180th meeting).

126. Several representatives, in expressing their regret that the Commission had failed once again to allot sufficient time for consideration of the reports and studies of the Sub-Commission, proposed that the Commission's future sessions

8/ Study of Discrimination against Persons born out of Wedlock (United Nations publication, Sales No.: E.68.XIV.3).

should be so organized as to ensure that ample time would be given to the consideration of the important recommendations made by the Sub-Commission. In their view, those recommendations, some of which had been made more than 10 years ago, might not adequately take account of some of the new trends and developments in the field of human rights and thus were in danger of becoming obsolete. Others were of the view that the Commission should continue to devote a substantial proportion of its work to items of overriding current importance, such as the struggle against racial discrimination in all its forms and the violation of human rights in the territories occupied as a result of the hostilities at the Middle East.

127. One member, in referring to item 9 (c), stressed the importance of freedom of movement guaranteed by article 13 of the Universal Declaration of Human Rights which had been cherished as a human right comparable in value to that of freedom of conscience and expression. Attention was drawn to specific violations of this right by certain Governments which posed arbitrary barriers, including criminal penalties, to emigration.

128. Another member of the Commission, during the consideration of this item, noted that the question of the right to leave a country and to return to it was used by certain imperialist circles and by international zionism for the purpose of interfering in the domestic affairs of other countries, the widening of aggression, and expansionist designs aimed at suppressing the national liberation movements.

129. Satisfaction was expressed by several representatives at the appointment by the Sub-Commission of three special rapporteurs to undertake studies on the protection of minorities, on genocide and on the problem of discrimination against indigenous populations.

130. Some members stressed the importance of the provisional procedures devised for dealing with the question of admissibility of communications received under Economic and Social Council resolutions 728 F (XXVIII) and 1235 (XLII), adopted by the Sub-Commission in resolution 1 (XXIV). They considered that in this way the work of the Sub-Commission might acquire new dimensions. It was noted however that the procedures did not permit prompt consideration of urgent questions concerning violations of human rights. Other members expressed the view that Economic and Social Council resolution 1503 (XLVIII) did not authorize consideration of specific complaints by individuals against their Governments, as this was clearly within the domestic jurisdiction of a State; it was also asserted that the Council resolution had contemplated consideration essentially of systematic and massive violations of human rights such as racial discrimination, racial segregation and apartheid. It was widely held, however, that the Sub-Commission had made progress on a difficult and important question and that its effectiveness would be judged on the manner in which the procedures were applied.

131. There was support for the Sub-Commission's recommendation, in resolution 4 (XXIV), that its future annual sessions should be held at Headquarters and at Geneva in alternate years. Some members were of the view that practical difficulties might arise from the adoption of the Sub-Commission's recommendation that its sessions should be held in the month of January; it was stated that this might hamper the consideration of its report, since the Commission's sessions at present were scheduled to be held during the first quarter of the year.

132. Some representatives noted the Sub-Commission's recommendation in resolution 9 (XXIV) favouring the placing on the Sub-Commission's agenda of an item entitled "The historical and current development of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs". Noting that the Commission had on its agenda the question of "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination", some representatives stated that the item should be carefully defined and that duplication of the work currently being undertaken by the Commission should be avoided.

133. The debate focused on the draft resolutions proposed in connexion with subitems (a) and (e).

A. Draft principles relating to equality in
the administration of justice

134. At the 1178th meeting, a draft resolution (E/CN.4/L.1214) was submitted by Austria, France, Italy, Morocco and the Netherlands; subsequently, Mexico and Nigeria joined as co-sponsors. The draft resolution noted that, owing to lack of time, the Commission had been unable to consider the draft principles. It requested the Governments of Member States to communicate their comments and views on the draft principles and on the advisability of preparing a convention or declaration, or both, on equality in the administration of justice for consideration by the General Assembly at its twenty-seventh session. The draft resolution also invited the Economic and Social Council to refer the question to the General Assembly. Various members agreed that the comments of Governments were essential but affirmed that the Commission had the primary responsibility for preparing a text on this question. They suggested that the comments received, together with the draft principles, should be considered by the Commission itself at its twenty-ninth session and that consequently the question for the time being should not be referred to the Economic and Social Council and the General Assembly. Oral amendments to that effect were proposed by the representative of the Union of Soviet Socialist Republics. They had wide support among the members of the Commission and were accepted by the sponsors.

135. At its 1179th meeting, draft resolution E/CN.4/L.1214, as orally revised, was unanimously adopted by the Commission. For the text of the resolution, see chapter XIII, resolution 8 (XXVIII).

B. Report of the twenty-fourth session of the Sub-Commission on
Prevention of Discrimination and Protection of Minorities

136. At the 1180th meeting, France, the Netherlands and the United Kingdom introduced amendments (E/CN.4/L.1217) relating to Sub-Commission resolution 3 (XXIV) on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.

137. The Commission expressed its feelings of deep regret at the death of Mr. Mohammed Awad, the Special Rapporteur of the Sub-Commission, who had prepared the report on the question of slavery and the slave trade in all their practices

and manifestations, including the slavery-like practices of apartheid and colonialism (E/CN.4/Sub.2/322). It was further stated that the Sub-Commission should be directed to appoint a successor to Mr. Awad at its next session. The amendments also proposed that the Sub-Commission should make recommendations on the establishment of some form of permanent machinery for giving advice on the elimination of slavery and on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and the seeking of better implementation of the United Nations instruments concerned.

138. Some members were of the opinion that there was insufficient time for further consideration of item 9. This view was opposed by those who stated that the Sub-Commission's important work was being virtually ignored by its parent body; in this connexion they referred to the comprehensive resolution on slavery which the Sub-Commission had requested the Commission to transmit to the Economic and Social Council. Various members also voiced regret that the Commission could not act on other recommendations of the Sub-Commission. Some representatives stated that the Commission had been unable to act on other recommendations of the Sub-Commission because it had devoted considerable attention to important and urgent questions of safeguarding human rights and fundamental freedoms.

139. At the 1180th meeting the Commission decided, on the proposal of the representative of India, by a vote of 12 in favour, 4 against and 12 abstentions, to adjourn the debate on item 9. The nature of this decision was criticized by some representatives.

IX. 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

140. The Commission considered agenda item 10 (a) and (b) at its 1180th to 1182nd meetings, on 5 and 6 April 1972.

141. In connexion with item 10 as a whole, the Commission had before it a list of decisions relevant to the question adopted by United Nations bodies during the year 1971 (E/CN.4/923/Add.5). The Commission also had before it documents E/CN.4/1092 and E/CN.4/1094 containing letters addressed to the Secretary-General by the Permanent Representatives of Iran and Iraq respectively.

A. Study of situations which reveal a consistent pattern of violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII)

142. The Commission had before it chapter II of the report of the twenty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1070 and Corr.1).

143. The importance of the item was recognized in the light of the diversity of the humanitarian questions involved. It was acknowledged that the United Nations had made a valuable contribution in bringing its moral influence to bear upon world opinion to further the observance of basic human rights and freedoms. But it was generally felt that in spite of the progress achieved, Governments should increase their efforts to ensure the respect of the principles of the Charter and of the provisions of the Universal Declaration of Human Rights and of the numerous international instruments dealing with the promotion of equal rights for all, irrespective of race, sex, or national origin. Representatives expressed concern over the violations of human rights which were still occurring in many parts of the world. In the course of the discussion, allegations of violations of human rights were made against certain Governments. Those allegations as well as the replies made thereto by the representatives of Governments are summarized in the records of the debates (E/CN.4/SR.1180-1182).

144. Mention was made of the fact that in certain areas of the world, public opinion was being repressed, legal procedures violated, political dissenters herded into camps or detained under illegal and inhuman conditions, troops sent in to subdue civilian populations, and the right of privacy not respected. It was noted that minority groups were also being discriminated against in flagrant violation of the International Convention on the Elimination of All Forms of Racial Discrimination. One representative cited many instances of gross and massive violations of the rights of the population of African origin in a certain country and also of mass repressions aimed at organizations and persons protesting against the policy of aggression, racism and segregation in that country.

145. Certain representatives referred to the violations of human rights in armed conflicts and deplored the plight of prisoners of war who had not been repatriated and who were interned under conditions which contravened the principles enunciated in the 1949 Geneva Conventions and other international instruments as well as relevant United Nations resolutions. In this connexion it was suggested that an effort should be made to strengthen the system of protecting powers in order to safeguard, to all possible extent, human rights in time of armed conflict.

146. Some speakers welcomed the adoption by the Sub-Commission at its twenty-fourth session of resolutions 1 (XXIV) and 2 (XXIV) which established criteria of admissibility for communications and which created a working group of five to examine such communications, thus significantly advancing the implementation of procedures dealing with violations of human rights. The hope was expressed that the first report of the working group would help to clarify the implications of the formula "a consistent pattern of gross and reliably attested violations" which was used in resolution 1 (XXIV).

147. One representative referred to the violations of human rights involved in the recent massive expulsion of nationals of his own country by the Government of a neighbouring country. He noted that such massive expulsions, revealing clearly the pursuance of a policy of collective vengeance against innocent and defenceless people of a specific ethnic group were premeditated and were carried out in defiance of the most elementary human rights and the most tested practices of international law. Although he acknowledged that under legal doctrine and in judicial practice the right of expulsion was recognized, this right was not discretionary and could be exercised only within clearly defined limits and entailed guarantees which no State could take upon itself to ignore. Documentary evidence was given in support of the allegations made on the appalling conditions endured by those expelled from the country in which they had peacefully and legally resided for many years and to which some had been attracted for religious reasons. He therefore appealed to the Commission, which he declared competent to consider the question without encroaching upon the principles of national sovereignty and non-interference in internal affairs, to take up measures which would put an end to those flagrant violations of human rights.

148. The representative of the country concerned contested the documentary evidence adduced by the other representative and noted that there had been no massive expulsion of persons from his country, that only a limited number of persons had been asked to leave and that they had been given assistance to do so. He observed that his Government had applied in the most humane and tolerant manner the national laws and regulations regarding entry, residence and labour within its territory and that only those who had entered his country illegally had been deported. He further observed that his Government's domestic policy in this respect had been applied to all foreign nationals and involved no enmity or racial discrimination against any ethnic group. The same representative indicated that in view of their political nature, those allegations fell outside the Commission's humanitarian field of competence. He finally noted that neither the Commission nor any other body of the United Nations could interfere in the matter, which he considered to be strictly within the domestic jurisdiction of his country and thought that it could be settled between the States concerned.

149. At the 1181st meeting, a draft resolution (E/CN.4/L.1216) was submitted by Iran. The sponsor of the draft resolution noted that in view of modern developments, particularly in the field of transportation, there was an urgent need

to study, to define, and to protect the basic human rights of foreign nationals, and he believed that the international community should devote, on a general basis, attention to the status of aliens and the existence of situations in which their rights were violated. One representative shared those views and indicated that a study of that nature could also deal with the right of refugees and conscientious objectors, and the procedure of extradition. In the opinion of another representative the draft resolution did not meet the needs of all the countries represented on the Commission because it was inspired by a particular situation.

150. The representative of Iraq proposed amendments (E/CN.4/L.1223) to the draft resolution contained in document E/CN.4/L.1216.

B. Model rules of procedure for United Nations bodies dealing with violations of human rights (Commission resolution 14 (XXVII))

151. The Commission considered subitem 10 (b) at its 1181st and 1182nd meetings, held on 5 and 6 April 1972.

152. By resolution 14 (XXVII), the Commission decided to establish a working group of five of its members to meet before the twenty-eighth session of the Commission "to examine the model rules of procedure" contained in the note by the Secretary-General (E/CN.4/1021/Rev.1) prepared in accordance with resolutions 8 (XXV) and 9 (XXVI) of the Commission.

153. The Commission had before it the above-mentioned note by the Secretary-General containing the preliminary draft of the model rules, and the report (E/CN.4/1086) of the Working Group established under resolution 14 (XXVII) of the Commission on Human Rights. The Commission also had before it notes by the Secretary-General (E/CN.4/1071 and Add.1-4) containing the comments of Member States on the preliminary draft of the model rules. One representative asked the Working Group to take into account the observations in the written statements on the draft submitted by non-governmental organizations in documents E/CN.4/NGO/163 and E/CN.4/NGO/167.

154. During the brief discussion of this subitem, some representatives indicated their approval of the draft model rules of procedure which had been adopted by the Working Group and it was stated that the model rules were intended to serve as a procedural guide for various kinds of United Nations fact-finding bodies dealing with violations of human rights. One representative, on the other hand, expressed doubts as to the advisability of preparing such model rules.

155. At its 1181st meeting, the representative of Chile, speaking as Chairman of the Working Group established by resolution 14 (XXVII), introduced a draft resolution (E/CN.4/L.1218) co-sponsored by Austria, Chile, Morocco, the Netherlands and Pakistan.

156. In the second operative paragraph, it was proposed that the Commission should request the Working Group "to meet again immediately before the twenty-ninth session of the Commission with a view to continuing and finishing the examination of the draft model rules of procedure". Under the third operative paragraph, the Commission would decide to consider the matter "as a priority item" at its twenty-ninth session.

157. In the light of a suggestion from the representative of the Byelorussian SSR, the representative of the Netherlands, at the 1182nd meeting, also on behalf of the sponsors of the draft resolution, orally revised it, deleting the words "and finishing" in the second operative paragraph and adding the words "and present its report to the twenty-ninth session of the Commission" at the end of the paragraph.

158. The representative of the Byelorussian SSR requested a separate vote on the words "as a priority item" in the third operative paragraph.

159. At the 1182nd meeting, upon the proposal of the representative of Ghana, the Commission, by 11 votes to 9, with 8 abstentions, decided to postpone consideration of all remaining items, including item 10 (see para. 160 below).

X. POSTPONEMENT OF ITEMS ON THE AGENDA 9/

160. At its 1182nd meeting, on 6 April 1972, the Commission, on a motion by the representative of Ghana carried by 11 votes to 9, with 8 abstentions, decided to postpone to its twenty-ninth session the completion or consideration of the following items:

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. Outstanding proposal: E/CN.4/L.1216, draft resolution proposed by Iran, and E/CN.4/L.1223, amendments proposed by Iraq.
 - (a) Study of situations which reveal a consistent pattern of violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII).
 - (b) Model rules of procedure for United Nations bodies dealing with violations of human rights. Outstanding proposal: E/CN.4/L.1218, draft resolution proposed by Austria, Chile, Morocco, Netherlands and Pakistan.
11. Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination. Outstanding proposal: E/CN.4/L.1221, draft resolution proposed by Pakistan.
12. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred.
13. Review of the human rights programme and establishment of priorities: control and limitation of documentation. Outstanding proposal: E/CN.4/L.1211, draft resolution proposed by Italy, Netherlands, Philippines and United Kingdom.
14. Periodic reports on human rights. Outstanding proposal: E/CN.4/L.1211, draft resolution proposed by Italy, Netherlands, Philippines and United Kingdom; E/CN.4/1085, paragraph 34, draft resolution recommended by the Ad Hoc Committee on Periodic Reports for adoption by the Commission.
15. Human rights and scientific and technological developments: report of the Secretary-General. Outstanding proposals: E/CN.4/L.1220, draft resolution proposed by Austria; E/CN.4/L.1222/Rev.1, draft resolution proposed by the Byelorussian SSR.

9/ The text of documents referred to in this chapter are included in document E/CN.4/1096.

16. Study of the right of everyone to be free from arbitrary arrest, detention and exile, study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, and draft principles on freedom from arbitrary arrest and detention.
17. Advisory services in the field of human rights.
18. Further promotion and encouragement of respect for human rights and fundamental freedoms.
19. Question of an international code of police ethics. Outstanding proposal: E/CN.4/L.1219, draft resolution proposed by Netherlands and Norway.
21. Communications concerning human rights.

161. Some representatives opposing the motion expressed their misgivings in regard to the procedure adopted since items with a long-lasting impact on the work of the Commission and on which resolutions had already been drafted could not be considered with the appropriate care. Other representatives expressed their complete satisfaction.

XI. PLACE OF MEETING OF THE NEXT SESSION OF THE COMMISSION

162. At the 1185th meeting, on 7 April 1972, the Commission adopted without objection the proposal of the representative of France that it should recommend to the Economic and Social Council that the twenty-ninth session of the Commission on Human Rights should be held at the European Office of the United Nations at Geneva.

XII. ADOPTION OF THE REPORT

163. At its 1183rd to 1185th meetings, on 7 April 1972, the Commission discussed its draft report on the work of its twenty-eighth session. The draft report, as amended in the course of the discussion, was adopted unanimously.

XIII. RESOLUTIONS AND OTHER DECISIONS ADOPTED BY THE COMMISSION
AT ITS TWENTY-EIGHTH SESSION

A. Resolutions

1 (XXVIII). Continued international action to combat racism
and racial discrimination 10/

The Commission on Human Rights,

Reiterating its firm conviction that racial discrimination is a total negation of the principles and purposes of the Charter of the United Nations and that it militates against human progress, peace and justice,

Reiterating further its firm conviction that any doctrine of exclusiveness based on racial differentiation or ethnic superiority is scientifically false, morally condemnable and socially unjust,

Reiterating the firm determination to bring about the total and unconditional elimination of racial discrimination in all its forms and particularly the elimination of the policy of apartheid, pursued by the racist régimes in southern Africa,

Considering that arousing world public opinion and promoting action against racism would contribute to the expansion of national and international efforts towards ensuring the rapid and total eradication of racial discrimination in all its forms,

Believing in the urgent need for continuous and vigorous national action and collective international measures against racial discrimination affecting millions of people all over the world in order to ensure them the dignity and equality inherent in all human beings,

Reaffirming its recognition and vigorous support of the legitimacy of the struggle of all oppressed people against colonial, racial and alien domination towards the achievement of their inalienable rights of equality and freedom,

Reaffirming also its support for increased and continued moral and material support for their liberation, equality and self-determination in accordance with the principles and purposes of the Charter,

Welcoming the General Assembly's resolution that the International Year for Action to Combat Racism and Racial Discrimination should be observed as the opening year for an ever-growing struggle against racial discrimination in all its forms and manifestations and for the purpose of promoting international solidarity with all the peoples struggling against racism and racial discrimination.

10/ Adopted at the 1152nd meeting on 15 March 1972. See chap. II, paras. 24-28.

Welcoming the resolution of the General Assembly to launch a continued international action to combat racism on the basis of a Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms,

Noting the message sent by the President of the twenty-sixth session of the General Assembly to the heads of State or Government in this respect, 11/

Noting the invitation by the General Assembly to the Economic and Social Council to request the Commission to submit suggestions with a view to launching international action to combat racism on the basis of the aforementioned Decade,

Taking note of the report of the Secretary-General on the subject,

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session and as its first priority urgently to prepare suggestions and draw up a draft programme to be followed during the envisaged "Decade for Action to Combat Racism and Racial Discrimination" and to submit its suggestions and draft programme to the Commission at its twenty-ninth session;

2. Draws the attention of the Sub-Commission to the following points to be considered as guidelines in the study of the subject and the preparation of the suggestions and draft programme thereon:

(a) At the United Nations level, inter alia:

- (i) The study of the establishment of a means for co-ordinate and joint action among the organs and bodies working in the fields of racial discrimination, prevention of discrimination, apartheid and related subjects in order to draw up a unified policy to be considered by the General Assembly in preparation for the formal launching of the "Decade for Action to Combat Racism and Racial Discrimination";
- (ii) The ways and means to ensure the implementation of United Nations resolutions on apartheid, racial discrimination and related matters;
- (iii) The study, in co-operation with the United Nations Institute for Training and Research, of the role that could be entrusted to the latter in preparation for and during the aforementioned Decade;
- (iv) The role that could be entrusted to:
 - a. The advisory services in the field of human rights;
 - b. The United Nations Office of Public Information;
 - c. The specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization;

(v) The role of science;

11/ See General Assembly resolution 2784 (XXVI), annex.

- (vi) The role that might be played by non-governmental organizations acting in good faith in accordance with the principles and purposes of the Charter;
- (b) At the international and regional level, inter alia:
- (i) The study of ways and means and the preparation of concrete proposals to put an end to the military and economic might of the racist régimes;
 - (ii) The study of ways and means and the preparation of concrete proposals to ensure world support - moral and material - for the struggle of all oppressed people against colonial, racist and alien domination;
 - (iii) The discussion of the problem of racial discrimination in international conferences and the possibility of holding an international conference on combating racial discrimination during the Decade;
 - (iv) The consideration of ways and means of achieving the total international and regional isolation of racist régimes;
 - (v) The consideration of ways and means to co-ordinate available media of information to launch a world-wide co-ordinated campaign against racism and racial discrimination;
- (c) At the national level, inter alia:
- (i) The education of children and youth in the spirit of human rights and specifically against racial theories, by the inclusion in curricula of special and yearly programmes on the evils of racism, apartheid and racial discrimination;
 - (ii) The consideration of enacting laws prohibiting racial discrimination and the activities of organizations that disseminate ideas of racism and racial superiority, taking into consideration the provisions of article 1, paragraph 4, of the International Convention on the Elimination of All Forms of Racial Discrimination, and the repeal of all laws and regulations which contribute to the maintenance and propagation of racial discrimination;
 - (iii) The preparation and implementation of economic, social and political measures that would ensure the real equality of all peoples and individuals without regard to race, colour, descent, or national or ethnic origin;
 - (iv) The use of all available media of information to educate the public in the spirit of respect for human rights and, in particular, against all policies, practices and manifestations of racism and racial discrimination;

- (v) The possibility of granting scholarships to the youth of the territories under racial rule, in particular, in the schools, institutions and universities of developing countries;

3. Also draws the attention of the Secretary-General and the Sub-Commission to the advisability of developing and updating the programmes carried out during the International Year for Action to Combat Racism and Racial Discrimination;

4. Requests the Secretary-General to prepare, in the light of the above-mentioned guidelines and the experience gained during the International Year for Action to Combat Racism and Racial Discrimination, and on the basis of replies available from Governments to the message sent by the President of the twenty-sixth session of the General Assembly to heads of State or Government, an outline of a long-term programme of international action to combat racism, apartheid and racial discrimination in consultation with the specialized agencies concerned and to submit the outline to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-fifth session for its consideration and comment;

5. Requests the Economic and Social Council to inform the General Assembly of the action taken by the Commission in the present resolution with a view to early implementation of the request contained in section I of General Assembly resolution 2784 (XXVI).

2 (XXVIII). Reports of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII) and continuation of studies of policies and practices of racial discrimination 12/

The Commission on Human Rights,

Reaffirming its conviction that all forms of racial discrimination are contrary to the principles and purposes of the Charter of the United Nations, are affronts to human dignity and impediments to peace and progress,

Convinced that racial discrimination in all its forms is morally and socially unjust and that any doctrine based on racial differentiation or ethnic or religious superiority is false and condemnable,

Determined to bring about complete elimination of racial discrimination in all its forms and manifestations, and disturbed at the continuous situation in southern Africa and elsewhere in which racial discrimination continues and is in many cases intensified,

Having studied with appreciation the reports (E/CN.4/1075 and E/CN.4/1076) of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII),

1. Recommends to the Economic and Social Council that it should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices

12/ Adopted at the 1155th meeting on 17 March 1972. See chap. II, paras. 29-36; see also annex II, paras. 4-10.

of discrimination on the basis of colour faced by people of African origin in all countries, and of the measures being taken and to be taken to combat such policies and practices, with a view to the submission of a report to the General Assembly by the Commission on Human Rights through the Economic and Social Council as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices, in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI);

2. Requests the Economic and Social Council to transmit to Member States, the Special Committee on Apartheid and the International Law Commission the report of the Ad Hoc Working Group of Experts concerning the question of apartheid from the point of view of international penal law (E/CN.4/1075), submitted under resolution 8 (XXVI) of the Commission on Human Rights for their comments;

3. Decides to consider again at its twenty-ninth session the question of the elimination of racial discrimination.

3 (XXVIII). Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East 13/

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recalling all the relevant resolutions adopted by the various United Nations organs on the subject of the protection of the human rights of the inhabitants of the Arab territories occupied by Israel,

Recalling also that in accordance with the provisions of the Charter of the United Nations and those of the Universal Declaration of Human Rights, Member States bear a special responsibility to ensure the protection of human rights and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

Recalling further that, in accordance with article 1 of the said Geneva Convention, States parties have undertaken not only to respect but also to ensure respect for the Convention in all circumstances,

Taking note of the reports submitted to and/or discussed in the different competent organs of the United Nations on the aforementioned subject,

Gravely concerned at all acts and policies that affect the status or the character of those occupied territories and the basic rights of the inhabitants thereof, such as:

13/ Adopted at the 1161st meeting on 22 March 1972. See chap. III, paras. 63-67.

(a) The declared intention of annexing certain parts of the occupied Arab territories,

(b) The establishment of Israeli settlements in the occupied territories and the transfer of parts of the civilian population into those territories,

(c) The evacuation, transfer, deportation and expulsion of the inhabitants of occupied territories,

(d) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property,

(e) The denial of the right of the refugees and displaced persons to return to their homes,

(f) Collective punishment and ill-treatment of prisoners and detainees,

(g) Administrative detention and holding of prisoners incommunicado,

Noting with regret that the aforementioned acts have not been rescinded in spite of the numerous resolutions adopted on the subject,

Deploing the persistent defiance and disregard by Israel of all United Nations resolutions on the protection of human rights of the inhabitants of the occupied territories and on the preservation of the demographic composition and geographic character thereof,

Taking note of the fact that the Geneva Convention of 12 August 1949 (article 147) has considered unlawful deportation or transfer, unlawful confinement, deprivation of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property as grave breaches of the Convention,

Noting that the Charter of the International Military Tribunal of Nuremberg as confirmed by General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 has considered as war crimes the "grave breaches" later enumerated in the Geneva Conventions of 12 August 1949,

Recalling its resolution 5 B (XXVI), which considered violations of the Geneva Conventions as war crimes and an affront to humanity,

1. Strongly calls upon Israel to rescind forthwith all measures and to desist from all policies and practices affecting the demographic structure or the physical character of the occupied Arab territories and the human rights of their inhabitants;

2. Calls upon the Government of Israel to permit all persons who have fled the occupied territories or who have been deported or expelled therefrom to return to their homes without conditions;

3. Reaffirms that all measures taken by Israel to annex or settle the occupied territories are null and void;

4. Calls upon the Government of Israel, once more, to comply fully with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

5. Also calls upon Israel once more to respect and implement the resolutions adopted by the Commission and other competent organs on the question of the protection of the human rights of the inhabitants of the occupied territories;

6. Requests all States Members of the United Nations and all States parties to the fourth Geneva Convention of 12 August 1949 to do their utmost to ensure that Israel respects the principles of human rights and fulfils its obligations under that Convention;

7. Considers that grave breaches of the fourth Geneva Convention committed by Israel in the occupied Arab territories constitute war crimes and an affront to humanity;

8. Decides to place on the provisional agenda of its twenty-ninth session as a matter of high priority the item entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East".

4 (XXVIII). Draft convention on the suppression and punishment of the crime of apartheid 14/

The Commission on Human Rights,

Recalling General Assembly resolution 2786 (XXVI), which recognized the need to take further effective measures for the suppression and punishment of the crime of apartheid,

Noting the urgency and importance of this question in view of the continuing crime of apartheid being committed by the racist régimes in southern Africa against the African population,

Emphasizing the need to take effective national and international measures for the suppression of the crime of apartheid and the punishment of those who are guilty of perpetrating it,

Having considered the draft convention on the suppression and punishment of the crime of apartheid and the draft protocol on the suppression and punishment of the crime of apartheid to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, contained in documents A/C.3/L.1871 and E/CN.4/L.1189.

Taking into account the report of the Ad Hoc Working Group of Experts under Commission resolution 8 (XXVI), and Commission resolution 2 (XXVIII).

Noting that it does not have time to consider fully the aforementioned draft convention and draft protocol,

14/ Adopted at the 1163rd meeting on 23 March 1972. See chap. II, paras. 40-48.

1. Requests the Secretary-General to circulate the text of the draft convention on the suppression and punishment of the crime of apartheid, together with amendments thereto, and the text of the draft protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination to Governments for their comments and views and to transmit such comments and views received, together with the comments made in the Commission on Human Rights during its twenty-eighth session on the relevant drafts, to the General Assembly at its twenty-seventh session;

2. Requests Governments to communicate their comments and views concerning the draft convention and the draft protocol to the Secretary-General at the earliest possible date for consideration by the General Assembly at its twenty-seventh session;

3. Invites the Special Committee on Apartheid to consider the draft convention on the suppression and punishment of the crime of apartheid and the draft protocol to the international convention on the elimination of all forms of racial discrimination and to submit its recommendations to the General Assembly at its twenty-seventh session;

4. Requests the Economic and Social Council to invite the General Assembly to give priority to the question of the adoption of an international instrument for the suppression and punishment of the crime of apartheid in the agenda of its twenty-seventh session.

5 (XXVIII). 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 15/

The Commission on Human Rights,

Recalling its resolution 14 (XXV), 11 (XXVI) and 17 (XXVII),

Taking into consideration the note of the Secretary-General on this question (E/CN.4/1023 and Add.1-3, Add.3/Corr.1 and Add.4),

Noting with regret that at its twenty-eighth session it did not have an opportunity to discuss the study or the conclusions and recommendations of the Special Rapporteur appointed under its resolution 14 (XXV),

1. Decides to include this item in the agenda of the twenty-ninth session as a matter of priority and to discuss the above-mentioned study;

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

/For the text, see chapter XIV, draft resolution I./

15/ Adopted at the 1168th meeting, on 28 March 1972. See chap. IV, paras. 79-86; see also annex II, paras. 11-16.

6 (XXVIII). Protection of journalists engaged in dangerous professional missions in areas of armed conflict 16/

The Commission on Human Rights,

Noting General Assembly resolution 2854 (XXVI) and the documents related thereto, particularly documents A/C.3/L.1902 and A/C.3/L.1903,

Noting the General Assembly's request that the preliminary draft convention contained in Economic and Social Council resolution 1597 (L) should be considered as a matter of priority,

1. Approves as the basis for further work the draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict annexed hereto;

2. Decides to transmit the present resolution and the draft articles of the International Convention, as well as all other relevant documents containing drafts or amendments that were submitted during its twenty-eighth session, to the next session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts convened by the International Committee of the Red Cross, in order that they may be brought to the notice of that Conference for its observations;

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

/For the text, see chapter XIV, draft resolution II./

^{16/} Adopted at the 1175th meeting, on 31 March 1972. See chap. V, paras. 89-103.

ANNEX

Draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict

Article 1

The provisions of this Convention shall extend to journalists who hold the card provided for in article 4 below and subsequent articles while engaged in dangerous professional missions.

Article 2

For the purposes of the application of this Convention, the word "journalist" shall mean any correspondent, reporter, photographer, film cameraman or press technician who is ordinarily engaged in any of these activities as his principal occupation and who, in countries where such activities are assigned their particular status by virtue of laws or regulations, have that status (by virtue of the said laws or regulations).

The words "dangerous professional missions" shall cover any professional activity exercised by a journalist carried out in an area where there is armed conflict, whether or not of an international character, for the purpose of collecting information, photographs, films, sound recordings or any other material and disseminating them through media of public information.

The term "armed conflict", whether or not international, refers to the conflict defined in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in all protocols to that Convention ratified by States parties to this Convention.

Article 3

There shall be established an International Professional Committee composed of nine members appointed by the Secretary-General of the United Nations in consultation with the Chairman of the Commission on Human Rights, with due regard for the principle of equitable geographical distribution and with the establishment of an equitable balance among the various information media. The Secretary-General shall be represented in that Committee.

The Secretary-General shall invite the International Committee of the Red Cross to participate in the work of the Committee as an observer.

Article 4

The International Professional Committee shall make regulations prescribing the form, contents and conditions for the issuance and the withdrawal of the card.

A journalist who is engaged in a dangerous mission may hold the above-mentioned card.

The Committee shall inform all States parties to the Convention of the form, contents and conditions for the issuance and the withdrawal of the card and an exact description of the distinguishing emblem provided for in article 9.

Article 5

The card shall certify the status of the journalist and shall indicate the occupation that gives him the right to that status within the meaning of article 2 above. It shall also state his name, date and place of birth, habitual residence and nationality, and shall bear his photograph, his signature and the distinguishing emblem provided for in article 9.

The card shall be issued for the execution of a dangerous professional mission in a specified geographical area where there is an armed conflict and shall be valid for a period of 12 months from the date of issue. It may be renewed on the same terms provided its holder retains the status of a journalist.

The authorities responsible for the issuance of the card shall communicate without delay to the International Professional Committee the names and all other relevant personal data of journalists to whom cards have been issued. In the case of withdrawal of a card from a journalist, such withdrawal shall also be communicated immediately to the International Professional Committee. The latter shall establish and maintain an up-to-date register of journalists who hold cards.

Article 6

The competent authorities of the States parties to this Convention shall be responsible for the issuance, authentication, renewal and, where necessary, withdrawal of the card.

The card may be issued only to a journalist who is a national of the State party to this Convention that issued the card or who is under its jurisdiction.

Article 7

The States parties to this Convention and, as far as possible, all parties to an armed conflict in the territory of a State party to the Convention shall recognize a duly authenticated and current card and the distinguishing emblem provided for in article 9, and they shall give effect to them as required by this Convention.

States parties to this Convention shall give wide circulation to the model of the card and to the distinguishing emblem provided for in article 9.

Article 8

A journalist who holds a card and who is engaged in a dangerous professional mission shall produce the card when necessary to secure the protection of this Convention.

A journalist who holds a card may wear the distinguishing emblem described in article 9.

Article 9

There shall be a distinguishing emblem, which shall consist of the letter J in black on a gold circular background. The emblem shall be displayed on the left upper arm in such a way that it shall be clearly visible at a distance.

Article 10

The States Parties to this Convention and, as far as possible, all the parties to the conflict in the territories of a State party to the Convention, having identified a journalist as one who holds a card, shall:

(a) Do all that is necessary to protect him from the danger of death or injury or from any other danger inherent in the conflict and in the conduct of all parties to the said conflict;

(b) Inform him to the extent compatible with military requirements of the areas and circumstances in which he may be exposed to danger;

(c) Recognize, in case of internment, that the regulations for the treatment of internees set forth in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, shall apply;

(d) Ensure that, if a journalist who holds a card is killed or injured, falls seriously ill, is reported missing, or is arrested or imprisoned, the information concerning the said journalist is communicated forthwith to his next of kin or to the State party that issued the card, or ensure that the said information is made public. This information may be communicated through all appropriate media, in the quickest and most effective manner and, preferably, through the International Committee of the Red Cross or the Secretary-General of the United Nations, in order that the International Professional Committee may be informed without delay.

When undertaking dangerous professional missions in an area where there is a conflict within the meaning of article 2, journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons.

Article 11

Each State party to this Convention shall use its best endeavours to ensure that the provisions of this Convention are observed.

Article 12

The application of this Convention shall have no legal effect under international law on the situation of the parties to a conflict.

Article 13

This Convention shall not affect the sovereignty of States in so far as concerns national laws with respect to the crossing of frontiers or the movement or residence of aliens.

Possession of a card shall not confer on a journalist any right or privilege save and except as prescribed by this Convention. It implies that the journalist to whom the card is issued shall undertake to use it only for his personal safety and therefore not to interfere in the domestic affairs of States to which he proceeds, and not to engage in any activities which may involve a direct or indirect participation in the conduct of hostilities in the area where the dangerous mission is being undertaken.

Article 14

None of the provisions of this Convention shall affect the provisions of the Geneva Conventions of 12 August 1949, or any protocols to those Conventions.

7 (XXVIII). Question of the punishment of war criminals
and of persons who have committed crimes
against humanity 17/

A

The Commission on Human Rights,

Having considered the report of the Secretary-General on the question of the punishment of war criminals and of persons who have committed crimes against humanity (E/CN.4/1082),

Noting that the aforementioned report contains important comments by States on the development of co-operation in the collection and exchange of information leading to the detection, arrest, extradition, trial and punishment of persons guilty of war crimes and crimes against humanity,

Noting further, with regret, that, owing to lack of time, the Commission has been unable to give full consideration to the question of principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity,

1. Decides to include in the agenda of its twenty-ninth session, as a priority item, the question of the consideration of principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity;

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

/For the text, see chapter XIV, draft resolution III./

B

The Commission on Human Rights,

Bearing in mind its resolution 3 (XXVIII),

Requests the Secretary-General to submit to the General Assembly at its twenty-seventh session a note containing United Nations resolutions concerning the declaration of grave breaches of the fourth Geneva Convention of 12 August 1949 as "war crimes" and the relevant conclusions and recommendations of United Nations bodies and the International Committee of the Red Cross relating to grave breaches of the fourth Geneva Convention.

17/ Adopted at the 1177th meeting, on 3 April 1972. See chap. VI, paras. 107-114.

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1594 (L) concerning the study of equality in the administration of justice (E/CN.4/Sub.2/296), as well as General Assembly resolution 2858 (XXVI) on human rights in the administration of justice,

Noting with regret that, owing to lack of time, the Commission has been unable to examine in detail the draft principles relating to equality in the administration of justice (E/CN.4/1077, annex) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and based on the aforementioned study,

Emphasizing the importance and urgency of consideration in depth of those principles, with a view to considering the elaboration of an international instrument on the subject,

1. Requests Governments of Member States to communicate to the Secretary-General their comments and views concerning the draft principles and the form of the instrument on the principles relating to equality in the administration of justice, so that these comments and views could be considered at the twenty-ninth session of the Commission on Human Rights;

2. Decides to give high priority to the consideration of this item at its twenty-ninth session.

B. Other decisions

1. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 1179th meeting, on 4 April 1972, in accordance with Economic and Social Council resolution 1334 (XLIV), the Commission elected the 26 members of the Sub-Commission for a period of three years. For the names of the members, see paragraph 119 above.

2. Report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 1180th meeting, on 5 April 1972, the Commission decided to postpone further consideration of this item until its twenty-ninth session. 19/

3. Postponement of items on the agenda

At its 1182nd meeting, on 6 April 1972, the Commission decided to postpone to its twenty-ninth session further consideration of item 10 and consideration of items 11 to 19 and item 21 of its agenda, enumerating in that context proposals and amendments relating thereto submitted during the twenty-eighth session. 20/

18/ Adopted at the 1179th meeting, on 4 April 1972. See chap. VIII, paras. 134 and 135.

19/ See chap. VIII, paras. 138 and 139; see also annex II, para. 17.

20/ See chap. X, paras. 160 and 161; see also chap. IX, para. 159.

XIV. DRAFT RESOLUTIONS FOR ACTION BY, AND OTHER MATTERS OF
CONCERN TO, THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I

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 21/

The Economic and Social Council,

Recalling its resolutions 1421 (XLVI) of 6 June 1969, 1502 (XLVIII) of 27 May 1970 and 1595 (L) of 21 May 1971,

Reiterating the importance of implementing the provisions of the International Development Strategy for the Second United Nations Development Decade, especially the goals and policy measures enumerated therein, for the achievement of economic social and cultural rights in developing countries,

Believing that the elaboration of a methodology will be indispensable for the rational consideration of this question in the future,

Impressing upon the Special Rapporteur appointed under Commission of Human Rights resolution 14 (XXV) the urgent need to complete his 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 the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, taking particular account of the special problems of the developing countries in this regard,

Believing it desirable to consult its regional economic commissions on the 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, taking into account special problems relating to human rights in developing countries, especially in connexion with the twenty-fifth anniversary in 1973 of the proclamation of the Universal Declaration of Human Rights,

21/ See chap. XIII, resolution 5 (XXVIII) and chap. IV, paras. 79-86; see also annex II, paras. 11-16.

1. Urges the Special Rapporteur to complete his study, taking into account opinions expressed during the discussion of this question at the twenty-eighth session of the Commission on Human Rights and without prejudice to what is proposed in the succeeding paragraphs, to submit the final report to the Commission on Human Rights not later than three months in advance of its twenty-ninth session in 1973 and not later than 30 November 1972;

2. Requests the Secretary-General to continue providing all possible assistance to the Special Rapporteur and to urge once again those Governments and specialized agencies that 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, so that the Special Rapporteur may utilize this information as he may deem it appropriate;

3. Requests each regional economic commission to consider the feasibility of including in the agenda of its next session the consideration of "the question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights, taking into account special problems relating to human rights in developing countries", and to indicate particular aspects of these rights;

4. Requests the Committee on Review and Appraisal of the Objectives and Policies of the International Development Strategy for the Second United Nations Development Decade and the Committee for Development Planning to transmit to the Commission on Human Rights all available information relevant to this item;

5. Invites the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization to consider, within their sphere of competence, the question of the effective methods and means to be used for the realization of the economic, social and cultural rights and to forward their suggestions to the Commission on Human Rights in time for consideration at its twenty-ninth session;

6. Requests the Commission on Human Rights to continue to study the problem at its twenty-ninth session as a matter of priority, including the feasibility of the observance at an appropriate time of an international year for eradication of poverty.

II

Protection of journalists engaged in dangerous professional missions in areas of armed conflict 22/

The Economic and Social Council,

Noting General Assembly resolution 2854 (XXVI) and the documents related thereto, particularly documents A/C.3/L.1902 and A/C.3/L.1903,

Noting Commission on Human Rights resolution 6 (XXVIII),

22/ See chap. XIII, resolution 6 (XXVIII), and chap. V, paras. 89-103.

Considering that the Universal Declaration of Human Rights has proclaimed in its article 19 the right of everyone to freedom of opinion and expression, including freedom to seek, receive and impart information through any media and regardless of frontiers,

Considering that it is important to promote the right to complete objective and truthful information,

Considering that mass media of information play a vital role in that connexion,

Considering that the quest for information may expose journalists to dangerous situations when their mission leads them to carry on their activity in areas where there is armed conflict,

Considering that those whose recognized function is to gather information for dissemination through an information organ should be afforded adequate protection in time of armed conflict,

Considering that, without prejudice to the application of the Geneva Conventions of 12 August 1949, it is desirable to guarantee for all categories of journalists, in view of the present-day requirements of their profession, effective protection when they carry out dangerous missions,

Transmits to the General Assembly at its twenty-seventh session:

(a) The draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict as approved by the Commission on Human Rights at its twenty-eighth session as the basis for further work;

(b) Proposed amendments and the records of the discussion at the twenty-eighth session of the Commission on Human Rights; 23/

(c) The relevant observations submitted by the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

III

Question of the punishment of war criminals and of persons who have committed crimes against humanity 24/

The Economic and Social Council,

Considering General Assembly resolution 2583 (XXIV), which draws attention to the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity,

23/ E/CN.4/L.1199 and Corr.1, E/CN.4/L.1202-1210, E/CN.4/SR.1165 and 1166 and E/CN.4/SR.1168-1176.

24/ See chap. XIII, resolution 7 A (XXVIII), and chap. VI, paras. 107-114.

Recalling General Assembly resolution 2712 (XXV), which expresses 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, and 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,

Referring to General Assembly resolution 2840 (XXVI), which requests the Commission on Human Rights to consider the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity and to submit a report on this question to the General Assembly at its twenty-seventh session,

Noting that many States have not yet submitted comments and observations in accordance with resolution 2712 (XXV),

1. Once again requests those States which have not yet done so to submit to the Secretary-General their comments and observations on this question, including proposals concerning principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity;

2. Requests the Secretary-General to submit to the General Assembly at its twenty-seventh session and to the Commission on Human Rights at its twenty-ninth session an analytical survey of the comments, observations and proposals received from States, having regard to the need to formulate principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

IV

Report of the Commission on Human Rights

The Economic and Social Council,

Takes note of the report of the Commission on Human Rights at its twenty-eighth session.

B. Other matters of concern to the Council

1. Continued international action to combat racism and racial discrimination 25/

In operative paragraph 5 of resolution 1 (XXVIII) of 15 March 1972, the Commission requested the Council to inform the General Assembly of the action taken by the Commission in that resolution with a view to early implementation of the request contained in section I of General Assembly resolution 2784 (XXVI).

25/ See chap. XIII, resolution 1 (XXVIII).

2. Reports of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII) and continuation of studies of policies and practices of racial discrimination 26/

In operative paragraph 1 of resolution 2 (XXVIII) of 17 March 1972, the Commission recommended to the Council that it should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries, and of measures being taken to control such policies and practices, with a view to the submission of a report to the General Assembly by the Commission through the Council as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI).

The Commission also requested the Council, in operative paragraph 2 of the same resolution, to transmit to Member States, the Special Committee on Apartheid and the International Law Commission the report of the Ad Hoc Working Group of Experts concerning the question of apartheid from the point of view of international penal law (E/CN.4/1075), submitted under resolution 8 (XXVI) of the Commission for their comments.

3. Draft convention on the suppression and punishment of the crime of apartheid 27/

In operative paragraph 4 of resolution 4 (XXVIII) of 23 March 1972, the Commission requested the Council to invite the General Assembly to give priority to the question of the adoption of an international instrument for the suppression and punishment of the crime of apartheid in the agenda of its twenty-seventh session.

4. Place of meeting of the next session of the Commission

At the 1185th meeting, on 7 April 1972, the Commission decided to recommend to the Council that the twenty-ninth session of the Commission on Human Rights should be held at the European Office of the United Nations at Geneva. 28/

26/ See chap. XIII, resolution 2 (XXVIII); see also annex II, paras. 4-10.

27/ See chap. XIII, resolution 4 (XXVIII).

28/ See chap. XI.

ANNEXES

Annex I

ATTENDANCE

Members

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

Byelorussian Soviet Socialist Republic: Mr. G. N. Stankevich, Mr. O. A. Tikhonov,*
Mr. V. V. Lochtchinin*

Chile: Mr. Humberto Díaz-Casanueva, Mrs. Leonora Kracht,* Mr. Patricio Carrasco*

Ecuador: Mr. José R. Martínez-Cobo, Mr. Horacio Sevilla-Borja*

Egypt: Mr. Hussein Khallaf, Mr. Amre Moussa*

France: Mr. Pierre Juvigny, Mrs. Nicole Questiaux*

Ghana: Mr. R. M. Akwei, Mr. K. Sekyiamah*

Guatemala: Mr. Carlos García-Bauer, Mr. J. C. Delprée-Crespo*

India: Mrs. Leela Damodara Menon, Mr. N. P. Jain,* Mr. A. S. Mani*

Iran: H. I. H. Princess Ashraf Pahlavi, a/ Mr. Fereydoun Hoveyda,*
Mr. Parviz Radji,* Mr. Mehdi Ehsassi,* Mr. Gholam Ali Sayar,* Mr. Morteza Jalili,*
Mr. Jamal Shemirani*

Iraq: Mr. Hisham Al-Shawi

Italy: Mr. Giuseppe Sperduti, a/ Mr. Antonio Cassese,* Mr. Francesco Guariglia*

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

Mauritius: Mr. Radha Krishna Ramphul

Mexico: Miss Maria Lavalle Urbina

Morocco: Mr. Ahmed Kettani, Mr. Noureddine Sefiani*

*. Alternate.

a/ Did not attend session.

Netherlands: Mr. Th. C. van Boven, Mr. A. P. van Walsum*

Nigeria: Mr. Adeitan Ayinde Adediran, a/ Mr. Y. A. O. Jinadu,* Mr. A. A. Mohammed*

Norway: Mr. Jens Evensen, Mr. Ivar Eriksen,* Mr. Jan Arvesen,*
Mr. Erik Tellmann*

Pakistan: Mr. Agha Shahi, Mr. Munir Akram*

Peru: Mr. Mario Alzamora Valdez, Mr. Cord Dammert*

Philippines: Mr. Narciso G. Reyes, Mr. Iluminado G. Torres,*
Mr. Cecilio R. Espejo*

Poland: Mr. Eugeniusz Kulaga, Mr. Edward Sabik*

Romania: Mr. Ion Datcu, Mr. Dumitru Ceausu,* Mr. Nicolae Ropotean*

Senegal: Mr. Ibrahima Boye (present until 24 March 1972), Mr. Kéba M'Baye,
Mr. Ousmane Goundiam*

Turkey: Mr. M. A. Suat Bilge, Mr. M. Güney,* Mr. T. Firat,* Mr. A. Berk*

Union of Soviet Socialist Republics: Mr. N. K. Tarassov, Mr. K. P. Gutsenko,*
Mr. N. I. Evdokeyev*

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,
Mr. D. J. McCarthy*

United Republic of Tanzania: Mr. C. S. M. Mselle, Mr. A. M. Hyera*

United States of America: Mr. William E. Schaufele, Mr. Warren E. Hewitt,*
Mr. Arthur M. Stillman*

Venezuela: Mr. Andrés Aguilar, Mr. Tulio Alvarado,* Miss Esther Meneses*

Zaire: Mr. Nicolas Bofunga

Observers from Member States

The following States Members of the United Nations were represented by observers: Australia, Bulgaria, Canada, Cuba, Finland, Hungary, Ireland, Israel, Jordan, Kenya, Kuwait, Madagascar, New Zealand, Spain, Syrian Arab Republic, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Uruguay, Yugoslavia.

* Alternate.

a/ Did not attend session.

Commission on the Status of Women

The Chairman of the Commission's twenty-fourth session also attended the session.

Specialized agencies

The following specialized agencies were represented: International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO).

Regional intergovernmental organizations

The following regional intergovernmental organizations were represented: Council of Europe, Inter-American Commission on Human Rights (Organization of American States), League of Arab States, Organization of African Unity.

Non-governmental organizations

The following non-governmental organizations sent observers to the session:

Category I

International Confederation of Free Trade Unions, International Council of Women, World Federation of United Nations Associations.

Category II

Agudas Israel World Organization, All-India Women's Conference, Amnesty International, Anti-Slavery Society, Associated Country Women of the World, Baha'i International Community, Consultative Council of Jewish Organizations, Co-ordinating Board of Jewish Organizations, Friends World Committee for Consultation, International Association of Penal Law, International Catholic Child Bureau, International Commission of Jurists, International Committee of the Red Cross, International Conference of Catholic Charities, International Council of Jewish Women, International Council of Social Democratic Women, International Council on Social Welfare, International Federation for the Rights of Man, International Federation of Business and Professional Women, International Federation of University Women, International Federation of Women Lawyers, International League for the Rights of Man, International Movement for Fraternal Union Among Races and Peoples, International Society for Criminology, Pan-Pacific and South-East Asia Women's Association, Pax Romana, St. Joan's International Alliance, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Jewish Congress, World Peace Through Law Centre, World Union of Catholic Women's Organizations, World Young Women's Christian Association, World's Woman's Christian Temperance Union.

Roster

International Association for Religious Freedom, International Humanist and Ethical Union, World Association of Girl Guides and Girl Scouts.

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS TWENTY-EIGHTH SESSION

1. In the course of its twenty-eighth session, the Commission adopted a total of eight resolutions, as well as other decisions, three of which have financial implications. 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 administrative and financial implications of the proposals.

2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its twenty-seventh session any additional resources needed to implement the proposals in 1972 and 1973. Resources needed in 1974 would be included in the budget request for that financial year.

3. The financial implications may be summarized as follows:

<u>Resolution</u> <u>No.</u>	<u>Subject</u>	<u>Requirements</u>	<u>1972</u> <u>(\$US)</u>	<u>1973</u> <u>(\$US)</u>	<u>1974</u> <u>(\$US)</u>	<u>1975</u> <u>(\$US)</u>
2 (XXVIII)	Reports of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII) and continuation of studies of policies and practices of racial discrimination	Travel and subsistence of Special Rapporteur; typing, translation and reproduction of report	2,300	12,300	17,700	
5 (XXVIII) (draft resolution I addressed to Council)	Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the	Travel and subsistence of Special Rapporteur; expert consultant services; typing, translation and reproduction of final report	52,900	1,200		

<u>Resolution</u> <u>No.</u>	<u>Subject</u>	<u>Requirements</u>	<u>1972</u> <u>(\$US)</u>	<u>1973</u> <u>(\$US)</u>	<u>1974</u> <u>(\$US)</u>	<u>1975</u> <u>(\$US)</u>
5 (XXVIII) (cont'd)	International Covenant on Eco- nomic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries					
Decision taken at the 1180th meeting of the Comm- ission, 5 April 1972	Report and studies of the Sub-Commission on Prevention of Discrimin- ation and Pro- tection of Minorities	Travel and sub- sistence of Special Rapporteur	2,200	2,200	2,200	2,200
TOTAL			<u>57,400</u>	<u>15,700</u>	<u>19,900</u>	<u>2,200</u>

Resolution 2 (XXVIII). Reports of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII) and continuation of studies of policies and practices of racial discrimination

4. In operative paragraph 1 the Commission on Human Rights recommends to the Economic and Social Council that it should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries, and of the measures being taken and to be taken to combat such policies and practices, with a view to the submission of a report to the General Assembly by the Commission on Human Rights through the Economic and Social Council as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices, in accordance with section III, paragraph 6 of General Assembly resolution 2784 (XXVI).

5. Should the Council authorize the Sub-Commission to appoint the Special Rapporteur, it may be assumed that the Sub-Commission would do so at its twenty-fifth session in August 1972. For the purpose of estimating the financial implications of implementing the proposal, it was assumed that the Special Rapporteur would begin preparation of his report in autumn 1972 and complete it in time for submission at the thirtieth session of the Commission on Human Rights in 1974, so that it could be submitted at the twenty-ninth session of the General Assembly in 1974 through the Economic and Social Council.

6. It was further assumed that the Special Rapporteur would follow a pattern of work similar to that envisaged for the three Special Rapporteurs appointed by the Sub-Commission at its twenty-fourth session and that he would therefore be required to visit United Nations Headquarters in the last quarter of 1972 for approximately three weeks in order to hold preliminary consultations with the Secretariat and again in 1973 for a further three weeks to finalize his report. The Special Rapporteur would also be required to present his report at the thirtieth session of the Commission on Human Rights in 1974, which is now scheduled to be held at Headquarters. In addition, it was suggested that provision should be made for the Special Rapporteur to make a certain number of trips in 1973 to various countries, in particular in Europe and Latin America, at a cost now estimated at \$10,000.

7. It was recalled that a special study by Mr. Hernán Santa Cruz, Special Rapporteur of the Sub-Commission, on racial discrimination in the political, economic, social and cultural spheres, had been examined by the Commission at its twenty-seventh session, and it was therefore anticipated that the Special Rapporteur to be appointed by the Sub-Commission would take advantage of this material as well as of the country monographs prepared for the Special Rapporteur's report.

8. Based on the foregoing assumptions, the financial implications of the travel and subsistence of the Special Rapporteur were calculated as follows:

	1972 (\$US)	1973 (\$US)	1974 (\$US)
(a) For preliminary consultations with the Secretariat and preparation of his report at United Nations Headquarters in 1972 and 1973 for approximately three weeks each	2,300	2,300	-
(b) For travel to various countries in Europe and Latin America		10,000	
(c) For submission of his report to the Commission on Human Rights at Headquarters in 1974			1,800
TOTAL	2,300	12,300	1,800

9. It was further estimated that \$15,900 would be required for the typing, translation and reproduction of a 200-page report to be submitted to the Commission on Human Rights, the Economic and Social Council and the General Assembly in 1974.

10. Accordingly, should the recommendation contained in operative paragraph 1 be endorsed by the Council and implemented in accordance with the assumptions set forth above, it would entail expenditures in the total amount of \$32,300 for the years 1972-1974, including the cost of the report.

Resolution 5 (XXVIII). 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

11. Under the terms of operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council, the Council would urge the Special Rapporteur to complete his study, taking into account opinions expressed during the discussion of this question at the twenty-eighth session of the Commission on Human Rights and without prejudice to what is proposed in the succeeding operative paragraphs, to submit the final report to the Commission on Human Rights not later than three months in advance of its twenty-ninth session in 1973 and not later than 30 November 1972.

12. In operative paragraph 2 of the draft resolution, the Secretary-General would be requested by the Council to continue providing to the Special Rapporteur all possible assistance and to urge once again those Governments and specialized agencies that 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, so that the Special Rapporteur may utilize this information as he may deem it appropriate.

13. It was recalled that the Commission in its resolution 11 (XXVI), endorsed by Economic and Social Council resolution 1502 (XLVIII), had envisaged that the Special Rapporteur's final report would be presented to the Commission at its twenty-eighth session at the latest; estimates had at that time been made to cover the Special Rapporteur's requirements in 1970, 1971 and 1972, as recalculated on the basis of indications given by the Special Rapporteur. Corresponding provisions (see E/CN.4/1039/Add.1) a/ had been included in the budget for the years in question, as summarized below:

	<u>1970</u> <u>(\$US)</u>	<u>1971</u> <u>(\$US)</u>	<u>1972</u> <u>(\$US)</u>
(a) One round-the-world trip	4,200	-	-
(b) Trips to attend the Commission sessions in 1971 and 1972	-	1,000	1,870
(c) Consultant services (fees and travel)	16,000	11,000	-
(d) Translation and reproduction of 400-page final report	-	18,500	-
TOTAL	20,200	30,500	1,870

a/ Also issued as document E/4816/Add.1.

14. The Special Rapporteur had not been in a position to begin his work until October 1971 and, in order to accede to his requests to arrange for travel and consultant services in 1972, authorization had been obtained for utilization of savings in the appropriate accounts to cover the following obligations in 1971-1972:

	<u>1971</u> (\$US)	<u>1972</u> (\$US)
(a) Round-the-world trip to 22 countries of Asia, Africa and Latin America of 60 days' duration	8,000	
(b) Consultant services	<u>1,500</u>	<u>1,500</u>
TOTAL	9,500	1,500

15. In order to enable the Special Rapporteur to complete his report for presentation to the Commission at its twenty-ninth (1973) session, his requirements for 1972 and 1973 were recalculated on the basis of indications given in his letter of 17 March 1972:

	<u>1972</u> (\$US)	<u>1973</u> (\$US)
I. <u>Travel and subsistence of the Special Rapporteur</u>		
(a) Fifty-day visit to a representative sample of socialist countries (including China and the Union of Soviet Socialist Republics) and representative sample of Western countries (including at least two Scandinavian countries)		
Travel and subsistence	5,500	
(b) One trip to Headquarters for consultations with the Secretariat prior to finalizing the report		
Travel and subsistence (approximately 10 days)	2,200	
(c) One trip to Geneva in 1973 for presentation of the final report		
Travel and subsistence		1,200
II. <u>Expert consultant services</u>		
Three expert consultants for the periods specified by the Special Rapporteur	24,000	

	<u>1972</u> <u>(\$US)</u>	<u>1973</u> <u>(\$US)</u>
III. <u>Typing, translation and reproduction of 400-page</u> <u>final report in English, French, Russian and Spanish b/</u>	21,200	
TOTAL	52,900	1,200

16. Should the draft resolution be adopted by the Council, it would involve expenditures in the amount of \$52,900 in 1972 and \$1,200 in 1973.

Decision taken at the
1181st meeting of the
Commission

Report and studies of the Sub-Commission
on Prevention of Discrimination and
Protection of Minorities

17. In connexion with its considerations of the report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it was noted that as Mr. Ruhashyankiko (Rwanda), the Special Rapporteur appointed by the Sub-Commission in 1971 to carry out the study on the question of the prevention and punishment of the crime of genocide, had not been nominated for re-election to the Sub-Commission in 1972, the costs involved for trips to present his progress reports in 1972 and 1973 and his final report in 1974 and/or 1975 to the Sub-Commission would be approximately \$2,200 for each year. The possibility that provision might have to be made for a Special Rapporteur of the Sub-Commission to present his progress and final reports to the appropriate sessions of the Sub-Commission had been foreseen as a consequence of non-continuance of membership in the Sub-Commission in the financial implications presented to the twenty-fourth session of the Sub-Commission in 1971 in connexion with the appointment of the Special Rapporteurs dealing respectively with studies on the protection of minorities, genocide, and indigenous populations (see E/CN.4/1070, annex II, para. 19).

b/ If final report in Chinese is required, an additional \$7,300 would be entailed.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS TWENTY-EIGHTH SESSION

Documents transmitted to the Commission under General Assembly
resolutions 2786 (XXVI) and 2854 (XXVI)

		<u>Agenda item No.</u>
A/8371 and Add.1 and 2	Protection of journalists engaged in dangerous missions in areas of armed conflict: report of the Secretary-General	7
A/8438 and Add.1	Note by the Secretary-General, transmitting the report of the Working Group established by resolution 15 (XXVI) of the Commission on Human Rights	7
A/C.3/L.1871 ^{a/}	Draft convention on the suppression and punishment of the crime of <u>apartheid</u>	4 (<u>c</u>)
A/C.3/L.1902 ^{b/}	Draft convention on the protection of journalists engaged in dangerous missions in areas of armed conflict	7
A/C.3/L.1903 ^{c/}	Working paper on the draft international convention on the protection of journalists engaged in dangerous missions	7
A/C.3/L.1905 ^{d/}	Draft of final clauses of the preliminary draft international convention on the protection of journalists engaged in dangerous missions	7

^{a/} See Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 54, document A/8542, para. 32.

^{b/} Ibid., agenda item 49, document A/8589, para. 26.

^{c/} Ibid., para. 27.

^{d/} Ibid., para. 28.

Documents of the Commission

<u>Documents issued in the general series</u>		<u>Agenda item No.</u>
E/CN.4/907/Rev.8 and Corr.1	Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations: memorandum by the Secretary-General	14
E/CN.4/923/Add.5	Decisions taken by United Nations bodies containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> in all countries with particular reference to colonial and other dependent countries and territories (sixth supplement to document E/4226)	10
E/CN.4/1011/Add.18-20	Reports on economic, social and cultural rights (comments from Governments): note by the Secretary-General	14
E/CN.4/1013 and Add.1-4	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	9 (<u>b</u>)
E/CN.4/1021/Rev.1	Model rules of procedure for United Nations bodies dealing with violations of human rights: note by the Secretary-General	10 (<u>b</u>)
E/CN.4/1023 and Add.1-3, Add.3/ Corr.1 and Add.4	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	6
E/CN.4/1039/Add.1	Financial implications of resolutions adopted by the Commission at its twenty-sixth session: addendum to the report of the Commission on that session	6
E/CN.4/1042 and Add.1-3	Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country: note by the Secretary-General	9 (<u>c</u>)

E/CN.4/1044/Add.3	Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests: note by the Secretary-General	16
E/CN.4/1066 and Add.1-4, Add.4/Corr.1 and Add.5-12	Reports on freedom of information received from Governments: note by the Secretary-General	14
E/CN.4/1067 and Add.1 and 2	Reports on freedom of information received from specialized agencies	14
E/CN.4/1068	Report of the Commission on Human Rights on its twenty-seventh session	
E/CN.4/1069 and Add.1-10	Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East: note by the Secretary-General	5
E/CN.4/1070 and Corr.1	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on its twenty-fourth session	9 and 10 (a)
E/CN.4/1071 and Add.1-4	Model rules of procedure for United Nations bodies dealing with violations of human rights: note by the Secretary-General	10 (b)
E/CN.4/1072 and Add.1	Provisional agenda: note by the Secretary-General	2
E/CN.4/1073	Subject and country index to reports on freedom of information: note by the Secretary-General	14
E/CN.4/1074	Analytical summary of reports and other material on freedom of information for the period 1 July 1967 to 30 June 1970	14
E/CN.4/1075	Report of the <u>Ad Hoc</u> Working Group of Experts prepared under Commission resolution 8 (XXVI) - Study concerning the question of <u>apartheid</u> from the point of view of international penal law	4 (d)
E/CN.4/1076	Report of the <u>Ad Hoc</u> Working Group of Experts prepared in accordance with resolution 7 (XXVII) of the Commission on Human Rights	4 (d)
E/CN.4/1077	Study of equality in the administration of justice: note by the Secretary-General	9 (a)

		<u>Agenda item No.</u>
E/CN.4/1078 and Add.1 and 3 e/	Study of discrimination against persons born out of wedlock: report of the Secretary-General	9 (<u>d</u>)
E/CN.4/1079	Telegram dated 30 March 1972 from the Deputy Minister for Foreign Affairs of the German Democratic Republic addressed to the Chairman of the Commission on Human Rights	4
E/CN.4/1080 and Add.1	Review of human rights programme and establishment of priorities-control and limitation of documentation: note by the Secretary-General	13
E/CN.4/1081 and Corr.1	Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination: report of the Secretary-General	11
E/CN.4/1082	Question of the punishment of war criminals and of persons who have committed crimes against humanity: report of the Secretary-General	8
E/CN.4/1083 and Add.1	Human rights and scientific and technological developments: note by the Secretary-General	15
E/CN.4/1084	The impact of scientific and technological developments on economic, social and cultural rights: report of the Secretary-General	15
E/CN.4/1085	Periodic reports on human rights: report of the <u>Ad Hoc</u> Committee on Periodic Reports	14
E/CN.4/1086	Model rules of procedure for United Nations bodies dealing with violations of human rights: report of the Working Group established under resolution 14 (XXVII) of the Commission on Human Rights	10 (<u>b</u>)
E/CN.4/1087	Advisory services in the field of human rights: report of the Secretary-General	17
E/CN.4/1088 and Corr.1 and Add.1-5	Election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: note by the Secretary-General	20
E/CN.4/1089 and Add.1-3	Information submitted in accordance with Economic and Social Council resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights: note by the Secretary-General	

e/ No document was issued under the symbol E/CN.4/1078/Add.2

E/CN.4/1090 and Add.1	Elimination of racial discrimination: note by the Secretary-General	4
E/CN.4/1091 and Add.1	Protection of journalists engaged in dangerous missions in areas of armed conflict: note by the Secretary-General	7
E/CN.4/1092	Iran: request for the inclusion of an item entitled "Mass expulsion of Iranian nationals from Iraq" in the agenda of the twenty-eighth session	
E/CN.4/1093 and Add.1-4	Continued international action to combat racism and racial discrimination: report of the Secretary-General	4 (a)
E/CN.4/1094	Mass expulsion of Iranian nationals from Iraq (item proposed by the Government of Iran): letter dated 18 February 1972 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General	
E/CN.4/1095	Communication dated 16 March 1972 from the Deputy Permanent Representative of Israel to the United Nations addressed to the Chairman of the Commission on Human Rights	5
E/CN.4/1096 f/	Working documents of the twenty-eighth session of the Commission	
E/CN.4/1097	Report of the Commission on Human Rights on its twenty-eighth session	
E/CN.4/SR.1139- 1185	Summary records of the twenty-eighth session of the Commission on Human Rights	
<u>Documents issued in the limited series f/</u>		
E/CN.4/L.1187	Egypt, India, Morocco, Nigeria, Norway, Pakistan and Senegal: draft resolution	4
E/CN.4/L.1187/Rev.1	Chile, Egypt, Ghana, India, Iran, Mauritius, Morocco, Nigeria, Norway, Pakistan, Peru, Romania, Senegal and United Republic of Tanzania: revised draft resolution	4
E/CN.4/L.1188	Nigeria: draft resolution	4

f/ Document E/CN.4/1096 contains the text of documents E/CN.4/L.1187-1224 originally distributed to participants only.

		<u>Agenda item No.</u>
E/CN.4/L.1188/Rev.1	Nigeria and United Republic of Tanzania: revised draft resolution	4
E/CN.4/L.1188/Rev.2	Nigeria and United Republic of Tanzania: revised draft resolution	4
E/CN.4/L.1189	Nigeria, Pakistan and United Republic of Tanzania: draft resolution relating to a separate protocol on the suppression and punishment of the crime of <u>apartheid</u> to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination	4
E/CN.4/L.1190	Union of Soviet Socialist Republics: amendments to document E/CN.4/L.1187	4
E/CN.4/L.1191	Italy and Netherlands: amendments to document E/CN.4/L.1187	4
E/CN.4/L.1192	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1188/Rev.1	4
E/CN.4/L.1193	Union of Soviet Socialist Republics: draft resolution	4 (c)
E/CN.4/L.1193/Rev.1	Nigeria and the Union of Soviet Socialist Republics: revised draft resolution	4 (c)
E/CN.4/L.1194	Byelorussian Soviet Socialist Republic: amendment to article V of the draft convention contained in document A/C.3/L.1871	4 (c)
E/CN.4/L.1195	Egypt, Lebanon and United Republic of Tanzania: draft resolution	5
E/CN.4/L.1196	United States of America: amendment to document E/CN.4/L.1193/Rev.1	4 (c)
E/CN.4/L.1197	Chile, India and Poland: draft resolution	6
E/CN.4/L.1197/Rev.1	Chile, India and Poland: revised draft resolution	6
E/CN.4/L.1198	Austria, Ecuador, France, Lebanon, Morocco and Turkey: draft international convention on the protection of journalists engaged in dangerous missions	7
E/CN.4/L.1198/Rev.1	Austria, Ecuador, France, Iran, Lebanon, Morocco and Turkey: draft international convention on the protection of journalists engaged in dangerous professional missions in areas of armed conflict	7

		<u>Agenda item No.</u>
E/CN.4/L.1199 and Corr.1	United States: working paper on the draft international convention on the protection of journalists engaged in dangerous missions	7
E/CN.4/L.1200	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1197/Rev.1	6
E/CN.4/L.1201	Austria, Ecuador, France, Iran, Morocco and Turkey: draft resolution	7
E/CN.4/L.1202	Netherlands: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1203	United Kingdom: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1204	Philippines: amendment to document E/CN.4/L.1198	7
E/CN.4/L.1205	United States of America: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1206	Nigeria: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1207	Poland: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1208	Union of Soviet Socialist Republics: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1209	Ghana: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1210	Pakistan: amendments to document E/CN.4/L.1198	7
E/CN.4/L.1211	Italy, Netherlands, Philippines and United Kingdom: draft resolution	13 and 14
E/CN.4/L.1212	Byelorussian Soviet Socialist Republic: draft resolution	8
E/CN.4/L.1213	Pakistan, United Kingdom and United States of America: amendments to document E/CN.4/L.1201	7
E/CN.4/L.1214	Austria, France, Italy, Morocco and Netherlands: draft resolution	9 (a)
E/CN.4/L.1215	Egypt: draft resolution	8
E/CN.4/L.1216	Iran: draft resolution	10

E/CN.4/L.1217	France, Netherlands and the United Kingdom: amendments relating to resolution 3 (XXIV) of the Sub-Commission on the question of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of <u>apartheid</u> and colonization	9 (<u>e</u>)
E/CN.4/L.1218	Austria, Chile, Morocco, Netherlands and Pakistan: draft resolution	10 (<u>b</u>)
E/CN.4/L.1219	Netherlands and Norway: draft resolution	19
E/CN.4/L.1220	Austria: draft resolution	15
E/CN.4/L.1221	Pakistan: draft resolution	11
E/CN.4/L.1222	Byelorussian Soviet Socialist Republic: draft resolution	15
E/CN.4/L.1222/Rev.1	Byelorussian Soviet Socialist Republic: revised draft resolution	15
E/CN.4/L.1223	Iraq: amendments to document E/CN.4/L.1216	10
E/CN.4/L.1224	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1211	13 and 14

Documents of the Sub-Commission on Prevention and Discrimination
and Protection of Minorities

E/CN.4/Sub.2/296	Study of equality in the administration of justice: final report submitted by the Special Rapporteur, Mr. Abu Rannat	9 (<u>a</u>)
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Documents issued in the non-governmental organizations series

E/CN.4/NGO/163	Observations on the preliminary draft of model rules of procedure for United Nations bodies dealing with violations of human rights - statement submitted by the International League for the Rights of Man, a non-governmental organization in category II consultative status	
E/CN.4/NGO/164	The rights of the consumer and the question of the realization of economic, social and cultural rights and the programme of advisory services in the field of human rights - Statement submitted by the International Organization of Consumers Unions, a non-governmental organization in category II consultative status	

- E/CN.4/NGO/165 Certain conclusions of the Aspen conference on "Justice and the individual: the rule of law under current pressures" - Statement dated 7 March 1972 submitted by the International Commission of Jurists, a non-governmental organization in category II consultative status
- E/CN.4/NGO/166 Study of discrimination against persons born out of wedlock, and draft general principles on equality and non-discrimination in respect of such persons - Statement dated 9 March 1972 submitted by the Pan-Pacific and South-East Asia Women's Association, a non-governmental organization in category II consultative status
- E/CN.4/NGO/167 Model rules of procedure for United Nations bodies dealing with violations of human rights: statement dated 20 March 1972 submitted by the World Jewish Congress, a non-governmental organization in category II consultative status

Seminar reports

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- ST/TAO/HR/44 Seminar on the dangers of a recrudescence of intolerance in all its forms and the search for ways of preventing and combating it, Nice (France) 24 August-6 September 1971 4 (a) and 17

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