

## CHAPTER VIII

# HUMAN RIGHTS

### DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

The two draft International Covenants on Human Rights, prepared by the Commission on Human Rights, have been under consideration by the General Assembly's Third (Social, Humanitarian and Cultural) Committee since 1954. One draft Covenant deals with civil and political rights, the other with economic, social and cultural rights. By the end of the Assembly's thirteenth session in 1958, the Third Committee had adopted the texts of: the preamble and article 1 (on the right to self-determination) of both covenants; all the substantive articles of the draft Covenant on Economic, Social and Cultural Rights; and articles 6 to 11 of the draft Covenant on Civil and Political Rights.

In 1959, at the Assembly's fourteenth session, the Third Committee continued its article-by-article consideration of the substantive provisions of the draft Covenant on Civil and Political Rights. From 12 to 27 November 1959, the Committee discussed and adopted articles 12, 13 and 14.

#### DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

##### ARTICLE 12

Article 12, as proposed by the Commission on Human Rights, dealt with freedom of residence and movement, the right to leave any country including one's own and to enter one's

own country, and the prohibition of arbitrary exile.

The discussion in the Third Committee centred mainly on a limitations clause which would permit restrictions to be imposed on grounds of "national security, public safety, health or morals." Argentina, Belgium, Iran, Italy and the Philippines jointly proposed an amendment intended, among other things, to replace the term "public safety" by the expression "public order" (*ordre public* in the French text and *orden público* in the Spanish text).

Some Members of the Third Committee objected to the inclusion of the concept of "public order (*ordre public*)" among the grounds permitting a State to impose restrictions on freedom of movement and residence. It was contended that far-reaching restrictions could be justified under such a vague expression. Some Members preferred the term "public safety," which was used in the text prepared by the Commission on Human Rights, as this would make it clear that the right could be limited by the State only when the exercise of the right involved danger to the safety of persons. A majority of the Committee, however, favoured the use of the broader expression "public order (*ordre public*)".

The Committee finally decided to use this expression in the text of article 12.

The clause relating to the right of the indi-

vidual to enter his own country was also extensively discussed. Some Members felt that this right should not be subjected to any kind of restriction whatsoever. The consensus, however, was that this right was not absolute, although it should not be subjected to the same kind of restrictions as the other rights defined in the article, i.e., freedom of movement and residence and the right to leave a country.

Some representatives felt, for example, that a State should not prohibit one of its nationals from entering its territory for reasons of health or morality. It was pointed out that exile was the only permissible restriction recognized in the draft prepared by the Commission. Several Members, however, were opposed to mentioning "exile" in the Covenant, as the laws of their countries either prohibited or else did not recognize exile.

To meet this objection, the Committee agreed to the following phraseology proposed by Argentina, Belgium, Italy and the Philippines: "No one shall be arbitrarily deprived of the right to enter his own country." Some Members stated that the term "his own country" should be taken to mean the country of which the individual concerned was a national or citizen; the necessity of being able to submit ample proof of the fact was also emphasized.

The article, as amended, was adopted by the Third Committee on 17 November 1959 by 58 votes to 1, with 11 abstentions. The text as approved read as follows:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in this Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

#### ARTICLE 13

Article 13, as proposed by the Commission on Human Rights, set forth the guarantees against arbitrary expulsion of aliens from the territory of a State Party.

Belgium proposed an amendment explicitly to limit these guarantees to aliens lawfully "established" in the territory of the State concerned. The amendment was rejected, as the majority was opposed to the idea of narrowing the scope of the article to a limited group of aliens. Moreover, it was pointed out that the word "established" did not have a precise meaning and was open to interpretation.

Some Committee Members stated that the article, as drafted by the Commission on Human Rights, was inadequate in that it did not include any provisions relating to the right of asylum. It was suggested, however, that a provision on the right of asylum might be included in the Covenant as a separate article.

The article as drafted by the Commission was adopted by the Third Committee on 18 November 1959 without any changes, by 69 votes to 0, with 3 abstentions. The text as approved read as follows:

An alien lawfully in the territory of a State Party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

#### ARTICLE 14

Article 14, as drafted by the Commission on Human Rights, dealt with the right to fair trial and to payment of compensation in case of a miscarriage of justice.

It was pointed out by the representative of Argentina that the first paragraph of the text proposed by the Commission seemed to require—particularly in the Spanish version—the holding of proceedings and the pronouncing of the judgement in public. Argentina proposed amendments intended to avoid such an implication. In support of the amendments, it was stressed that in many countries a large number of trials took place on the basis of written documents; the parties nevertheless enjoyed sufficient guarantees, because the contents of those documents could be made public.

Various criticisms were also made of the reference in the Commission's text about exceptions to the principle of public trial. Some

representatives considered that there was no basis for the distinction made in the text between reasons justifying exclusion of the public and the press during the trial and those, less numerous, justifying exclusion of the public at the time of pronouncement of judgements. The Commission's text, however, received the support of most Members of the Committee.

The principle of the presumption of innocence was considered so important that it was thought advisable to express it in a separate paragraph. As to minimum guarantees to which an accused was entitled, most Committee Members thought it desirable to add the following guarantees proposed by Israel: the right "to be tried without undue delay," the right "to communicate with counsel of his own choosing," and the right "to be tried in his presence."

The right of everyone convicted of a crime to have his conviction and sentence reviewed by a higher tribunal, which was dealt with in a new paragraph proposed by Israel, was considered important by the majority of representatives. It was pointed out that it expressed a principle which should be applied by States according to methods they considered appropriate.

Several speakers found difficulty in accepting the idea of awarding compensation in cases of miscarriage of justice in which the authorities had not been at fault. They considered that it was contrary to the interests of society to allow compensation to persons who were clearly guilty but whose conviction had been annulled for reasons of form or procedure. It was better, they thought, to leave the task of evaluating each specific case to the competent authority in each country.

Others, however, felt that controversies over the basis of responsibility—which could indeed be solved by invoking the notion of social risk—should not prevent the victim of a miscarriage of justice from obtaining compensation; an essential guarantee was involved, completing that afforded to victims of unlawful arrest by article 9 of the draft Covenant on Civil and Political Rights. Since the cases covered by the provision concerning payment of compensation for miscarriage of justice were rare, the financial implications of that provision would be very small.

Some representatives, while sharing these

ideas, thought that it would perhaps be excessive to make the payment of compensation obligatory in every case of a miscarriage of justice. Most Members of the Committee agreed that only adequate legislation could solve the technical difficulties involved in the problem of compensation for a miscarriage of justice.

Proposals for the insertion of a new paragraph concerning prohibition of "double jeopardy" (*non bis in idem*) gave rise to lengthy discussion.

Seven Members—Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan—proposed an amendment to the effect that "no one shall be liable to be tried or punished again for the same offence for which he has been finally convicted or acquitted." Several representatives considered that this text was necessary to protect the individual, not only against the imposition of further punishments, but also against the dangers and distress of further prosecution for the same offence.

Some representatives preferred the adoption of a wider formula prohibiting several trials, not only for the same "offence," but also for the same "actions." Others, however, thought it necessary to take into account the laws of some countries which allowed a person to be tried for the same actions, but on "charges" different from those for which he had previously been acquitted. They maintained that the term "charge" in the text was more appropriate than "offence" or "actions." Still other representatives felt that the seven-power amendment, particularly the word "finally," might hinder the ends of justice by preventing the retrial of criminals acquitted in error. Trials of that nature, under certain conditions and within certain time-limits, were provided for by the laws of various countries.

In order to take into account this last objection, an effort was made to qualify or define the word "finally." The Committee eventually accepted an oral amendment by Ecuador to state that no one should be liable or punished again for an offence for which he had already been finally convicted or acquitted "in accordance with the law and procedure of each country." The representative of Ecuador explained that the words quoted were intended to apply only to the expression "finally convicted or acquitted."

The article, as amended, was adopted by the Third Committee on 25 November 1959 by 63 votes to 0, with 8 abstentions. The text as approved read as follows:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence, and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and exami-

nation of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself, or to confess guilt.

4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

## FUTURE WORK ON DRAFT COVENANTS

Not having been able to conclude the consideration of the draft Covenants, the Third Committee adopted a draft resolution on 27 November 1959, by 57 votes to 0, with 7 abstentions, by which the General Assembly would decide to give priority to the item at its fifteenth (1960) session and to request the Third Committee to devote as many meetings as possible at that session to the consideration of the draft Covenants. The text to this effect was adopted at a plenary meeting of the General Assembly on 10 December 1959, by 70 votes to 0, with 4 abstentions, as resolution 1458 (XIV).

## DOCUMENTARY REFERENCES

### BACKGROUND DOCUMENTS

E/2573. Report of the 10th session of the Commission on Human Rights, Annexes I-III.

A/2929. Official records of General Assembly, 10th session, Annexes, agenda item 28, Part II, document A/2929 (Annotations on the text of the draft international covenant on human rights).

A/3077. Official records of General Assembly, 10th session, Annexes, agenda item 28, Part I, document A/3077 (report of Third Committee).

A/3525. Official records of General Assembly, 11th session, Annexes, agenda item 31, document A/3525 (report of Third Committee).

A/3764. Official records of General Assembly, 12th

session, Annexes, agenda item 33, document A/3764 (report of Third Committee).

A/4045. Official records of General Assembly, 13th session, Annexes, agenda item 32, document A/4045 (report of Third Committee).

### GENERAL ASSEMBLY—14TH SESSION

Third Committee, meetings 954, 969, 970, 975.  
Plenary Meeting 852.

### DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

A/4149. Note by Secretary-General.

A/C.3/L.788. Note by Chairman of Third Committee.

A/C.3/L.808. List of amendments to articles 12 to 17 inclusive. Note by Secretary-General.

## ARTICLE 12

A/C.3/L.784. Denmark: amendment.  
 A/C.3/L.789. Israel: amendment.  
 A/C.3/L.796. Netherlands: amendment.  
 A/C.3/L.802. Canada: amendment.  
 A/C.3/L.804. Argentina: amendment.  
 A/C.3/L.812 and Rev.1,2. Argentina, Belgium, Iran, Italy, Philippines: amendment and revisions.  
 A/C.3/L.813. Ireland: sub-amendment to revised five-power amendment, A/C.3/L.812/Rev.2.  
 A/4299. Report of Third Committee. Article 12, as amended, adopted by Third Committee on 17 November 1959, meeting 959, by 58 votes to 1, with 11 abstentions.

## ARTICLE 13

A/C.3/L.786. Belgium: amendment.  
 A/C.3/L.790. Israel: amendment.  
 A/4299. Report of Third Committee. Article 13 as submitted by the Commission on Human Rights, E/2573, Annex I, adopted by Third Committee on 18 November 1959, meeting 960, by 69 votes to 0, with 3 abstentions.

## ARTICLE 14

A/C.3/L.792. United Kingdom: amendment.  
 A/C.3/L.795 and Rev.1-3. Israel: amendments and revisions.  
 A/C.3/L.797. Netherlands: amendment.  
 A/C.3/L.801. Afghanistan: amendment.  
 A/C.3/L.803 and Rev.1. Italy and Japan: amendment and revision.  
 A/C.3/L.805 and Rev.1-3. Argentina: amendments and revisions.  
 A/C.3/L.815 and Rev.1. Italy: revised amendment.  
 A/C.3/L.816 and Rev.1-3. Suggestions on order of voting on article 14 and amendments to it. Note by Chairman.  
 A/C.3/L.817. Ceylon: sub-amendment to revised 2-power amendment, A/C.3/L.803/Rev.1.  
 A/C.3/L.817/Rev.1. Canada, Ceylon, Pakistan: revised sub-amendment to revised 2-power amendment, A/C.3/L.803/Rev.1.  
 A/C.3/L.818. Ceylon: sub-amendment to Israel revised amendments, A/C.3/L.795/Rev.2.  
 A/C.3/L.819. Secretariat working paper giving: (1) text suggested orally by France and (2) text suggested for additional provision proposed by Italy and Japan in A/C.3/L.803/Rev.1.  
 A/C.3/L.820. Italy: sub-amendment to Israel revised amendments, A/C.3/L.795/Rev.3.  
 A/C.3/L.821 and Rev.1. Canada, Ceylon, Iran, Italy,

Japan, Jordan, Pakistan: amendment and revision.  
 A/C.3/L.822. Israel: revised amendment.  
 A/C.3/L.823. Mexico and Saudi Arabia: draft resolution.  
 A/C.3/L.824 and Corr.1. Text of articles 12 and 13 and paragraphs of article 14 adopted by Third Committee as of 25 November 1959.  
 A/4299. Report of Third Committee. Article 14, as amended, adopted by Third Committee on 25 November 1959, meeting 967, by 63 votes to 0, with 8 abstentions.  
 A/C.3/L.833. Text of articles 12, 13 and 14 incorporating drafting suggestions by Rapporteur.  
 A/C.3/586. Text of articles 7, 8, 9, 10, 11, 12, 13 and 14 of draft Covenant on Civil and Political Rights adopted by Third Committee at 13th and 14th sessions of General Assembly.

## FUTURE WORK ON DRAFT COVENANTS

A/C.3/L.825 and Rev.1,2. Austria and Greece: draft resolution and revisions, adopted by Third Committee on 27 November 1959, meeting 970, by 57 votes to 0, with 7 abstentions.  
 RESOLUTION 1458(xiv), as recommended by Third Committee, A/4299, adopted by Assembly on 10 December 1959, meeting 852, by 70 votes to 0, with 4 abstentions.

"The General Assembly,

"Not having been able to conclude at its fourteenth session the consideration of the draft International Covenants on Human Rights,

"Decides to give priority to this item at its fifteenth session and to request the Third Committee at that session to devote as many meetings as possible to the consideration of the draft International Covenants on Human Rights."

OTHER DOCUMENTS  
ON DRAFT COVENANTS

## ARTICLE 15

A/C.3/L.793. United Kingdom: amendment.  
 A/C.3/L.798. Netherlands: amendment.  
 A/C.3/L.806. Argentina: amendment.

## ARTICLE 16

A/C.3/L.794. United Kingdom: amendment.

## ARTICLE 17

A/C.3/L.785. Denmark: amendment.  
 A/C.3/L.791. Israel: amendment.  
 A/C.3/L.799. Netherlands: amendment.  
 A/C.3/L.807. Argentina: amendment.

## NEW ARTICLE

A/C.3/L.814. USSR: article on right of asylum.

## DECLARATION OF THE RIGHTS OF THE CHILD

On 20 November 1959, the General Assembly unanimously adopted a Declaration of the Rights of the Child consisting of a preamble and 10 principles. It also made provision for publicizing the Declaration as widely as possible.

(For details of Declaration, see text cited below under DOCUMENTARY REFERENCES.)

A first draft of the Declaration was prepared in 1950 by the Economic and Social Council's Social Commission. The Council forwarded

this draft for comment to the Commission on Human Rights in view of its close relationship with the Universal Declaration of Human Rights which was adopted by the General Assembly on 10 December 1948.

The Commission on Human Rights discussed the draft Declaration in 1957 and in 1959. After consulting Governments and non-governmental organizations, it decided, in 1959, to present its comments to the Economic and Social Council in the form of a revised text.

The matter came before the Council's mid-1959 session.

The Council did not discuss the individual provisions of the Commission's new draft of the Declaration. (The Commission's text contained a preamble and 11 principles. Later in the year, the General Assembly combined two of the principles into a single clause with amendments so that the final text listed 10 principles.) During a general debate on the draft, however, many members expressed satisfaction that the preliminary work on the draft Declaration had now been completed but reservations on the text itself were mentioned. Thus, the United Kingdom and the United States criticized it on the ground that it was not concise enough and lacked clarity, while the USSR and others believed that it should be more specific and detailed in its provisions and should contain some indication of how the rights set forth were to be implemented.

On 30 July 1959, the Council decided, by resolution 728 C (XXVIII), to transmit to the General Assembly the relevant chapter of the report of the 1959 (fifteenth) session of the Commission on Human Rights, together with the records of the Council's discussions.

The draft Declaration as revised by the Commission on Human Rights was extensively discussed at the Assembly's fourteenth session in the Assembly's Third (Social, Humanitarian and Cultural) Committee.

Several representatives—including those of Denmark, the Netherlands, the United Kingdom and the United States—maintained that a brief and concise Declaration would be most effective. They also thought that no provisions should be included as to how the principles affirmed were to be put into effect. Others, however, believed that it would be preferable to draw up a convention. Although prepared to

support a declaration, the USSR and others stressed that it should contain directives for implementing the rights set forth.

These general views were reflected in many of the amendments and sub-amendments presented during the Third Committee's debate on the draft Declaration.

#### PREAMBLE

Two main questions were discussed in connexion with the preamble and also in connexion with the principles of the Declaration: (1) should the Declaration state, in positive terms, the needs of the unborn child for special protection; and (2) to what extent should the role of the State vis-à-vis the child be emphasized.

One paragraph of the Commission's text affirmed that "the child needs special safeguards, including special legal protection, by reason of his physical and mental immaturity."

Italy proposed adding a phrase to make it clear that the child required special safeguards and care, including legal protection, "from the moment of his conception." In support of this proposal, which was favoured by several representatives, it was maintained that the rights of the child were inherent from before birth and that every child had a right to be born and a right to life.

Against this amendment, it was argued that some countries, especially those where abortion was permitted under certain circumstances, would find such a provision difficult to accept. Moreover, it was held, the amendment raised a highly controversial issue and should not, therefore, be included in a declaration which was to be universally acceptable.

The Italian amendment was rejected in favour of a compromise text suggested by the Philippines to the effect that "the child, before as well as after birth, needs special safeguards and care, including appropriate legal protection, by reason of his physical and mental immaturity."

The question was also raised in connexion with a proposal by Afghanistan, Argentina, Brazil, Italy, Spain and Uruguay to add a new principle to the Commission's text of the Declaration stating the right of the child to life, to be respected and safeguarded from the moment of conception. This proposal was rejected.

Also debated was another paragraph in the

text of the preamble as proposed by the Commission on Human Rights whereby the General Assembly would call upon "men and women as individuals, as well as upon local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles."

The USSR representative, in discussing this text, and also later when some of the principles of the Declaration were being debated, argued that the child could not be adequately protected without the co-operation of the State and society and that only the State could guarantee many of the rights set forth. The USSR believed also that the text should contain provisions indicating measures that Governments should take to give effect to the Declaration. The USSR presented amendments to this paragraph of the preamble, designed to place greater emphasis on the role of Governments, and also to have the Assembly appeal to all States to bring their legislation into conformity with the principles of the Declaration and to be guided by them in practice.

Most Third Committee Members, however, could not accept the amendments as presented. It was argued that the family—especially the parents—and not the State, should be primarily responsible for the child's welfare. Moreover, the Declaration should state principles without entering into the question of their implementation.

Eventually, a compromise text based on suggestions by the Philippines was adopted. By the final version of the paragraph in question, the General Assembly would call "upon parents, individuals, voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles." It was on the initiative of the Netherlands that the specific reference to "parents" and "voluntary organizations" was inserted in this clause.

(For preamble, see text of Declaration cited in **DOCUMENTARY REFERENCES below.**)

#### **PRINCIPLES**

As finally adopted, the Declaration asserts, in 10 Principles, the following: the child without any exception whatsoever and without dis-

crimination shall enjoy all the rights set forth in the Declaration (Principle 1); he shall enjoy special protection and be given opportunities and facilities to enable him to develop in a healthy and normal manner and in conditions of freedom and dignity (Principle 2); he shall be entitled to have a name and a nationality from birth (Principle 3); he shall enjoy the benefits of social security, including adequate nutrition, housing, recreation and medical services (Principle 4); he shall be given special treatment, education and care, if handicapped (Principle 5); he shall grow up in an atmosphere of affection and security and, wherever possible, in the care of and under the responsibility of his parents (Principle 6); he shall be entitled to receive education and to have full opportunity for play and recreation (Principle 7); he shall be among the first to receive protection and relief in time of disaster (Principle 8); he shall be protected against all forms of neglect, cruelty and exploitation (Principle 9); he shall be protected from practices which may foster discrimination, and be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood (Principle 10). (For text of Principles, see **DOCUMENTARY REFERENCES below.**)

Almost all these rights were included in the draft Declaration as submitted by the Commission on Human Rights, although the Third Committee changed the wording of several principles and accepted a number of amendments aimed at making the text more concise.

An important change was made in the draft text of Principle 1, which stated that there shall be no discrimination in the enjoyment of the rights set forth and cited certain grounds. The draft contained a specific reference to children "born in or out of wedlock." The Third Committee, on a proposal by Saudi Arabia, deleted this reference in favour of a general formula: every child "without any exception whatsoever."

The Committee also added certain provisions which had not appeared previously, either in the draft Declaration prepared by the Social Commission in 1950 or in the text as revised by the Commission on Human Rights. On a proposal by the USSR, it was decided to add to Principle 6, dealing with the development and upbringing of the child, a clause affirming that payment of State and other assistance towards

the maintenance of children of large families was desirable.

On the initiative of Mexico, Peru and Romania, it was agreed to add a paragraph to Principle 7—setting forth the right of the child to receive education—proclaiming that the child shall have full opportunity for play and recreation, directed to the same purposes as education, and that society and public authorities shall endeavour to promote the enjoyment of this right.

On Romania's proposal, it was agreed that Principle 9, affirming that the child must be protected against all forms of neglect, cruelty and exploitation, should specifically state that the child should not be the subject of any form of traffic.

The Committee also considered amendments by the USSR to the principles dealing with: social security (Principle 4); the development and upbringing of the child (Principle 6); and education (Principle 7). The amendments were intended to spell out, in further detail, the measures which should be taken to give effect to the rights set forth. In regard to Principle 4, the USSR proposed: that "legal and other measures" should be taken to provide special care for mother and child; that the child should have the right to "free" medical services; and that such services should be "secured by the progressive extension of a network of public medical institutions." In an amendment to Principle 6, it was proposed that States should provide for orphan children and children whose parents so desired and had insufficient means for their maintenance to be maintained and brought up in State and public institutions.

The USSR also suggested adding a paragraph to Principle 7 outlining measures which the State should take to ensure the right of the child to receive free and compulsory education. In addition, it proposed the inclusion of a provision prohibiting the use of teaching for the propaganda of war and racial and national discrimination. None of these amendments was accepted.

With respect to orphan children and children without adequate means of support, the Third Committee decided to retain, in Principle 6, a provision proposed by the Human Rights Commission stating that "society as well as public authorities shall have the duty to extend

particular care to children without a family and to those without adequate means of support."

Also discussed in connexion with this Principle was the question of whether or not to include a provision stating that the child shall have the right to grow up in the religious faith of his parents. Guatemala and Israel, which wanted such a provision, stressed the importance of religious instruction in the life of the child, and drew attention to Article 26 of the Universal Declaration of Human Rights which states that parents have a prior right to choose the education of their children. The proposal was not, however, adopted. Some representatives pointed out that while they supported the Principle, it would raise difficulties in States of many religions and also in the case of parents of different religious faiths.

In connexion with Principles 5 and 7, the Third Committee also discussed a proposal by Italy to include in the Declaration provisions on maladjusted or delinquent children. The Italian representative pointed out that such children constituted a serious problem for most countries today and that it was important to state the principle that they should be humanely treated rather than punished. Italy proposed the inclusion of a provision affirming that socially maladjusted, including delinquent, children should not be separated from their families except by decision of a competent judicial authority. Sympathy with the Italian idea was expressed by many representatives on the Committee.

It was, however, argued that the proposal was not sufficiently general to permit of its universal application and would therefore be inappropriate in the Declaration. Moreover, Principle 5, which dealt with the physically, mentally or socially handicapped child, and other Principles of the Declaration, afforded adequate protection in general terms. Further, the Italian proposal, as presented, touched on the implementation of rights, and the majority of the Committee felt that the Declaration should state principles and should not deal with the implementation of the principles stated. The Italian proposal was rejected.

On 19 October 1959, the Third Committee adopted the Declaration by 70 votes to 0, with 2 abstentions. It also unanimously adopted a resolution proposed by Afghanistan, recommend-



ing that the widest possible publicity be given to the Declaration.

On 20 November, the Declaration was unanimously approved at a plenary meeting

of the Assembly by resolution 1386(XIV). The text on publicizing the Declaration was also approved unanimously as resolution 1387 (XIV).

## DOCUMENTARY REFERENCES

ECONOMIC AND SOCIAL COUNCIL—28TH SESSION  
Social Committee, meetings 394-396.  
Plenary Meeting 1088.

E/3229. Report of the fifteenth session of Commission on Human Rights, chapter VII (Text of draft Declaration as adopted by Commission).

E/AC.7/L.325. USSR: amendments to draft Declaration (E/3229).

E/AC.7/L.328. Chile, Costa Rica, Mexico, Spain, Venezuela: draft resolution.

E/AC.7/L.329. United Kingdom: draft resolution adopted by Social Committee on 7 July 1959, meeting 396, by 17 votes to 1.

E/3285. Report of Social Committee, draft resolution C.

RESOLUTION 728 C (xxviii), as recommended by Social Committee, E/3285, adopted unanimously by Council on 30 July 1959, meeting 1088.

"The Economic and Social Council,

"Having considered the draft Declaration of the Rights of the Child submitted to the Council by the Commission on Human Rights in the report of the Commission on its fifteenth session,

"Decides to transmit chapter VII of the Commission's report, relating to the draft Declaration, together with the records of the discussion of this subject in the Council, and the other documents before the Council, to the General Assembly for consideration at its fourteenth session."

GENERAL ASSEMBLY—14TH SESSION  
Third Committee, meetings 907-929.  
Plenary Meeting 841.

A/4185. Note by Secretary-General.\*

E/3229, Chapter VII. Draft declaration, text adopted by Commission on Human Rights at its 15th session.

## PREAMBLE

(NOTE: The following documents refer to the preamble as finally approved by the General Assembly.)

A/C.3/L.712 and Corr. 1. USSR: amendment.

A/C.3/L.713. Italy: amendment.

A/C.3/L.713/Rev.1. Amendment by Italy, supported by Denmark, France, Israel.

A/C.3/L.714. Netherlands: amendment.

A/C.3/L.716. Afghanistan: amendment.

A/C.3/L.717. Mexico and Peru: amendment.

A/C.3/L.720. Philippines: amendment.

A/C.3/L.734. Philippines: sub-amendment to A/C.3/L.713/Rev.1.

A/C.3/L.735. Italy: sub-amendment to A/C.3/L.734.

A/C.3/L.736. USSR: sub-amendment to A/C.3/L.720.

A/C.3/L.738. Text of preamble as adopted by Third Committee.

A/4249. Report of Third Committee, Preamble, as amended, adopted as a whole by Third Committee on 2 October 1959, meeting 914, by 64 votes to 0, with 4 abstentions.

## PRINCIPLE 1

(NOTE: The following documents refer to Principle 1 as finally adopted by the General Assembly.)

A/C.3/L.715. Saudi Arabia: amendment.

A/C.3/L.716. Afghanistan: amendment.

A/C.3/L.718. Belgium: amendment.

A/C.3/L.720. Philippines: amendment.

A/C.3/L.739. Text of Principle 1 as adopted by Third Committee.

A/4249. Report of Third Committee. Principle 1, adopted unanimously by Third Committee on 5 October 1959, meeting 915.

## PRINCIPLE 2

(NOTE: The following documents refer to Principle 2 as finally adopted by the General Assembly. This was based on draft Principles 2 and 3 in the text of the Commission on Human Rights (E/3229).)

A/C.3/L.716. Afghanistan: amendment.

A/C.3/L.722. Thailand: amendment.

A/C.3/L.726 and Add.1; A/C.3/L.740. Netherlands: amendments.

A/C.3/L.729. Uruguay: amendment.

A/C.3/L.744. Text of Principle 2 as adopted by Third Committee.

A/4249. Report of Third Committee. Principle 2, adopted by Third Committee on 6 October 1959, meeting 917, by 67 votes to 0, with 5 abstentions.

PROPOSAL FOR NEW PRINCIPLE  
TO FOLLOW PRINCIPLE 1

A/C.3/L.725. Afghanistan, Argentina, Brazil, Italy, Spain, Uruguay: amendment.

## PRINCIPLE 3

(NOTE: The following documents refer to Principle 3 as finally adopted by the General Assembly. This was based on draft Principle 4 in the text of the Commission on Human Rights (E/3229).)

A/C.3/L.721. Belgium: amendment.

A/C.3/L.722. Thailand: amendment.

A/C.3/L.729. Uruguay: amendment.

A/C.3/L.744. Text of Principle 3, as adopted by Third Committee.

A/4249. Report of Third Committee. Principle 3, adopted by Third Committee on 6 October 1959, meeting 917, by 68 votes to 0, with 1 abstention.

\* See also E/CN.4/512, Annex. Text of Declaration of Rights of Child adopted in 1924 by Assembly of League of Nations.

## PRINCIPLE 4

(NOTE: The following documents refer to Principle 4 as finally adopted by the General Assembly. This was based on draft Principle 5 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.712; A/C.3/L.742. USSR: amendments.  
 A/C.3/L.722. Thailand: amendments.  
 A/C.3/L.726. Netherlands: amendments.  
 A/C.3/L.741. Philippines: sub-amendment to A/C.3/L.712.  
 A/C.3/L.744. Text of Principle 4 as adopted by Third Committee.  
 A/4249. Report of Third Committee. Principle 4, adopted by Third Committee on 7 October 1959, meeting 918, by 68 votes to 0, with 3 abstentions.

## PRINCIPLE 5

(NOTE: The following documents refer to Principle 5 as finally adopted by the General Assembly. This was based on draft Principle 9 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.731. Greece and United Kingdom: amendment.  
 A/C.3/L.732; A/C.3/L.754. Italy: amendments.  
 A/C.3/L.755. Peru: sub-amendment to A/C.3/L.754.  
 A/C.3/L.756. Text of Principle 5 as adopted by Third Committee.  
 A/4249. Report of Third Committee, Principle 5, unanimously adopted by Third Committee on 14 October 1959, meeting 925.

## PRINCIPLE 6

(NOTE: The following documents refer to Principle 6 as finally adopted by the General Assembly. This was based on draft Principle 6 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.712. USSR: amendment.  
 A/C.3/L.716. Afghanistan: amendment.  
 A/C.3/L.722. Thailand: amendment.  
 A/C.3/L.723. Guatemala and Israel: amendment.  
 A/C.3/L.724. Denmark: amendment.  
 A/C.3/L.726. Netherlands: amendment.  
 A/C.3/L.731. Greece and United Kingdom: amendment.  
 A/C.3/L.743. Denmark, Greece, Netherlands, Thailand, United Kingdom: amendment.  
 A/C.3/L.747. Poland: sub-amendment to A/C.3/L.743.  
 A/C.3/L.750. Text of Principle 6 as adopted by Third Committee.  
 A/4249. Report of Third Committee. Principle 6, adopted by Third Committee on 8 October 1959, meeting 920, by 55 votes to 1, with 14 abstentions.

## PRINCIPLE 7

(NOTE: The following documents refer to Principle 7 as finally adopted by the General Assembly. This was based on draft Principle 7 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.712 and Corr.2. USSR: amendment.  
 A/C.3/L.716. Afghanistan: amendment.  
 A/C.3/L.722. Thailand: amendment.  
 A/C.3/L.726. Netherlands: amendment.

- A/C.3/L.729. Uruguay: amendment.  
 A/C.3/L.730. Mexico, Peru, Romania: amendment.  
 A/C.3/L.731. Greece and United Kingdom: amendment.  
 A/C.3/L.732. Italy: amendment.  
 A/C.3/L.737. Cuba: amendment.  
 A/C.3/L.743; A/C.3/L.748. Denmark, Greece, Netherlands, Thailand, United Kingdom: amendment.  
 A/C.3/L.745; A/C.3/L.751. Cuba: sub-amendments to A/C.3/L.743 and A/C.3/L.748 respectively.  
 A/C.3/L.752. Bulgaria: sub-amendment to A/C.3/L.748.  
 A/C.3/L.753. Text of Principle 7 as adopted by Third Committee.  
 A/4249. Report of Third Committee. Principle 7, adopted by Third Committee on 12 October 1959, meeting 923, by 54 votes to 0, with 12 abstentions.

## PRINCIPLE 8

(NOTE: The following documents refer to Principle 8 as finally adopted by the General Assembly. This was based on draft Principle 8 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.726. Netherlands: amendment.  
 A/C.3/L.753. Text of Principle 8 as adopted by Third Committee.  
 A/4249. Report of Third Committee. Principle 8, as amended, adopted by Third Committee on 12 October 1959, meeting 923, by 64 votes to 0, with 1 abstention.

## PRINCIPLE 9

(NOTE: The following documents refer to Principle 9 as finally adopted by the General Assembly. This was based on draft Principle 10 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.712 and Corr.4. USSR: amendment.  
 A/C.3/L.727. Romania: amendment.  
 A/C.3/L.728 and Rev.1. Venezuela: amendment.  
 A/C.3/L.759. Text of Principle 9 as adopted by Third Committee.  
 A/4249. Report of Third Committee. Principle 9, as amended, adopted unanimously by Third Committee on 15 October 1959, meeting 926.

## PRINCIPLE 10

(NOTE: The following documents refer to Principle 10 as finally adopted by the General Assembly. This was based on draft Principle 11 in the text of the Commission on Human Rights (E/3229).)

- A/C.3/L.716; A/C.3/L.746. Afghanistan: amendment.  
 A/C.3/L.722. Thailand: amendment.  
 A/C.3/L.731. Greece and United Kingdom: amendment.  
 A/C.3/L.749. Afghanistan, Greece, Thailand, United Kingdom: amendment.  
 A/C.3/L.758/Rev.1. India and Mexico: sub-amendment to A/C.3/L.749.  
 A/C.3/L.760. Poland and Romania: sub-amendment to A/C.3/L.749.  
 A/C.3/L.762. Text of Principle 10 as adopted by Third Committee.

A/4249. Report of Third Committee. Principle 10, adopted by Third Committee on 16 October 1959, meeting 928, by 68 votes to 0, with 1 abstention.

PROPOSALS FOR NEW PRINCIPLES

AT END OF DECLARATION

A/C.3/L.716. Afghanistan: amendment.

A/C.3/L.761. Ecuador: amendment.

PROPOSAL FOR NEW TITLE

A/C.3/L.719. Israel: amendment.

WORKING PAPERS ON DECLARATION

A/C.3/L.733. Amendments to draft Declaration. Note by Chairman.

A/C.3/L.757 and Add.1. Drafting suggestions submitted by Rapporteur.

TEXT OF DECLARATION

A/4249. Report of Third Committee, containing draft Declaration of Rights of Child, adopted as a whole, as amended, by Third Committee on 19 October 1959, meeting 929, by 70 votes to 0, with 2 abstentions.

RESOLUTION 1386(xiv), as submitted by Third Committee, A/4249, adopted unanimously by Assembly on 20 November 1959, meeting 841.

PREAMBLE

"Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

"Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"Whereas the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

"Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

"Whereas mankind owes to the child the best it has to give,

"Now therefore,

"The General Assembly

"Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authori-

ties and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

PRINCIPLE 1

"The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

PRINCIPLE 2

"The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount considerations.

PRINCIPLE 3

"The child shall be entitled from his birth to a name and a nationality.

PRINCIPLE 4

"The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

PRINCIPLE 5

"The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

PRINCIPLE 6

"The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

## PRINCIPLE 7

"The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

"The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

"The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

## PRINCIPLE 8

"The child shall in all circumstances be among the first to receive protection and relief.

## PRINCIPLE 9

"The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

"The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

## ADVISORY SERVICES IN HUMAN RIGHTS

Under the United Nations programme of advisory services in human rights, assistance may be given to Governments, at their request, in the form of advisory services of experts, fellowships and scholarships, and seminars.

In 1959, the main emphasis in the programme continued to be placed on the organization of regional seminars. Three such seminars were held: two on judicial and other remedies against the illegal exercise or abuse of administrative authority; and one on the participation of women in public life.

## ACTIVITIES DURING 1959

The first seminar on judicial and other remedies against the illegal exercise or abuse of administrative authority was held in Peradeniya, Ceylon, from 4 to 15 May 1959. Participants from the following countries and territories attended: Australia, Burma, Ceylon, China, the Federation of Malaya, Hong Kong, India, Indonesia, Iran, Japan, the Republic of Korea,

## PRINCIPLE 10

"The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men."

## PUBLICITY FOR DECLARATION

A/C.3/L.763 and Rev.1. Afghanistan: draft resolution and revision, adopted unanimously by Third Committee on 19 October 1959, meeting 929.

RESOLUTION 1387(xiv), as submitted by Third Committee, A/4249, adopted by Assembly without objection, on 20 November 1959, meeting 841.

"The General Assembly,

"Considering that the Declaration of the Rights of the Child calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize the rights set forth therein and strive for their observance,

"1. Recommends Governments of Member States, the specialized agencies concerned and the appropriate non-governmental organizations to publicize as widely as possible the text of the Declaration of the Rights of the Child;

"2. Requests the Secretary-General to have the Declaration widely disseminated and, to that end, to use every means at his disposal to publish and distribute texts in all languages possible."

Nepal, New Zealand, the Philippines and Sarawak.

The other seminar on this subject was held in Buenos Aires, Argentina, from 31 August to 11 September 1959. The following countries and territories sent participants: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, the United States, Uruguay and Venezuela.

The seminar on the participation of women in public life was held in Bogotá, Colombia, from 18 to 29 May 1959. It was attended by participants from the following countries and territories: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Surinam, the United States, Uruguay, Venezuela and the West Indies.

### CONSIDERATION BY ECONOMIC AND SOCIAL COUNCIL

On 30 July 1959, the Economic and Social Council adopted a resolution (729(XXVIII)), by 14 votes to 0, with 3 abstentions, noting with satisfaction the success achieved in the seminars organized under the programme and approving the holding of three seminars (requested by Governments) in 1960.

### CONSIDERATION BY GENERAL ASSEMBLY

At the General Assembly's fourteenth session,

#### DOCUMENTARY REFERENCES

##### ECONOMIC AND SOCIAL COUNCIL—28TH SESSION

Social Committee, meetings 396, 397.  
Plenary Meeting 1088.

E/3228. Report of Commission on the Status of Women, thirteenth session, Chapter IX.

E/3229. Report of Commission on Human Rights, fifteenth session, Chapter V.

E/3253 and Add.1,2. Report of Secretary-General.

E/AC.7/L.330. United States: draft resolution adopted by the Social Committee on 8 July 1959, meeting 397, by 14 votes to 0, with 4 abstentions.

E/3286. Report of Social Committee.

RESOLUTION 729(xxviii), as recommended by Social Committee, E/3286, adopted by Council on 30 July 1959, meeting 1088, by 14 votes to 0, with 3 abstentions.

"The Economic and Social Council,

"Noting with satisfaction the success achieved in the seminars held since its twenty-sixth session in pursuance of the programme of advisory services in the field of human rights,

"Approves the plan presented by the Secretary-General for holding three seminars in 1960."

##### REPORTS ON SEMINARS

ST/TAO/HR/4. 1959 seminar on judicial and other

a budget of \$100,000 was approved for the 1960 programme, which was scheduled to include three seminars: one on the role of substantive criminal law in the protection of human rights, and the purposes and legitimate limits of penal sanctions, to be held in Tokyo, Japan, from 10 to 24 May 1960; one on the protection of human rights in criminal procedure, to be held in Vienna, Austria, from 20 June to 4 July 1960; and one on the participation of women in public life to be held in Addis Ababa, Ethiopia, from 12 to 23 December 1960.

remedies against illegal exercise or abuse of administrative authority, Peradeniya (Kandy), Ceylon, 4-15 May 1959, organized by United Nations in co-operation with Government of Ceylon.

ST/TAO/HR/5. Seminar on participation of women in public life (1959), Bogotá, 18-29 May 1959, organized by United Nations in collaboration with Government of Colombia.

ST/TAO/HR/6. 1959 seminar on judicial and other remedies against illegal exercise or abuse of administrative authority, Buenos Aires, Argentina, 31 August to 11 September 1959, organized by United Nations in co-operation with Government of Argentina.

##### GENERAL ASSEMBLY—14TH SESSION

Third Committee, meetings 930-937.  
Fifth Committee, meeting 738.

A/4143. Report of Economic and Social Council, Chapter VII, C.

A/4250. Report of Third Committee.

A/4110. Budget estimates for the financial year 1960, section 18.

A/4170. Report of Advisory Committee on Administrative and Budgetary Questions, para.217.

#### PERIODIC REPORTS AND SPECIAL STUDIES

##### PERIODIC REPORTS

A system of periodic reporting on progress in human rights was initiated by the Economic and Social Council and the Commission on Human Rights in 1956. The first periodic reports, covering the years 1954 to 1956, were submitted in 1958. Others covering the same period were submitted in 1959. The reports came from Members of the United Nations and of the specialized agencies which are asked (in accordance with Council resolution 625 B (XXII) of 1956) to report every three years

on developments and progress in human rights in their metropolitan, non-self-governing and Trust Territories. The rights reported on are those enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination. Specialized agencies were also asked by the Council to submit triennial summaries of reports from their Member States on the rights set forth in the Universal Declaration falling within their purview.

In all, 41 Governments submitted reports in this first series which covered the period 1954

to 1956. The Commission on Human Rights considered them in 1958 and 1959 on the basis of a summary prepared by the Secretary-General. Summaries of reports or other relevant information were received from the International Labour Office (ILO); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World Health Organization (WHO); the Universal Postal Union (UPU) and the International Telecommunication Union (ITU).

At the Commission's request, the Secretary-General, in consultation with the specialized agencies, prepared suggestions for the Commission's 1959 (fifteenth) session which were intended to assist Governments in preparing future reports. He suggested that Governments should concentrate on describing and explaining only such developments in the three-year period under review as were of special significance rather than attempting to cover all the rights set forth in the Universal Declaration. He invited Governments especially to mention any difficulties encountered and the manner in which these had been overcome, as well as progress achieved.

On 30 July 1959, acting on the basis of a recommendation by the Commission, the Eco-

nomics and Social Council unanimously adopted a resolution (728 B (XXVIII)), asking Members of the United Nations or of the specialized agencies to take full account of the Secretary-General's suggestions in drafting their triennial reports.

#### SPECIAL STUDIES

In 1956, the Commission on Human Rights and the Economic and Social Council made arrangements for studies of specific rights or groups of rights to be undertaken, with a view to making objective and general recommendations. The first subject for special study was "the right of everyone to be free from arbitrary arrest, detention and exile," and the Commission on Human Rights set up a committee of four members to study this subject. In 1959, the Committee consisted of representatives of Argentina, Belgium, Ceylon and the Philippines.

In 1959, the four-member committee submitted a progress report to the fifteenth session of the Commission which dealt primarily with the material available to, and the documentation prepared by, the committee; it also stated that the committee would prepare its final report in the course of 1960.

#### DOCUMENTARY REFERENCES

##### PERIODIC REPORTS

ECONOMIC AND SOCIAL COUNCIL—28TH SESSION  
Social Committee, meetings 393, 394.  
Plenary Meeting 1088.

E/3229. Report of Commission on Human Rights, 15th session, Chapter VI.

E/3229, Chapter XIV. Draft resolution III, submitted by Commission, adopted unanimously by Social Committee, on 3 July 1959, meeting 394.

E/3285. Report of Social Committee, draft resolution B.

RESOLUTION 728 B (xxviii), as recommended by Social Committee, E/3285, adopted unanimously by Council on 30 July 1959, meeting 1088.

"The Economic and Social Council,

"Considering that the suggestions submitted by the Secretary-General will assist Governments in preparing and submitting triennial reports on human rights,

"Requests States Members of the United Nations or members of the specialized agencies to take full account of those suggestions in drafting their triennial reports on human rights."

##### SPECIAL STUDIES

E/3229, Report of Commission on Human Rights, 15th session, Chapter IV.

Freedom from Arbitrary Arrest, Detention and Exile. Yearbook on Human Rights: First Supplementary Volume. U.N.P. Sales No.: 59.XIV.2.

#### PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

At its eleventh session, in January 1959, the Sub-Commission on Prevention of Discrimination and Protection of Minorities continued its work on problems of eradicating discrimination in various fields. The Sub-Commission—a subsidiary body of the Commission on Human Rights—considered such matters as: discrimina-

tion in education, in employment, in religious rights, in political rights and in the right to leave any country.

Some of the Sub-Commission's reports and recommendations on these questions were considered by the Commission on Human Rights at its fifteenth session held from 16 March

to 10 April 1959. Also taken up during the year—by the Commission and by the Economic and Social Council—was the question of the Sub-Commission's membership.

#### DISCRIMINATION IN EDUCATION

During their 1959 sessions, the Sub-Commission and the Commission were informed of a decision taken at the tenth session of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) whereby UNESCO would assume responsibility for drafting recommendations to its member States and an international convention on the various aspects of discrimination in education. UNESCO's Director-General was authorized to prepare a preliminary report, draft recommendations and a draft convention for the comments of UNESCO's member States. The Sub-Commission asked that the report, the draft recommendations and draft convention be made available so it could comment on them in 1960 before they were adopted by UNESCO. The Commission on Human Rights asked UNESCO to submit a progress report to the Commission's sixteenth session in 1960.

#### DISCRIMINATION IN EMPLOYMENT AND OCCUPATION

The Sub-Commission noted with satisfaction that the International Labour Conference had adopted a Convention Concerning Discrimination in Employment and Occupation, and a supplementary Recommendation, and stated that this marked an important step towards the abolition of discrimination in this field. On the recommendation of the Sub-Commission and the Commission, the Economic and Social Council—at its twenty-eighth session in mid-1959—noted the adoption of these instruments with satisfaction and invited the Governments of United Nations Members and members of the International Labour Organisation to ratify or to take other appropriate action with regard to the convention, and to adjust their policies to the recommendation. The Council did so by resolution 728 D (XXVIII), adopted on 30 July 1959 by 15 votes to 0, with 2 abstentions.

#### DISCRIMINATION IN RELIGIOUS RIGHTS AND PRACTICES

At its 1959 session, the Sub-Commission discussed a supplement to the draft report on discrimination in the matter of religious rights and practices, (prepared by its Special Rapporteur, Arcot Krishnaswami) which it had examined in 1958. In the supplement, the Special Rapporteur reported on the further progress which he had made in the study and submitted a series of proposals for action by the United Nations. He was asked to complete his final report for consideration at the Sub-Commission's twelfth session in 1960.

#### DISCRIMINATION IN POLITICAL RIGHTS

Also in 1959, the Sub-Commission examined a progress report on the study of discrimination in the matter of political rights submitted by its Special Rapporteur, Hernan Santa Cruz. It asked the Secretary-General to provide the necessary assistance so that a draft report could be completed for its 1960 session and a final report for its 1961 session. After the Secretary-General had indicated that this would be possible only if new funds for staff beyond the existing level were provided, the Economic and Social Council considered that the study should be completed without additional cost and, on 31 July 1959, asked the Sub-Commission and the Commission to adjust their programmes accordingly.

#### FUTURE STUDIES

In 1959, the Sub-Commission also discussed a preliminary study of discrimination in the matter of the right of everyone to leave any country, including his own, and to return to his country. This was prepared by Jose D. Ingles, one of its members. In view of staff limitations and prior commitments, the Sub-Commission recognized that a full study of the subject could not be undertaken before 1960 and asked Mr. Ingles to continue such preparatory work as he found useful and feasible.

There was also some discussion in the Sub-Commission, the Commission and the Economic and Social Council about broadening the scope

of the proposed study, but the debate at the Council's mid-1959 session indicated opposition to such a step.

**MEMBERSHIP OF SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES**

In view of the fact that terms of office of the members of the Sub-Commission were due to expire at the end of 1959, new members of this body had to be elected in 1959. The Commission

on Human Rights decided to increase the membership of the Sub-Commission from 12 to 14, subject to the Economic and Social Council's approval. The Commission elected 12 members. The Council approved the increase on 30 July 1959, at its twenty-eighth session. It did so by resolution 728 E (XXVIII) which was adopted unanimously. The Council also agreed to elect the two new members at the resumed part of its twenty-eighth session later in 1959. (For details of membership, see below, APPENDIX III.)

**DOCUMENTARY REFERENCES**

**DISCRIMINATION IN EDUCATION**

E/CN.4/Sub.2/197. Resolution adopted by General Conference of UNESCO at its tenth session regarding discrimination in education.

E/CN.4/778. Report of 11th session of Sub-Commission on Prevention of Discrimination and Protection of Minorities (paras. 152-159, and Resolution E).

E/3229. Report of 15th session of Commission on Human Rights (paras. 200-208, and Resolution 6(XV)).

**DISCRIMINATION IN EMPLOYMENT AND OCCUPATION**

E/CN.4/778 and Corr.1. Report of 11th session of Sub-Commission on Prevention of Discrimination and Protection of Minorities (Chapter V and Resolution A).

E/CN.4/778, Annex II. Texts of Convention and Recommendations Concerning Discrimination in Respect of Employment and Occupation.

**ECONOMIC AND SOCIAL COUNCIL—28TH SESSION**

Social Committee, meeting 396.

Plenary Meeting 1088.

E/3229. Report of 15th session of Commission on Human Rights (paras. 212-214 and Resolution 7(XV)).

E/AC.7/L.327. Mexico and Sudan: draft resolution adopted by Social Committee on 7 July 1959, meeting 396, by 15 votes to 0, with 3 abstentions.

RESOLUTION 728 D (xxviii), adopted by Council on 30 July 1959, meeting 1088, by 15 votes to 0, with 2 abstentions.

"The Economic and Social Council,

"Having considered resolution 7(XV) adopted by the Commission on Human Rights,

"1. Notes with great satisfaction the adoption by the International Labour Organisation of a Convention and a Recommendation concerning Discrimination in Respect of Employment and Occupation;

"2. Invites the Governments of States Members of the United Nations and members of the International Labour Organisation to ratify or to take other appropriate action with regard to the said Convention, and to adjust their policies to the said Recommendation."

**DISCRIMINATION IN RELIGIOUS RIGHTS AND PRACTICES**

E/CN.4/778. Report of 11th session of Sub-Commission on Prevention of Discrimination and Protection of Minorities (Chapter VI and Resolution B).

E/CN.4/Sub.2/L.123/Add.1. Supplement to draft report on discrimination in matter of religious rights and practices.

**DISCRIMINATION IN POLITICAL RIGHTS**

E/CN.4/778. Report of 11th session of Sub-Commission on Prevention of Discrimination and Protection of Minorities (Chapter VII and Resolution C).

E/CN.4/Sub.2/L.147. Progress report on study of discrimination in matter of political rights.

E/3229. Report of 15th session of Commission on Human Rights (paras. 218-221 and Resolution 8(XV)).

RESOLUTION 742(xxviii), Annex, para. 5, adopted by Council on 31 July 1959, meeting 1089.

(For text, see below, DOCUMENTARY REFERENCES for CHAPTER XIII.)

**FUTURE STUDIES**

E/CN.4/778. Report of 11th session of Sub-Commission on Prevention of Discrimination and Protection of Minorities (Chapter IX and Resolution F).

E/CN.4/Sub.2/195. Memorandum of Secretary-General concerning future work of Sub-Commission.

E/3229. Report of 15th session of Commission on Human Rights (paras. 222-227 and Resolution 9(XV)).

**ECONOMIC AND SOCIAL COUNCIL—28TH SESSION**

Social Committee, meeting 396.

**MEMBERSHIP OF SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES**

**ECONOMIC AND SOCIAL COUNCIL—28TH SESSION**

Social Committee, meeting 396.

Plenary Meeting 1088.

E/3229. Report of 15th session of Commission on Human Rights (paras. 231-242 and Resolution 11(XV)).



E/AC.7/L.326. Chile, Costa Rica, Mexico, Venezuela: draft resolution, as amended by sponsors, adopted by Social Committee on 7 July 1959, meeting 396, by 13 votes to 0, with 5 abstentions.

RESOLUTION 728 E (xxviii), adopted by Council on 30 July 1959, meeting 1088, by 13 votes to 0, with 4 abstentions.

"The Economic and Social Council,

"Having considered resolution 11(XV) adopted by the Commission on Human Rights,

"1. Approves the decision of the Commission on Human Rights to increase the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from twelve to fourteen;

"2. Decides to elect the two new members of the Sub-Commission at the resumed twenty-eighth session of the Council."

## THE STATUS OF WOMEN

During 1959, the main topics discussed in United Nations organs in regard to improving the status of women included the following: political rights of women, status of women in private law, nationality of married women, equal pay for equal work, economic opportunities for women, tax legislation applicable to women, access of women to education, participation of women in the work of the United Nations and the United Nations programme of advisory services in human rights in relation to the status of women.

These subjects were discussed by the Commission on the Status of Women at its thirteenth session held at United Nations Headquarters, New York, between 9 and 27 March 1959, and later, in mid-1959, at the twenty-eighth session of the Economic and Social Council, on the basis of the Commission's annual report.

### POLITICAL RIGHTS OF WOMEN

The Commission reviewed the progress achieved towards the recognition of political rights for women. It was generally agreed that much had been achieved in most countries by the enactment of legislation securing political rights for women. It was felt, however, that it was now essential to investigate ways of enabling women to make use of their rights. Among the methods of encouraging the active use of political rights suggested were: community service as a way of introduction to political activity at a level of local interest; the development of personal contacts between women active in the economic and political life of their countries whether by means of seminars, by exchanging visits of delegations and of individuals and by fellowships. Stressed, too, was the role of non-governmental organizations in training their members for participation in parliamentary activities.

With a view to making the greatest possible

use of the material furnished in the annual reports of the Secretary-General on progress achieved in the field of political rights for women, the Commission suggested that a consolidated, up-to-date version of these developments be prepared for the fourteenth session of the General Assembly. The Commission also asked that the report of the Bogota seminar on the participation of women in public life (due to be held in Bogotá in May 1959) be made available by the Secretary-General of the United Nations in time for the Commission's 1960 discussions on the political rights and responsibilities of women. In addition, the Commission invited non-governmental organizations having consultative status with the Economic and Social Council to help develop international cooperation in promoting equal political, civil, educational, economic and social rights of women through facilitating personal contacts and exchanges of persons, experts and materials in these fields.

The Commission was in general agreement with a proposal to ask the Secretary-General to send a letter to Governments of States which were parties to the Convention on the Political Rights of Women as a follow-up to an Economic and Social Council resolution on measures taken by them to implement the Convention's provisions.

By the end of 1959, the Convention had been signed by 42 countries and had been ratified or acceded to by 33 countries. During the year, Austria signed the Convention, Guatemala ratified it and the Republic of Korea acceded to it.

### STATUS OF WOMEN IN PRIVATE LAW

#### AGE OF MARRIAGE, FREE CONSENT AND REGISTRATION OF MARRIAGES

There was much discussion at the Commission's 1959 session on an Economic and Social Council resolution of 10 July 1958 on age of

marriage, free consent and registration of marriages. By this resolution the Council had asked the Secretary-General to prepare a draft recommendation on the subject for the Commission's 1960 session. Commission members generally deemed the subject so important that the principles in question should be laid down in an international instrument carrying great authority and accordingly adopted a resolution inviting the Council, in effect, to reconsider its resolution of 1959 on the matter.

The Council considered the Commission's resolution at its twenty-eighth session in mid-1959. While appreciating the Commission's wish for a convention, most Council members also favoured making an additional provision for an alternative instrument. It was felt that the provision of both a recommendation and a convention would enable a large number of countries to adhere to one of the instruments and thus ensure their efficacy. The Council accordingly asked the Secretary-General to prepare both a draft convention and a draft recommendation on the subject for the Commission's 1960 session, including provisions for regular reporting by United Nations Member Governments. The Council's decision to this effect was unanimously approved on 14 July 1959 as resolution 722 B (XXVIII).

#### RITUAL OPERATIONS

The Commission also examined the question of the ritual practices to which girls are exposed in some parts of the world. On 10 July 1958, the Economic and Social Council had requested the World Health Organization (WHO) to undertake a study of these practices. Commission members expressed concern at the action of the Executive Board of WHO, which had adopted a resolution to the effect that the study requested was outside of WHO's competence since the practices concerned were of a social and cultural rather than a medical nature. The Executive Board's resolution was subsequently approved by the World Health Assembly in May 1959.

#### NATIONALITY OF MARRIED WOMEN

Commission members expressed satisfaction at the continuing progress in the direction of equal nationality rights for men and women. By the end of 1959 the Convention on the Na-

tionality of Married Women had been signed by 25 countries and had been ratified or acceded to by 19 countries. During the year, Canada, Denmark, Hungary and Yugoslavia ratified the Convention; the Federation of Malaya and Poland acceded to it.

The Commission adopted a resolution, for final approval by the Economic and Social Council, asking that the Secretary-General prepare a pamphlet setting out the history of the Convention, giving a commentary on its provisions and bringing up to date the information contained in a publication entitled *Nationality of Married Women*, which had been issued in 1955.

When the matter came before the Council, there was general agreement that for reasons of economy it was desirable at this stage to issue a publication containing the history and commentary; a separate publication of information dealing with national legislation could be issued later. The Council took a unanimous decision to this effect on 14 July 1959, in the form of resolution 722 C (XXVIII).

#### EQUAL PAY FOR EQUAL WORK

At the Commission's 1959 session, there was general agreement on the importance of the principle of equal pay for equal work, particularly in view of the increasing significance of women's role in national economies and the growth of the female labour force.

Some countries favoured legislative action to further this principle, it was pointed out, whereas in other countries wages and salaries were largely determined through collective bargaining agreements between employers and employees. Stressed, too, was the importance of women's participation in trade union activities.

There was general approval of a revised draft pamphlet on equal pay for equal work prepared by the Secretary-General in collaboration with the International Labour Office, and the Commission adopted unanimously a draft resolution, for approval by the Economic and Social Council, recommending that this pamphlet be issued by the United Nations as a sales publication after some revision in the light of the Commission's debate. This recommendation was unanimously adopted by the Economic and Social Council on 14 July 1959 in the form of resolution 722 D (XXVIII).

**OCCUPATIONAL OUTLOOK FOR WOMEN**

At its 1959 session, the Commission paid special attention to the occupational outlook for women as architects, engineers and lawyers. Though a few legal barriers remained, it was pointed out, it was still necessary to strive for the elimination of prejudice and antiquated customs before complete equality of opportunity could be achieved. The value of adequate vocational guidance programmes was stressed as a means of acquainting girls with the wide range of occupations in modern society. Attention was drawn to the desirability of continuing inquiries into occupations, particularly in architecture and engineering, qualifications for which did not require a university education. Such inquiries would be useful in revealing the range of occupations now evolving, the background of workers who moved to higher levels, the methods of acquiring training and skills, and the possibilities of training programmes for older women workers, and could in turn lead to studies of economic opportunities for women in unskilled and manual work.

The Commission unanimously decided to ask the Secretary-General to prepare a report for its 1961 session, in consultation with the specialized agencies involved, based on information obtained from Members of the United Nations, of the specialized agencies and non-governmental organizations having consultative status with the Economic and Social Council. This report was to indicate the availability of opportunities in certain occupations related to the architectural, engineering and legal professions.

**AGE OF RETIREMENT AND RIGHT TO PENSION**

Debate in the Commission on the age of retirement and right to pension centred on the desirability of equal or lower retirement and pensionable ages for women as compared to those of men. Several members stressed the importance of absolute equality of pension and retirement rights for men and women, so as to avoid dangers of discrimination against women in employment. Others deemed this inadvisable because it had certain disadvantages for many working women. Attention was called to the importance of distinguishing between compulsory and voluntary retirement systems.

The Commission asked the Economic and Social Council to recommend that all Members of the United Nations and of the specialized agencies "facilitate, by all appropriate means, the equal treatment of men and women workers with respect to pension plans, and the implementation of the principle that the retirement age, either optional or compulsory, and the pensionable age, should be the same for men and women workers."

The Council was divided in its view on the subject, and revised the Commission's text in the form of resolution 722 F (XXVIII), which it adopted by 16 votes to 0, with 1 abstention. The Council thereby agreed to take no decision "at the present time," while affirming the principle that women workers should not be placed at any disadvantage as compared with men in regard to arrangements for pensionable age and retirement age, and recognizing the differences of opinion on whether this principle was infringed by an age of earlier optional retirement and an earlier pensionable age.

**TAX LEGISLATION APPLICABLE TO WOMEN**

Discussion in the Commission centred on those aspects of tax legislation which in any way discriminated against women, and in particular, the married working woman. Consideration was given to the relative advantages of taxing incomes individually and of taxing husbands and wives, or members of a family unit, jointly. Individual taxation, it was felt, recognized the individual identity of the spouses, but some members thought that both types of taxation reflected variations in social patterns and that tax legislation could be worked out only in the light of a country's own system. It was generally agreed that this subject be further considered by the Commission in 1960.

**ACCESS OF WOMEN TO EDUCATION**

In discussing access to education, most Commission members considered that the eradication of illiteracy was of primary importance. It was, however, recognized that this was hindered by such factors as a shortage of trained staff, limited financial resources of Governments or family financial difficulties. While the need to give girls and women access to every level of education was acknowledged, it was generally felt that

emphasis should be placed on the need for free and compulsory education. Also stressed was the need for teachers.

In discussing the problem of the access of women to the teaching profession, Commission members agreed that, while there was no such problem, in most countries women teachers were often faced with other problems, such as dismissal on marriage, unequal pay scales and difficulties in advancing to high posts in their professions. Background information for the discussion included a report proposed by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Commission adopted unanimously a draft resolution, for approval by the Economic and Social Council, inviting UNESCO to prepare a further report (for the Commission's 1961 session), on the access of women to the teaching profession, based on information from United Nations Member States and other authoritative sources, and taking into account the debates in the Commission and the developments arising from the report of a meeting of experts on teachers' problems convened by the International Labour Organisation (ILO) in Geneva in October 1958. On 14 July 1959, the Council unanimously approved this text as resolution 722 E (XXVIII).

## PARTICIPATION OF WOMEN IN WORK OF THE UNITED NATIONS

Also considered at the Commission's thirteenth session was the participation of women in the work of the United Nations and the specialized agencies.

Several Commission members stated that women should not be limited mostly to employment at lower levels in the Secretariats of the United Nations and the specialized agencies. They should also occupy senior posts and more Governments should appoint women to responsible positions in their delegations. Confidence was expressed that the Secretary-General would continue to make every effort to appoint women to senior positions in the Secretariat.

## FUTURE WORK PROGRAMME

On 14 July 1959, the Economic and Social Council, in taking note of the report of the Commission's 1959 session, endorsed the future work programme and priorities agreed to by the Commission. The Council's decision was embodied in resolution 772 A (XXVIII).

(For information about advisory services in relation to the status of women, see above, in this chapter, section on ADVISORY SERVICES IN HUMAN RIGHTS.)

## DOCUMENTARY REFERENCES

ECONOMIC AND SOCIAL COUNCIL—28TH SESSION  
Social Committee, meetings 390-392.  
Plenary Meeting 1078.

E/3228. Report of 13th session of Commission on Status of Women, 9-27 March 1959. (For list of documents prepared for the session, see Annex I.)

### POLITICAL RIGHTS OF WOMEN

E/3228. Report of 13th session of Commission, Chapter II.

A/4159. Constitutions, electoral laws and other legal instruments relating to political rights of women. Memorandum by Secretary-General for 14th session of General Assembly, 1959.

### STATUS OF WOMEN IN PRIVATE LAW

E/3228. Report of 13th session of Commission, Chapter III.

E/3228. Chapter XVII. Draft resolution B, as recommended by Commission and as amended by 3 powers, E/AC.7/L.321, adopted by Social Committee on 1 July 1959, meeting 391, by 17 votes to 1.

E/AC.7/L.321. Chile, Netherlands, New Zealand, United States: amendment to draft resolution B submitted by Commission.

E/3280, Report of Social Committee, draft resolution B.

RESOLUTION 722 B (xxviii), as recommended by Social Committee, E/3280, adopted unanimously by Council on 14 July 1959, meeting 1078.

"The Economic and Social Council,

"Recalling its resolution 680 B (XXVI) of 10 July 1958 concerning a minimum age of marriage, the requirement of the free consent of both parties to the marriage, and the compulsory registration of marriages,

"1. Considers that it may be appropriate to prescribe desirable standards in these fields by means of international instruments prepared under the auspices of the United Nations;

"2. Requests the Secretary-General to prepare for the fourteenth session of the Commission on the Status of Women a draft convention and a draft recommendation dealing with the three questions referred to above, including provisions for regular reporting by the Governments of Member States."

### NATIONALITY OF MARRIED WOMEN

E/3228. Report of 13th session of Commission, Chapter IV.

E/3228. Chapter XVII. Draft resolution C, as recommended by Commission and as amended by United Kingdom, E/AC.7/L.323 and orally by United States, adopted unanimously by Social Committee on 1 July 1959, meeting 391.

E/AC.7/L.323. United Kingdom: amendment to draft resolution C submitted by Commission.

E/3280. Report of Social Committee, draft resolution C.

RESOLUTION 722 C (xxviii), as recommended by Social Committee, E/3280, adopted unanimously by Council on 14 July 1959, meeting 1078.

"The Economic and Social Council,

"Noting that, by its resolution 1040(XI) of 29 January 1957, the General Assembly had adopted the Convention on the Nationality of Married Women and that, by 6 March 1959, the Convention had been signed, ratified and acceded to by sixteen countries,

"Noting that the printed publication on the Nationality of Married Women prepared by the Secretary-General for the ninth session of the Commission on the Status of Women is practically exhausted,

"Noting also the subsequent reports prepared annually by the Secretary-General for submission to the Commission on the Status of Women, containing changes in legislation affecting the nationality of married women and other valuable information,

"Believing that a history of the Convention and a concise and objective commentary on its provisions should be made available to the public in the form of a printed publication similar to the successful publication on the Convention on the Political Rights of Women,

"Requests the Secretary-General:

"(a) To prepare a publication on the Convention on the Nationality of Married Women, containing a history of the Convention and a commentary on its provisions, and arrange for its issuance at an early date;

"(b) To make preparations for a later publication bringing up to date the information contained in the publication prepared for the ninth session of the Commission on the Status of Women and in subsequent reports."

#### EQUAL PAY FOR EQUAL WORK

E/3228. Report of 13th session of Commission, Chapter VI.

E/3228, Chapter XVII. Draft resolution D, as recommended by Commission, adopted unanimously by Social Committee on 1 July 1959, meeting 391.

E/3280. Report of Social Committee, draft resolution D.

RESOLUTION 722 D (xxviii), as recommended by Social Committee, E/3280, adopted unanimously by Council on 14 July 1959, meeting 1078.

"The Economic and Social Council,

"Noting the recommendation of the Commission on the Status of Women that the draft pamphlet on equal pay prepared by the Secretary-General in collaboration with the International Labour Office be issued by the United Nations as a sales publication,

"Believing that progress in this field may be stimulated by this publication,

"Requests the Secretary-General to issue this publication as soon as possible."

Equal Pay for Equal Work. U.N.P. Sales No.: 60.IV.4.

#### ECONOMIC OPPORTUNITIES FOR WOMEN

E/3228. Report of 13th session of Commission, Chapter VIII.

#### AGE OF RETIREMENT AND RIGHT TO PENSION

E/3228, Chapter XVII. Draft resolution F, as recommended by Commission and as amended by United Kingdom, E/AC.7/L.324, adopted by Social Committee on 1 July 1959, meeting 392, by 9 votes to 5, with 4 abstentions.

E/AC.7/L.324. United Kingdom: amendment to draft resolution F submitted by Commission.

E/3280. Report of Social Committee, draft resolution F.

RESOLUTION 722 F (xxviii), as recommended by Social Committee, E/3280, and as amended orally by France and United Kingdom, adopted by Council on 14 July 1959, meeting 1078, by 16 votes to 0, with 1 abstention.

"The Economic and Social Council,

"Affirming the principle that arrangements in regard to pensionable age and retirement age should not be such as to place women workers at any disadvantage as compared with men workers,

"Having considered draft resolution F in the report of the thirteenth session of the Commission on the Status of Women,

"Recognizing that differences of opinion continue to exist as to whether an age of earlier optional retirement and an earlier pensionable age for women constitute any infringement of the above-mentioned principle,

"Decides to take no decision at the present time on the above-mentioned draft resolution."

#### TAX LEGISLATION

##### APPLICABLE TO WOMEN

E/3228. Report of 13th session of Commission, Chapter V.

#### ACCESS OF WOMEN TO EDUCATION

E/3228. Report of 13th session of Commission, Chapter VII.

E/3228, Chapter XVII. Draft resolution E, as recommended by Commission, adopted unanimously by Social Committee on 1 July 1959, meeting 391.

E/3280. Report of Social Committee, draft resolution E.

RESOLUTION 722 E (xxviii), as recommended by Social Committee, E/3280, adopted unanimously by Council on 14 July 1959, meeting 1078.

"The Economic and Social Council,

"Noting the views expressed in the debates of the Commission on the Status of Women at its thirteenth session on the report prepared by the United Nations Educational, Scientific and Cultural Organization on

the access of women to the teaching profession,

"1. Calls the attention of Governments to its resolutions 547 K (XVIII) of 12 July 1954 and 587 G (XX) of 3 August 1955;

"2. Invites the United Nations Educational, Scientific and Cultural Organization to prepare for the fifteenth session of the Commission on the Status of Women a further report on the access of women to the teaching profession based on information from Member States and other authoritative sources, this further report to take into account the debates in the Commission at its thirteenth session and also the developments arising from the report of the Meeting of Experts on Teachers' Problems convened by the International Labour Office in Geneva in October 1958."

#### PARTICIPATION OF WOMEN IN WORK OF UNITED NATIONS

E/3228. Report of 13th session of Commission, Chapter X.

#### FUTURE WORK PROGRAMME

E/3228. Report of 13th session of Commission, Chapters XIV and XV.

E/3228. Chapter XVII. Draft resolution A, as recommended by Commission and as amended by United States, E/AC.7/L.322, adopted unanimously by Social Committee on 1 July 1959, meeting 392.

E/AC.7/L.322. United States: amendment to draft resolution A submitted by Commission.

E/3280. Report of Social Committee, draft resolution A.

RESOLUTION 722 A (xxviii), as recommended by Social Committee, E/3280, adopted unanimously by Council on 14 July 1959, meeting 1078.

"The Economic and Social Council

"Takes note of the report of the Commission on the Status of Women (thirteenth session) and endorses the work programme and priorities contained therein."

#### FREEDOM OF INFORMATION

The Economic and Social Council in 1959 adopted proposals dealing with information media in under-developed countries, preparation of reports on developments in freedom of information, and reduction of international press telegram rates.

These proposals were adopted on the basis of recommendations submitted by the Commission of Human Rights. The Commission made its recommendations after considering a report by its Committee on Freedom of Information established in 1957.

The Economic and Social Council adopted resolutions also on a draft Declaration on Freedom of Information.

Also in 1959, the General Assembly began discussion of the text of the draft Convention on Freedom of Information. This draft was based on a text originally prepared by the United Nations Conference on Freedom of Information held in Geneva in 1948, as revised in 1951 by a special committee set up by the Assembly in 1950.

#### INFORMATION MEDIA IN UNDER-DEVELOPED COUNTRIES

On 12 December 1958, the General Assembly adopted a resolution (1313 A (XIII)) expressing the hope that the Economic and Social Council would formulate a programme of concrete action for developing information media in under-developed countries. At the same time, the Council was asked to invite the Commission

on Human Rights to give particular attention to procedures to assure a constant review of the problems of providing technical aid in the information field to under-developed countries.

The matter was considered by the Commission at its fifteenth session, held from 16 March to 10 April 1959.

The Commission adopted a proposal, later approved unanimously by the Economic and Social Council on 24 April 1959 (as resolution 718(XXVII), Part I) asking that the United Nations Educational, Scientific and Cultural Organization (UNESCO) undertake a survey of the problems of providing technical assistance to under-developed countries in the field of information. UNESCO was asked to forward its report to the Commission and to the Council before mid-1961, to enable the Council to evaluate the needs and resources for carrying out the technical assistance programme envisaged.

#### REPORTS ON DEVELOPMENTS IN FREEDOM OF INFORMATION

At its 1959 session, the Commission on Human Rights decided, by 15 votes to 0, with 3 abstentions, to review developments affecting freedom of information as a regular item on its agenda.

It adopted a proposal, later approved by the Economic and Social Council on 24 April 1959 (as resolution 718(XXVII), Part II), asking the Secretary-General to submit annual reports on such developments to the Commission on the

basis of material furnished by UNESCO and other interested specialized agencies, as well as any other information available.

The Secretary-General was also asked to prepare a substantive report, for submission to the Council in 1961, on developments in the field of freedom of information since 1954. The report was to be prepared in co-operation with United Nations Member Governments., the specialized agencies (particularly UNESCO), non-governmental organizations having consultative status with the Council, and professional organizations concerned.

The resolution to this effect was approved by 13 votes to 3, with 2 abstentions.

In the course of the debate which took place when the Commission's proposals came before the Council, the USSR representative maintained that the proposals for reports on freedom of information went beyond the scope of General Assembly resolution 1313 A (XIII) of 12 December 1958, which, in his view, restricted the competence of the Commission on Human Rights in formulating concrete plans for the provision of technical assistance to under-developed countries in the field of information. The United States representative and others maintained that that Assembly resolution did not alter the Commission's terms of reference whereby the Commission was granted competence with regard to all aspects of freedom of information.

Most representatives considered that objective reports would be needed to assess the freedom of information situation. No comprehensive report on freedom of information had been submitted to United Nations organs since 1953, they pointed out. The representatives of the United Kingdom and the USSR, however, doubted whether such reports could substantially advance the work of the United Nations in the field of freedom of information; indeed, they might rather stir up political controversies.

With regard to the procedures for preparing the reports, there was no objection to a statement made on behalf of the Secretary-General saying that the proposal on annual reports was interpreted to mean that the information sought would be drawn from official and public sources.

Also discussed were arrangements contemplated by the Secretary-General to appoint a consultant to prepare the substantive report on

developments in freedom of information for 1954-1961. The USSR representative objected to a consultant being vested with such authority, and pointed out that the system of appointing special rapporteurs or consultants had not produced good results in the past.

The majority of members, however, favoured the arrangements which the Council approved on 24 April 1959 by 15 votes to 3.

#### INTERNATIONAL PRESS TELEGRAM RATES

On 20 March 1959, the Commission on Human Rights adopted a draft resolution for final approval by the Economic and Social Council stating that the existence of high and divergent rates for international press cables was a serious impediment to the "free flow of undistorted and accurate information" and to the development of understanding. The draft resolution also voiced the hope that efforts by the International Telecommunication Union (ITU), United Nations Educational, Scientific and Cultural Organization (UNESCO) and other bodies towards reduction of international press cable rates would be continued, and in particular, that reduced international press cable rates would be agreed on at the ITU conference of plenipotentiaries to be held in October 1959.

This text was revised at the Economic and Social Council's twenty-seventh session held from 7 to 24 April 1959. Thus, the statement in the preamble about the effects of high and divergent press cable rates was revised to state that the existence of such rates was a serious impediment to the "free flow of information" rather than to the "free flow of undistorted and accurate information."

In addition, the Council's text voiced the hope that the efforts of ITU, UNESCO and other bodies to reduce international press telegram rates would be "continued at appropriate conferences of ITU and through other arrangements to bring reduced international press telegraph rates into effect."

The text as thus amended was unanimously adopted by Council on 24 April 1959 as resolution 719 (XXVII).

#### QUESTION OF A DECLARATION ON FREEDOM OF INFORMATION

In 1959, the Economic and Social Council

submitted the text of a draft declaration on freedom of information to United Nations Member Governments for comment. It also decided to consider the question further at its twenty-ninth session in 1960.

Among the points set forth in the draft declaration, as circulated to Governments for comment, were the following:

Everyone has the right "to seek and convey information and ideas" (article I). All Governments have the responsibility to "pursue policies under which the free flow of information will be protected" (article II). Since "media of information should be employed in the service of the people," there should be no monopoly on the means of disseminating information, and the individual should be free to choose from a diversity of sources of information (article III). All information media should "report honestly and in good faith" and strive to ensure the accuracy of their reports, so as to provide the basis on which enlightened opinion could be formed (article IV). The rights and freedoms proclaimed above should be "universally recognized and respected," subject only to such proper limitations as are required for protecting "the rights and freedoms of others," and in the interests of "morality, public order and the general welfare in a democratic society" (article V).

The Council discussed the question of a draft declaration on freedom of information at both its sessions in 1959 (the twenty-seventh and twenty-eighth sessions). The Council did not consider the substance of the draft declaration submitted, but discussed the advisability of the United Nations' adopting it, and also the proper procedure for dealing with the question.

The matter was first raised, on 16 April 1959, at the Council's twenty-seventh session, when Chile, Costa Rica, Mexico and the United States submitted the text of a draft declaration on freedom of information, together with a draft resolution.

By the draft resolution, the Council would state that such a draft declaration "could be a further step towards the realization of the purposes of the United Nations." Recalling that on 12 December 1958 the General Assembly had decided (by resolution 1313 C (XIII)) to discuss the draft Convention on Freedom of Information<sup>1</sup> in 1959, the Council, "without prejudice to the Assembly action in this respect,"

would also "decide to place the question of a draft declaration on freedom of information on the agenda of its twenty-eighth (mid-1959) session."

Afghanistan submitted amendments to the four-power proposal, to make the following points: the only question to be considered in the near future should be "the desirability of a United Nations draft declaration on freedom of information"; this question should be referred to the General Assembly rather than to the Council itself; matters relating to the draft declaration should be considered "without prejudice whatsoever to the action of the General Assembly in connexion with the discussion of the draft Convention on Freedom of Information with a view to its adoption as soon as possible." Another of Afghanistan's amendments was to delete the paragraph in the preamble of the four-power text stating that the declaration could be a further step towards the realization of the United Nations purposes.

The sponsors of the four-power text gave assurances that they did not wish the Council to impede the General Assembly's work on the draft Convention; all they had in mind was to place the question of a draft declaration on the agenda of the Council's next session. Afghanistan's amendments were rejected in the Council's Social Committee by 11 votes to 4, with 3 abstentions.

The four-power text was adopted by the Social Committee on 21 April 1959. The Council approved it on 24 April as resolution 720 (XXVII). The vote in both cases was 13 to 3, with 2 abstentions.

At the Council's mid-1959 session, Chile, Costa Rica, France, Mexico, the Netherlands and the United States submitted a revised draft declaration on freedom of information (the text of which is summarized above), together with a draft resolution.

By this draft resolution, the Council, while stating its desire to take no action which would hinder or prejudice General Assembly action on the draft Convention, would: (1) accept the text of the draft declaration for submission to United Nations Member Governments for their comments; (2) ask the Secretary-General

<sup>1</sup> For further details, see Y.U.N., 1958, pp. 227-228, 230, and also section below on DRAFT CONVENTION ON FREEDOM OF INFORMATION.



to prepare a report embodying the comments received from Member States on the draft text and also on the desirability of the United Nations' adopting a declaration on freedom of information. The Council also decided to consider the question further at its twenty-ninth session (scheduled to open on 5 April 1960) in the light of the comments received.

On the recommendation of its Social Committee the Council agreed to this by adopting resolution 732(XXVIII) on 30 July 1959. The vote in both cases was 13 to 3, with 2 abstentions.

At both Council sessions in 1959, some speakers—in particular, the representatives of Afghanistan and the USSR—declared themselves against the proposals on the following main grounds: the elaboration of a draft declaration on freedom of information could only delay the solution of the problems in that field, and would disturb the atmosphere of political compromise in which the General Assembly had been able to reach agreement on preparing a draft Convention as the most constructive approach to this question; indeed, the proposals on the draft declaration seemed to disregard the General Assembly decision of 12 December 1958 (as expressed in resolution 1313 C (XIII)) to concentrate on the draft Convention. While the Convention would place precise and binding obligations upon the States parties to it, a declaration could only repeat the principles proclaimed in the Universal Declaration on Human Rights and would have no legal force.

The sponsors of the proposals on the draft declaration felt that the drafting of a declaration—a project which had been suggested as early as 1953 by the Council's rapporteur on freedom of information—would in no way prejudice the Assembly's action on the draft Convention. The text of the draft declaration was in no way incompatible with the more specific provisions of the draft Convention. Moreover, the Council was not asked at the present stage to take a stand on the desirability or the contents of a draft declaration but merely to seek the views of Member States and study the question further. Adoption of a declaration proclaiming fundamental principles in the field of freedom and information would, the sponsors also maintained, be a positive step towards promoting that freedom.

#### DRAFT CONVENTION ON FREEDOM OF INFORMATION

The draft Convention on Freedom of Information was originally drawn up in 1948 by the United Nations Conference on Freedom of Information. In 1951, it was revised by an ad hoc committee of the General Assembly. On 12 December 1958, the Assembly decided to proceed in 1959 to a detailed discussion of the ad hoc committee's draft text (which consisted of a preamble and 19 articles).

In 1959, at the Assembly's fourteenth session, discussion took place in the Assembly's Third (Social, Humanitarian and Cultural) Committee. After a general debate, the Committee went on to examine the preamble and the first article of the draft Convention.

Many Members of the Committee taking part in the general debate welcomed the opportunity of proceeding, after many years of delay, to the final drafting of what was described as the most important instrument in the field of freedom of information. Some Members, however, reiterated the basic objection of their Governments to a draft Convention. In its present form, they argued, the draft emphasized restrictions on, rather than freedom of, information. Some other representatives, while having misgivings about the project, were willing to participate in the work of the draft convention.

There was much debate, as at previous Assembly sessions, on such matters as the general problem of the difficulty of striking a balance between freedom (which was always in danger of degenerating into licence) and responsibility (the enforcement of which could lead to undesirable restrictions).

A number of the Members referred to the responsibility of information media in regard to reports affecting relations between peoples, and the need to protect the "consumer" of news and information from inaccuracy, falsehood and distortion. All such aspects, it was maintained, should be reflected in the Convention.

Other Members, however, considered that the main emphasis in the Convention should be on ways and means of ensuring the freest access to the facts and the fullest possible flow of news and information concerning these facts. If this is to be achieved, and if the peoples of the world are to be fully and adequately informed, information media should be free from govern-

mental restrictions and should, among other things, be left to themselves to set and enforce standards.

#### PREAMBLE

The preamble of the text before the Third Committee stated:

(1) that "freedom of expression and the free interchange of information and opinions, both in the national and in the international spheres, are fundamental human rights and essential in the cause of democracy and peace and for the achievement of political, social, cultural and economic progress";

(2) that it was the desire of the States party to the Convention "to co-operate fully with one another to guarantee these freedoms and thereby to promote democratic institutions, friendly relations between States and peoples and the peace and welfare of mankind"; and

(3) that "in order to achieve these aims, the media of information should be free from pressure or dictation, and that these media, by virtue of their power for influencing public opinion, bear a great responsibility to the peoples of the world."

Among the amendments discussed was one by India, Liberia, Mexico, the Philippines, Saudi Arabia, the United Arab Republic and Venezuela. They proposed amending paragraph (1) so that it would refer to the "free interchange of accurate, objective and comprehensive information and opinions" rather than to the "free interchange of information and opinions." This rewording was advocated so as to stress the need to combat the dissemination of slanderous or biased information, which, it was argued, was most harmful to international understanding and particularly prejudicial to the underdeveloped countries which were ill-equipped to make the true situation known in their territories.

Belgium, Denmark, New Zealand, Sweden and the United States and others, however, feared that the amendment could mean giving powers of supervision to Governments and condoning censorship.

The Third Committee nevertheless decided to adopt the 7-power amendment. It did so by 43 votes to 9, with 18 abstentions.

Similar views were exchanged on a revised Liberian amendment to have paragraph (3)

state that information media "have the duty to respect the truth and to promote understanding among nations." The Committee adopted this amendment by 33 votes to 17, with 21 abstentions.

Belgium, Guatemala, Iceland and Italy proposed an amendment to stress that peoples should be free to seek and receive information and opinions "from any source whatever." India, Saudi Arabia and others, however, opposed it. Arguments against included the following: the proposal was repetitious since its aim would be met by the 7-power amendment to paragraph (1) (see above); it might be interpreted as justifying the publication of false or slanderous reports. The amendment was rejected by 25 votes against, 24 in favour, with 21 abstentions.

France proposed an amendment to include a statement on "the right of everyone to form an opinion through the fullest possible knowledge of the facts." The Byelorussian SSR, India, Poland and the Ukrainian SSR thought that this amendment lacked clarity, and that drawing a distinction between factual reports and opinions might prove unworkable in practice.

The Third Committee, however, approved the French amendment by 51 votes to 0, with 20 abstentions.

On 4 December 1959, the Third Committee approved the text of the preamble as a whole, as amended, by 49 votes to 5, with 24 abstentions.

The text of the preamble as approved by the Third Committee reads as follows:

The States Parties to this Convention,

Bearing in mind the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that freedom of expression, information and opinions are fundamental human rights,

Considering that the free interchange of accurate, objective and comprehensive information and of opinions, both in the national and in the international spheres, is essential to the cause of democracy and peace and for the achievement of political, social, cultural and economic progress,

Considering that freedom of information implies respect for the right of everyone to form an opinion through the fullest possible knowledge of the facts,

Desiring to co-operate fully with one another to guarantee these freedoms and to promote democratic institutions, friendly relations between States and peoples and the peace and welfare of mankind, and

Recognizing that in order to achieve these aims the media of information should be free from pressure or dictation, but that these media, by virtue of their power for influencing public opinion, bear to the peoples of the world a great responsibility, and have

the duty to respect the truth and to promote understanding among nations,

Have accepted the following provisions:

#### ARTICLE 1

Article 1 of the draft Convention before the Third Committee stated that: (a) "Each Contracting State shall secure to its own nationals, and to such nationals of every other Contracting State as are lawfully within its territory, freedom to seek, receive and impart without governmental interference and regardless of frontiers information and opinions orally, in writing or in print, in the form of art or by duly licensed visual or auditory devices"; and (b) "No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph in any manner discriminating against any of its own nationals or of such of the nationals of any other Contracting State as are lawfully within its territory on political grounds or on the basis of their race, sex, language or religion."

France proposed adding a new paragraph whereby the States party to the Convention would respect and protect the right of every person to have diverse sources of information at his disposal. Those in favour of this amendment maintained that diversity of sources was an essential guarantee of the right to be adequately informed and to form an opinion freely. India, the Philippines and Poland, however, feared that this text might mean that Governments of under-developed countries would have to carry an excessive burden of financing the establishment of several news agencies in their territories. The Third Committee adopted the French proposal by 51 votes to 1, with 14 abstentions.

Another amendment was put forward by Ethiopia, India, the Philippines, Saudi Arabia and Venezuela. By this, Contracting States would be obliged to secure "freedom to seek" rather than "freedom to gather" information and opinions.

The sponsors argued that the amendment would leave people free to choose from among the news collected, that it was intended to prohibit abusive investigations being made by journalists which would offend religious sensibilities or a country's traditions, invade personal privacy or even threaten the security of the State.

Belgium, France, the United Kingdom, the

United States and others opposed the amendment, mainly on the grounds that the word "gather" implied a passive attitude on the part of the professionals and the public, and also that there could not be real freedom of information unless the people concerned were allowed actively to "seek" the news for themselves.

The Committee adopted the amendment by 30 votes to 29, with 7 abstentions.

Peru proposed amending article 1 to stress that the freedom to gather, receive and impart information and opinions without governmental interference would be subject to the limitations clause contained in article 2. Some representatives considered this unnecessary since article 2 itself provided for limitations to all the rights and freedoms set forth in the Convention.

Article 1 as a whole, as amended, was adopted by the Third Committee on 7 December 1959 by 41 votes to 4, with 21 abstentions. It reads as follows:

Subject to the provisions of this Convention,

(a) Each Contracting State undertakes to respect and protect the right of every person to have at his disposal diverse sources of information;

(b) Each Contracting State shall secure to its own nationals, and to such of the nationals of every other Contracting State as are lawfully within its territory, freedom to gather, receive and impart without governmental interference, save as provided in article 2, and regardless of frontiers, information and opinions orally, in writing or in print, in the form of art or by duly licensed visual or auditory devices;

(c) No Contracting State shall regulate or control the use or availability of any means of communication referred to in the preceding paragraph in any manner discriminating against any of its own nationals or of such of the nationals of any other Contracting State as are lawfully within its territory on political grounds or on the basis of their race, sex, language or religion.

#### FUTURE WORK ON DRAFT CONVENTION

The work on the draft Convention not having been completed, the Assembly, on 10 December 1959, decided by resolution 1459 (XIV) that priority be given to the matter at the Assembly's 1960 session. The Third Committee was asked to devote as many meetings as possible to this. The Assembly took this decision by 57 votes to 2, with 17 abstentions, on the recommendation of the Third Committee where the resolution was approved on 7 December by 43 votes to 2, with 17 abstentions, on a proposal by Afghanistan, Colombia, Cuba, Guatemala, Honduras, Lebanon, Libya, Morocco and the Philippines.

## DOCUMENTARY REFERENCES

DEVELOPMENT OF INFORMATION MEDIA  
IN UNDER-DEVELOPED COUNTRIES

## ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

Social Committee, meetings 387, 388.  
Plenary Meetings 1061, 1062, 1066.

E/3205 and Add.1. Report by Secretary-General.

E/3206 and Add.1. Observations and proposals received from specialized agencies.

E/3229. Report of Commission on Human Rights, 15th session, Chapter II.

E/3229, Chapter XIV. Draft resolution I A, submitted by Commission, adopted unanimously by Social Committee on 21 April 1959, meeting 387.

E/3239. Report of Social Committee, draft resolution I A.

RESOLUTION 718(xxvii), part I, as recommended by Social Committee, E/3239, adopted unanimously by Council on 24 April 1959, meeting 1066.

"The Economic and Social Council,

"Recalling General Assembly resolutions 1189 B (XII) of 11 December 1957 and 1313(XIII) of 12 December 1958 and Council resolution 683 C (XXVI) of 21 July 1958, and the desire manifested in the United Nations to ensure greater freedom of information, particularly in under-developed countries,

"Noting the recommendations of the Commission on Human Rights with regard to freedom of information,

## I

"1. Notes with approval the suggestions contained in paragraph 9 and the conclusions in paragraph 12 of the report of the Committee on Freedom of Information concerning the development of media of information in under-developed countries;

"2. Requests the United Nations Educational, Scientific and Cultural Organization, in consultation with other specialized agencies concerned, Governments of member States and organizations actively engaged in the field of information to undertake, within the scope of its programme, a survey of the problems of providing technical assistance to under-developed countries in that field, bearing in mind the conclusions and suggestions in the report of the Committee on Freedom of Information concerning the development of media of information in under-developed countries, and General Assembly resolution 1313(XIII), and to forward its report and recommendations to the Commission on Human Rights and to the Economic and Social Council before the summer of 1961 to enable the Council to make an evaluation of the material, financial and professional requirements and resources for implementation of the programme envisaged in that resolution, including expert advice, fellowship awards, seminars and the provision of equipment and other facilities."

REPORTS ON DEVELOPMENTS  
IN FREEDOM OF INFORMATION

## ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

Social Committee, meetings 387, 388.  
Plenary Meetings 1061, 1062, 1066.

E/3229, Chapter XIV. Draft resolution I B, submitted by Commission, adopted by Social Committee on 21 April 1959, meeting 387, by 12 votes to 3, with 3 abstentions.

E/3239. Report of Social Committee, draft resolution I B.

RESOLUTION 718(xxvii) part II, as recommended by Social Committee, E/3239, adopted by Council on 24 April 1959, meeting 1066, by 13 votes to 3, with 2 abstentions.

"The Economic and Social Council,

"Recalling General Assembly resolution 1189 B (XII) of 11 December 1957 and 1313(XIII) of 12 December 1958 and Council resolution 683 C (XXVI) of 21 July 1958, and the desire manifested in the United Nations to ensure greater freedom of information, particularly in under-developed countries,

"Noting the recommendations of the Commission on Human Rights with regard to freedom of information,

## II

"1. Notes with approval the decision of the Commission on Human Rights to review developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information, as a regular item on its agenda;

"2. Requests the Secretary-General:

"(a) To facilitate the Commission's regular reviews of this subject by providing an annual report on developments affecting freedom of information, including the problems of providing technical assistance to under-developed countries in the field of information, on the basis of material furnished by the United Nations Educational, Scientific and Cultural Organization and other interested specialized agencies, as well as any other information available;

"(b) To prepare in co-operation with the Governments of Member States, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, non-governmental organizations in consultative status with the Council, and the professional organizations concerned, both national and international, a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954, including in particular:

"(i) The news sources to which peoples have access;

"(ii) The extent to which they receive news of the United Nations and its specialized agencies and their work for peace;

"(iii) Developments in the facilities for the free flow of accurate and undistorted information into and out of under-developed countries."

INTERNATIONAL PRESS  
TELEGRAM RATES

## ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

Social Committee, meetings 387, 388.  
Plenary Meetings 1061, 1062, 1066.

E/3229, Chapter XIV. Draft resolution II, submitted by Commission, as revised by United States, adopted unanimously by Social Committee on 21 April 1959, meeting 387.

E/3234. Comments by Secretariat of ITU on resolution 2(XV) of Commission on Human Rights.

E/AC.7/L.318. United States: amendments to draft resolution II of Commission.

E/3239. Report of Social Committee, draft resolution II.

RESOLUTION 719(xxvii), as recommended by Social Committee, E/3239, adopted unanimously by Council on 24 April 1959, meeting 1066.

"The Economic and Social Council,

"Considering that the existence of generally high and divergent rates for international press messages is a serious impediment to the free flow of information and to the development of international understanding,

"Noting with commendation the efforts of the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization and other bodies towards reduction of international press telegram rates,

"Expresses the hope that such efforts will be continued at appropriate conferences of the International Telecommunication Union or through other arrangements to bring into effect reduced international press telegram rates, as expeditiously as possible."

#### DRAFT DECLARATION ON FREEDOM OF INFORMATION

##### ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

Social Committee, meetings 387, 388.

Plenary Meetings 1061, 1062, 1066.

E/L.824 and Rev.1. Chile, Costa Rica, Mexico, United States: draft resolution and revision, adopted by Social Committee on 21 April 1959, meeting 388, by 13 votes to 3, with 2 abstentions.

E/L.825. France: amendment to 4-power draft resolution, E/L.824.

E/AC.7/L.319, L.320. Afghanistan: amendments to 4-power draft resolution (E/L.824) and revision (E/L.284/Rev.1).

E/3239. Report of Social Committee, draft resolution III.

RESOLUTION 720(xxvii), as recommended by Social Committee, E/3239, adopted by Council on 24 April 1959, meeting 1066, by 13 votes to 3, with 2 abstentions.

"The Economic and Social Council,

"Recalling that the purposes of the United Nations include, inter alia, the development of friendly relations among nations, and the promotion and encouragement of respect for human rights and fundamental freedoms for all,

"Recognizing that the promotion of freedom of information as a fundamental human right is essential to the fulfilment of these purposes,

"Mindful of the significance which the Universal Declaration of Human Rights has acquired among the peoples of the United Nations,

"Considering that a United Nations Declaration on Freedom of Information could be a further step towards the realization of the purposes set forth above,

"Recalling that the General Assembly has decided, in its resolution 1313 C (XIII) of 12 December 1958, to proceed at its fourteenth session to a discussion of the text of the draft Convention on Freedom of Information, and without prejudice to the Assembly action in this respect,

"Having received the text of a draft Declaration on Freedom of Information,

"Decides to place the question of a draft Declaration on Freedom of Information on the agenda for its twenty-eighth session."

##### ECONOMIC AND SOCIAL COUNCIL—28TH SESSION

Social Committee, meetings 405, 406.

Plenary Meetings 1080, 1088.

E/AC.7/L.338. Chile, Costa Rica, France, Mexico, Netherlands, United States: draft resolution adopted by Social Committee on 28 July 1959, meeting 406, by 13 votes to 3, with 2 abstentions.

E/3295. Report of Social Committee.

RESOLUTION 732(xxviii), as recommended by Social Committee, E/3295, adopted by Council on 30 July 1959, meeting 1088, by 13 votes to 3, with 2 abstentions.

"The Economic and Social Council,

"Desiring to promote freedom of information as a basic human right,

"Recognizing the importance of freedom of information in the development of friendly relations among nations, and in the fulfilment of the purposes of the United Nations,

"Recalling its resolution 720(XXVII) of 24 April 1959 concerning a draft declaration on freedom of information,

"Recalling that in the above-mentioned resolution it called attention to 'the significance which the Universal Declaration of Human Rights has acquired among the peoples of the United Nations,' and considered 'that a United Nations declaration on freedom of information could be a further step towards the realization' of the promotion of freedom of information,

"Noting that the provisional agenda for the fourteenth session of the General Assembly includes the question of a draft convention on freedom of information,

"Desiring to take no action which would hinder or prejudice Assembly action in this respect,

"1. Accepts for submission to the Governments of Member States the draft text of a declaration on freedom of information annexed to this resolution;

"2. Requests the Secretary-General to transmit this resolution and its annex to the Governments of Member States;

"3. Invites Member States to communicate to the Secretary-General by 1 January 1960 comments on:

"(a) The desirability of the adoption by the United Nations of a declaration on freedom of information;

"(b) The draft text;

"4. Requests the Secretary-General to prepare a consolidated report embodying the comments referred to above;

"5. Decides to consider the question further at its twenty-ninth session in light of the comments received."

#### Annex

#### Draft Declaration on Freedom of Information

"Whereas the development of friendly relations among nations and the promotion of respect for human rights and fundamental freedoms for all are basic purposes of the United Nations,

"Whereas the Universal Declaration of Human Rights provides that 'Everyone has the right of freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,'

"Whereas this right is fundamental to the respect for other rights and fundamental freedoms, since no other liberty is secure if men cannot freely convey their thoughts to one another,

"Whereas the erection of artificial barriers to communication creates fear and suspicion between peoples and impairs prospects for world peace,

"Whereas newspapers, periodicals, books, radio, television and other media of information, because of their function of conveying information, play an important role in determining the reactions of peoples and nations to each other,

"Whereas the efforts of the United Nations can succeed only as the peoples of the United Nations are able to receive information about the United Nations and its associated organizations so that they may be able to understand and support its objectives and activities,

"Now, therefore, the General Assembly

"Desiring to affirm the principles which should be observed and which domestic law and international agreements for the protection of freedom of information should endeavour to support,

"Proclaims this Declaration of Freedom of Information to the end that the peoples of the United Nations may enjoy free interchange of information and ideas:

#### ARTICLE I

"Everyone has the right to seek and convey information and ideas

"The right to know and the right to seek the truth are inalienable and fundamental rights of men.

#### ARTICLE II

"All Governments have the responsibility to pursue policies under which the free flow of information will be protected

"The right to observe, gather and transmit news within countries and across frontiers should be assured.

#### ARTICLE III

"Media of information should be employed in the service of the people

"No Government or public or private agency should have a monopoly on all means of disseminating news and ideas. There should be a diversity of sources from which the individual may choose freely. Neither public nor private interests should have any such control as to deprive the individual of this freedom.

#### ARTICLE IV

"AH media of information should report honestly and in good faith

"They should strive to ensure the accuracy of their reports and should respect the reputation of individuals. It is their high privilege and responsibility to provide the basis on which enlightened opinion can be formed.

#### ARTICLE V

"The rights and freedoms proclaimed above should be universally recognized and respected

"They should be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

#### DRAFT CONVENTION ON FREEDOM OF INFORMATION

GENERAL ASSEMBLY—14TH SESSION  
Third Committee, meetings 970-979.  
Plenary Meetings 803, 852.

#### BACKGROUND DOCUMENTS

A/AC.42/7, annex. Text of Draft Convention on Freedom of Information as formulated by ad hoc committee established by Assembly by resolution 426 (V) of 14 December 1950.

A/3868 and Add.1-8. Comments by Governments on Draft Convention, sent in accordance with General Assembly resolution 1189 A (XII) of 11 December 1957.

A/4173 and Corr.1, and Add.1-3. Comments by Governments on Draft Convention, sent in accordance with General Assembly resolution 1313 C (XIII) of 12 December 1958.

#### PREAMBLE

A/C.3/L.827. Afghanistan: amendment.

A/C.3/L.828. Liberia: amendment.

A/C.3/L.829 and Rev.1. Romania: amendment and revised amendment.

A/C.3/L.830 and Rev.1. France: amendment and revised amendment.

A/C.3/L.836. Cambodia: sub-amendment to Liberia amendment, A/C.3/L.828.

A/C.3/L.837. Belgium, Guatemala, Iceland, Italy:

- sub-amendment to Afghanistan amendment, A/C.3/L.827.
- A/C.3/L.838. Poland: sub-amendment to Liberia amendment, A/C.3/L.828.
- A/C.3/L.840 and Corr.1. India, Liberia, Mexico, Philippines, Saudi Arabia, United Arab Republic, Venezuela: sub-amendment to Afghanistan amendment, A/C.3/L.827.
- A/4341. Report of Third Committee. The preamble, as amended, was adopted by Third Committee on 8 December 1959, meeting 977, by 49 votes to 5, with 24 abstentions.

## ARTICLE 1

- A/C.3/L.830 and Rev.1. France: amendment and revised amendment.
- A/C.3/L.831. Ethiopia, India, Philippines, Saudi Arabia, Venezuela: amendment.
- A/C.3/L.834. Peru: amendment.
- A/4341. Report of Third Committee. Article 1, as amended, was adopted by Third Committee on 7 December 1959, meeting 979, by roll-call vote of 41 votes to 4, with 21 abstentions, as follows:
- In favour: Afghanistan, Albania, Brazil, Bulgaria, Byelorussian SSR, Canada, Ceylon, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, France, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan, Lebanon, Mexico, Morocco, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Thailand, Turkey, Ukrainian SSR, USSR, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.
- Against: Denmark, Iceland, Norway, Sweden.
- Abstaining: Argentina, Australia, Austria, Belgium, Cambodia, Chile, China, Colombia, Finland, Guatemala, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Spain, Union of South Africa, United Kingdom, United States.

## RIGHT OF ASYLUM

Article 14 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, proclaims the right to seek and enjoy asylum from persecution except in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

The question of the right of asylum has also been discussed in United Nations organs in connexion with the draft Covenant on Civil and Political Rights, which does not, however, include any provisions on asylum. It has been briefly discussed, too, by the International Law Commission in 1949 and 1950 in connexion with the selection of topics for codification and preparation of the draft Declaration on the

## OTHER DOCUMENTS

- A/C.3/L.835 and Rev.1, and Rev.1/Corr.1; A/C.3/L.841. Suggestions by Chairman concerning the order of voting.
- A/C.3/L.832. Cuba: amendments to articles 2 and 4 of draft Convention.
- A/C.3/L.843. Colombia, Ecuador, Venezuela: amendment to draft Convention.

## FUTURE WORK ON DRAFT CONVENTION

- A/C.3/L.839 and Add.1. Afghanistan, Colombia, Cuba, Guatemala, Honduras, Lebanon, Libya, Morocco, Philippines: draft resolution adopted by Third Committee on 7 December 1959, meeting 979, by 43 votes to 2, with 17 abstentions.
- A/4341. Report of Third Committee.
- RESOLUTION 1459(xiv), as recommended by Third Committee, A/4341, adopted by Assembly on 10 December 1959, meeting 852, by 57 votes to 2, with 17 abstentions.

"The General Assembly,

"Not having been able to conclude at its fourteenth session the consideration of the draft Convention on Freedom of Information,

"Decides to give priority to this item at its fifteenth session and to request the Third Committee at that session to devote as many meetings as possible to the consideration of the remaining articles of the draft Convention on Freedom of Information."

## PROTECTION OF NEWS AND OTHER PRESS INFORMATION

## ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

- E/3204. Report by Director-General of UNESCO, submitted in accordance with Council resolution 522 D (XVII).
- E/3239. Report of Social Committee, para. 9.

Rights and Duties of States. The Conventions relating to the Status of Refugees and to the Status of Stateless Persons, both adopted under the auspices of the United Nations, also bear on the right of asylum.

This right was subsequently discussed by the Commission on Human Rights at its thirteenth (1957) session when France submitted a five-point draft declaration on the right of asylum which the Commission decided to send to all Members of the United Nations and of the specialized agencies and to the United Nations High Commissioner for Refugees for their comments.

In 1959, these comments came before the Commission's fifteenth session. The main points of discussion were: whether the right of asylum

meant a right of the individual to receive asylum or a sovereign right of the States to grant asylum; the function of a declaration on the right of asylum; and action taken in recent times by States, individually and through the United Nations, to assist countries which had given asylum to masses of refugees. Reference was made to article 33 of the 1951 Convention Relating to the Status of Refugees which lays down that no contracting State should expel or return a refugee to territories where his life or freedom would be threatened on grounds of race, religion, nationality, membership of a particular social group, or political opinion.

To meet some of the points raised, France submitted a revised draft declaration which would, *inter alia*, state that: (1) every State had the right to grant asylum to persons entitled to invoke article 14 of the Universal Declaration; (2) the international community, as represented by the United Nations, had the responsibility to concern itself with the safety and well-being of those who left a country because of persecution or well-founded fear of persecution; (3) no one entitled under article 14 of the Universal Declaration of Human Rights to seek and enjoy asylum should be forced back into a territory where his life, physical

integrity or liberty would be threatened on grounds of race, religion, nationality, membership of a particular social group, or political opinion (this would not, however, apply to persons reasonably regarded as a danger to the receiving State, or who, having been convicted by a final judgement of a particularly serious crime or offence, constituted a danger to the community of that country); (4) other States, and especially the international community as represented by the United Nations, were to alleviate, where necessary, the burden placed upon the country of first asylum.

Iraq proposed adding an article on the right of everyone to return to his country.

The Commission decided to send the revised preliminary draft declaration, together with the Iraqi amendment, for comments to the Members of the United Nations and of the specialized agencies, to the United Nations High Commissioner for Refugees, and to interested non-governmental organizations having consultative status with the Economic and Social Council.

(For other United Nations action in 1959 relating to the right of asylum, see below, **LEGAL QUESTIONS, CHAPTER V, Section on CODIFICATION OF PRINCIPLES AND RULES OF INTERNATIONAL LAW ON THE RIGHT OF ASYLUM.**)

#### DOCUMENTARY REFERENCE

E/3229. Report of Commission on Human Rights, 15th session, Chapter III.

#### OTHER HUMAN RIGHTS QUESTIONS

##### COMMUNICATIONS ON HUMAN RIGHTS

###### PROCEDURE APPLICABLE TO COMMUNICATIONS

Ever since its establishment, the United Nations has been receiving large numbers of communications relating to human rights. The Economic and Social Council therefore laid down a procedure (by resolution 75(V), subsequently amended and supplemented by resolutions 116 A (VI), 192 A (VIII) and 275 B (X)), whereby communications dealing with the principles involved in promoting universal respect for and observance of human rights are summarized in a non-confidential list submitted every year to the Council's Commission on Human Rights. Other communications con-

cerning human rights (in practice largely complaints alleging denial or violation of human rights (are summarized in a confidential list furnished to the members of the Commission every year at private meetings without disclosing the identity of the writers unless they have indicated that there is no objection to disclosure. Copies of the communications summarized for the confidential list are sent to any United Nations Member States specifically referred to in the communications, and any reply which a Government might send is submitted to the Commission together with the confidential list.

When it first established a procedure for dealing with communications about human rights, the Economic and Social Council ap-



proved the statement that "the Commission on Human Rights recognizes that it has no power to take any action in regard to any complaints concerning human rights."

At its fourteenth (1958) session, the Commission, wishing to recommend that the Council re-examine the authorizing resolutions with a view to establishing a procedure for handling communications which would be "better calculated to promote respect for and observance of fundamental human rights," appointed a committee of seven of its members to study the question.

The Committee on Communications submitted its report to the Commission's fifteenth (1959) session. It had no changes to recommend in respect of the non-confidential communications. In respect of the confidential communications, it recommended a slight rewording of Council resolution 75(V) as amended, so as to avoid any possible impression on the part of the writer of a communication that the Commission on Human Rights or the Secretary-General might take action on the substance of his communication.

The Committee was unanimously of the opinion that communications asking for United Nations assistance or advice in various personal problems should not be handled under this procedure. They could be left to the Secretariat to deal with within the limits of the resources available to it. The Committee was aware of the fact that the actions of the Secretariat would of necessity be of a limited nature.

The Committee further recommended that the Secretary-General submit, with the confidential list of communications, a confidential document of a statistical nature based on that list, which, without disclosing either the names of the writers or the countries to which the communications might relate, would indicate the number of communications received relevant to each article of the Universal Declaration of Human Rights and the number of alleged incidents relevant to each article. Communications which could not be classified under any article of the Universal Declaration would be indicated separately. Also separately indicated would be the names of non-governmental organizations having a consultative relationship with the Economic and Social Council and the number of communications received from them.

During the Commission's discussions, it was stated, on the one hand, that the Committee had not been able to recommend a procedure "better calculated to promote respect for and observance of human rights" and that the Commission itself had possibly not been bold enough in its approach to the question; the matter might, however, be re-opened in the future. On the other hand, it was pointed out that no real improvement was possible as long as the Council continued to give approval to "the statement that 'the Commission recognizes that it has no power to take any action in regard to any complaints concerning human rights'"; the Committee had done all it could within these limitations. Some Commission members pointed out that, under the United Nations Charter, only the Trusteeship Council was empowered to deal with petitions from private individuals.

The Commission accepted the Committee's recommendation on the preparation of a document of a statistical nature.

On 30 July 1959, at the Commission's request, the Economic and Social Council unanimously adopted the changes to resolution 75(V), as amended, which had been recommended by the Committee on Communications. It did so in the form of resolution 728 F (XXVIII).

(For details, see text of resolution in DOCUMENTARY REFERENCES below.)

#### LISTS OF COMMUNICATIONS AND REPLIES FROM GOVERNMENTS

In accordance with established procedure, the Secretary-General submitted to the fifteenth (1959) session of the Commission on Human Rights a non-confidential list of communications dealing with principles involved in promoting universal respect for and observance of human rights. He also submitted a confidential list containing summaries of 6,277 other communications about human rights, as well as observations by Governments on a number of these communications. Communications which related to discrimination or the treatment of minorities, or to the status of women, were also brought to the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women, respectively.

## TRADE UNION RIGHTS

The Secretary-General, as requested by the Economic and Social Council, forwards to the Governing Body of the International Labour Office (ILO)—for reference, if necessary, to the Fact-Finding and Conciliation Commission on Freedom of Association—all allegations regarding infringements of trade union rights received from Governments or trade union and employers' organizations relating to ILO member States. Allegations concerning States which are not members of ILO are brought to the attention of the Council. None, however, was received during 1959.

VICTIMS OF EXPERIMENTS IN  
NAZI CONCENTRATION CAMPS

In implementing a request made by the Economic and Social Council in 1951 (by resolution 386(XIII)), the Secretary-General in 1959 continued forwarding information to the Government of the Federal Republic of Germany about persons who claimed to have been victims of so-called scientific experiments in Nazi concentration camps.

As of 31 December 1959, 584 cases had been brought to the attention of the Government of the Federal Republic.

## DOCUMENTARY REFERENCES

## COMMUNICATIONS ON HUMAN RIGHTS

ECONOMIC AND SOCIAL COUNCIL—28TH SESSION  
Social Committee, meetings 393, 394.  
Plenary Meeting 1088.

E/3229. Report of Commission on Human Rights, 15th session, Chapter IX.

E/3229, Chapter XIV. Draft resolution IV, submitted by Commission, adopted by Social Committee on 3 July 1959, meeting 394, by 17 votes to 0.

E/3285. Report of Social Committee, draft resolution F.

RESOLUTION 728 F (xxviii), as recommended by Social Committee, E/3285, adopted unanimously by Council on 30 July 1959, meeting 1088.

"The Economic and Social Council,

"Having considered chapter V of the report of the Commission on Human Rights on its first session, concerning communications, and chapter IX of the report of the Commission on its fifteenth session,

"1. Approves the statement that the Commission on Human Rights recognizes that it has no power to take any action in regard to any complaints concerning human rights;

"2. Requests the Secretary-General:

"(a) To compile and distribute to members of the Commission on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication, however addressed, which deals with the principles involved in the promotion of universal respect for, and observance of, human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;

"(b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of com-

munications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged;

"(c) To enable the members of the Commission, upon request, to consult the originals of communications dealing with the principles involved in the promotion of universal respect for, and observance of, human rights;

"(d) To inform the writers of all communications concerning human rights, however addressed, that their communications will be handled in accordance with this resolution, indicating that the Commission has no power to take any action in regard to any complaint concerning human rights;

"(e) To furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in subparagraph (b) above;

"(f) To ask Governments sending replies to communications brought to their attention in accordance with subparagraph (e) whether they wish their replies to be presented to the Commission in summary form or in full;

"3. Resolves to give members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with respect to communications dealing with discrimination and minorities, the same facilities as are enjoyed by members of the Commission on Human Rights under the present resolution;

"4. Suggests to the Commission on Human Rights that it should at each session appoint an ad hoc committee to meet shortly before its next session for the purpose of reviewing the list of communications prepared by the Secretary-General under paragraph 2(a) above and of recommending which of these communications, in original, should, in accordance with paragraph 2(c) above, be made available to members of the Commission on request."

## TRADE UNION RIGHTS

ECONOMIC AND SOCIAL COUNCIL—27TH SESSION

E/C.2/519. Statement submitted by International Federation of Christian Trade Unions.

VICTIMS OF EXPERIMENTS IN  
NAZI CONCENTRATION CAMPS

A/4132. Annual Report of Secretary-General on Work of Organization, 16 June 1958-15 June 1959, Chapter II A 10 (i).