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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE TWENTY-FIRST SESSION OF THE
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES TO THE COMMISSION
ON HUMAN RIGHTS

Geneva, 7-25 October 1968

Rapporteur: Mrs. Phoebe ASIYO

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I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its twenty-first session at the European Office of the United Nations, Geneva, from 7 to 25 October 1968 inclusive.
2. The session was opened by Mr. Pierre Juvigny (France), Chairman of the Sub-Commission at its twentieth session (532nd meeting).

Attendance

3. Attendance at the session was as follows:

MEMBERS AND ALTERNATES

Mr. Mohammed A. Abu Rannat	(Sudan)
Mrs. Phoebe Asiyo	(Kenya)
Mr. Mohammed Awad	(United Arab Republic)
Mr. Antonio Martínez Báez	(Mexico)
Mr. Leon Guerrero (Alternate)	(Philippines)
Mr. Slawcmir Dabrowa (Alternate)	(Poland)
Mr. Peter Calvocoressi	(United Kingdom of Great Britain and Northern Ireland)
Mr. John R. Evans (Alternate)	
Mr. Clyde Ferguson, Jr.	(United States of America)
Mr. John Carey (Alternate)	
Mr. Francesco Capotorti	(Italy)
Mr. Luigi Ferrari-Bravo (Alternate)	
Mr. Mehmet Güney (Alternate)	(Turkey)
Mr. John P. Humphrey	(Canada)
Mr. Gheorghy Ivanov (Alternate)	(Union of Soviet Socialist Republics)
Mr. Yuri Kolosov (Alternate)	
Mr. Pierre Juvigny	(France)
Mr. Nath Pai	(India)
Mr. Vieno Voitto Saario	(Finland)
Mr. Hernán Santa Cruz	(Chile)
Mr. German Carrasco (Alternate)	
Mr. Eduard Schiller	(Austria)
Mr. Zeev W. Zeltner	(Israel)
Mr. B. Eyal (Alternate)	

4. Some members informed the Secretary-General that they were unable to attend the session and, in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments appointed as their alternates: Mr. J. D. Inglés (Philippines) designated Mr. L. Guerrero; Mr. W. Ketrzynski (Poland) designated Mr. S. Dabrowa; Mr. Yakov Ostrovski (USSR) designated Mr. G. V. Ivanov and Mr. Y. Kolosov; and Mr. Ilhan Unat (Turkey) designated Mr. M. Güney. Mr. Peter Calvocoressi, Mr. Francesco Capotorti, Mr. Clyde Ferguson, Jr., Mr. Hernan Santa Cruz and Mr. Zeev Zeltner were unable to attend certain meetings of the Sub-Commission and, with the consent of their Governments designated as their alternates Mr. J. Evans for Mr. Calvocoressi, Mr. L. Ferrari-Bravo for Mr. Capotorti, Mr. J. Carey for M. C. Ferguson, Jr., Mr. G. Carrasco for Mr. H. Santa Cruz and Mr. B. Eyal for Mr. Z. Zeltner. The Secretary-General was in full agreement with these nominations and the alternates therefore enjoyed during the session the same status as members of the Sub-Commission, including the right to vote.

5. The following observers from Governments of Member States attended the session:

<u>Netherlands:</u>	Dr. A. F. W. Lunsingh-Meijer Mr. J. W. G. Zandvliet
<u>Philippines:</u>	Mr. Maxie S. Aguilon
<u>United States of America:</u>	Mr. Ralph W. Eye
<u>Yugoslavia:</u>	Miss Z. Ilić

SPECIALIZED AGENCIES

6. The following representatives of the specialized agencies attended the session:

<u>International Labour Organisation:</u> (ILO)	Mr. Claude Rossillion
<u>United Nations Educational, Scientific and Cultural Organization:</u> (UNESCO)	Mr. Ledakis

INTER-GOVERNMENTAL ORGANIZATIONS

7. The following observers from inter-governmental organizations attended the session:

<u>Council of Europe:</u>	Mr. Robertson
<u>League of Arab States:</u>	Mr. M. A. Hetata
<u>Organization of African Unity:</u>	Mr. D. Ouattara

NON-GOVERNMENTAL ORGANIZATIONS

8. The following observers from non-governmental organizations in consultative status attended the session:

CATEGORY A

International Federation of Christian Trade Unions: Mr. Johannes Pietryga
World Federation of Trade Unions: Mr. G. Boglietti

CATEGORY B

All Pakistan Women's Association: Begum Rani Mirza-Khan
Anti-Slavery Society: Sir Douglas Glover
Mrs. Mary Nuttall
Mr. J.R.P. Montgomery
Associated Country Women of the World: Begum Rani Mirza-Khan
Catholic International Union for Social Service: Miss Marie-Madeleine Brazzola
Commission of the Churches on International Affairs: Mr. A. Dominique Micheli
Co-ordinating Board of Jewish Organizations: Mr. Gustav Warburg
Friends World Committee for Consultation: Mrs. Mary Nuttall
Mrs. Katherine Wood
Mr. Duncan Wood
International Alliance of Women: Mrs. I. Rimondini
International Catholic Child Bureau: Mrs. Odile Rouillet
International Commission of Jurists: Miss M. McHew
Mr. Seán MacBride
Mr. J.K. Toth
International Council of Jewish Social and Welfare Services: Mr. Daniel Lack
International Council of Jewish Women: Mrs. Miriam Warburg
International Federation of University Women: Mrs. Constance Jones
International Federation of Women Lawyers: Miss Helen A. Pfander
Mrs. Evelyn West
Mrs. L. Rivollet
Pan Pacific and South East Asia Women's Associations: Mrs. Constance Jones
Pax Romana: Mr. Tadeusz Smitkowski
Women's International League for Peace and Freedom: Mrs. Gertrude Baer
Mrs. Mary Nuttall

Women's International Zionist Organization: Mrs. Yvette Brunshwig
Mrs. Martine Schoenwald

World Jewish Congress: Mr. A. Jabès
Mr. F.L. Brassloff

World Union of Catholic Women's
Organizations: Mrs. James G. Forsyth

REGISTER

Open Door International: Mrs. Gertrude Baer
(for the Economic Emancipation of
the Woman Worker)

Election of Officers

9. At its 532nd meeting the Sub-Commission re-elected the following officers:

Chairman: Mr. Pierre Juvigny (France)
Vice-Chairman: Mr. Nath Pai (India)
Rapporteur: Mrs. Phoebe Asiyo (Kenya)

Secretariat

10. Mr. Kamleshwar Das, Chief, Studies and Conventions Section, Division of Human Rights, represented the Secretary-General and Mr. Ilhan Lütem, Chief, Prevention of Discrimination and Protection of Minorities Section, acted as Secretary of the Sub-Commission.

Agenda

11. At its 532nd meeting, the Sub-Commission adopted the following items listed in the provisional agenda (E/CN.4/Sub.2/287) as its agenda for the twenty-first session:

1. Election of officers
2. Adoption of the agenda
3. Special study of racial discrimination in the political, economic, social and cultural spheres
4. Study of equality in the administration of justice
5. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries.
7. Procedure to be adopted for considering communications relating to the prevention of discrimination and protection of minorities
8. Communications concerning human rights

9. Review of further developments in fields with which the Sub-Commission has been concerned
 - (a) Discrimination in education
 - (b) Discrimination in the field of employment and occupation
 - (c) Discrimination in the matter of political rights
 - (d) Discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
 - (e) Discrimination against persons born out of wedlock
 - (f) Elimination of all forms of racial discrimination
 - (g) Elimination of all forms of religious intolerance
 - (h) Periodic reports on human rights and reports on freedom of information
10. Protection of minorities
11. Genocide
12. Consideration of the future work of the Sub-Commission
13. Report of the twenty-first session of the Sub-Commission to the Commission on Human Rights

Organization of Work

12. At its 532nd meeting the Sub-Commission decided to consider the items on its agenda in the following order: 9, 7, 6, 8, 4, 10, 3, 5, 11, 12, 13.

Meetings, resolutions and documentation

13. At its 532nd meeting the representative of the Secretary-General drew the attention of the Sub-Commission to the relevant resolutions of the General Assembly and of the Economic and Social Council regarding summary records of meetings. The Sub-Commission decided to retain summary records at its current session.

14. The Sub-Commission held 25 plenary meetings. The views expressed at those meetings are summarized in the records of the 532nd to the 556th meetings (E/CN.4/Sub.2/SR.532-556).

15. The Sub-Commission heard statements by the observer for the Organization of African Unity (OAU) at its 547th meeting and by the observer for the Council of Europe at its 553rd meeting.

16. The Sub-Commission heard statements by the representative of the International Labour Organization (ILO) at its 533rd, 535th and 548th meetings and by the representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its 535th meeting.

17. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Sub-Commission granted hearings to representatives of the following non-governmental organizations:

Category B

<u>Anti-Slavery Society:</u>	Sir Douglas Glover, (551st meeting)
<u>Co-ordinating Board of Jewish Organizations:</u>	Mr. G. Warburg (544th meeting)
<u>International Commission of Jurists:</u>	Mr. Seán Macbride (533rd meeting)
<u>International Federation of Woman Lawyers:</u>	Miss H. Pfander (544th meeting)
<u>Open Door International:</u>	Mrs. G. Baer (544th meeting)
<u>Women's International League for Peace and Freedom:</u>	Mrs. Mary Nuttall (551st meeting)

18. The Sub-Commission adopted resolutions 1 (XXI) - 8 (XXI). The texts of these resolutions and of decisions of the Sub-Commission appear below under the appropriate headings.

19. The draft resolutions recommended to the Commission on Human Rights for adoption appear in Chapter XIII.

20. Statements of financial implications prepared by the Secretary-General on certain resolutions adopted by the Sub-Commission are reproduced in Annex I.

21. The documents before the Sub-Commission are listed in the Annex II.

II. SPECIAL STUDY OF RACIAL DISCRIMINATION IN THE
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SPHERES

agenda item 3

22. At its 547th to 550th meetings, the Sub-Commission considered item 3 of its agenda, "Special study of racial discrimination in the political, economic, social and cultural spheres."

23. The Sub-Commission had before it the draft report (E/CN.4/Sub.2/288) submitted by the Special Rapporteur, Mr. Hernán Santa Cruz, in accordance with resolution 1 (XX) of the Sub-Commission.

24. In introducing his report, Mr. Santa Cruz stated that any shortcomings in the report would be due mainly to the limited material which he had had at his disposal. Of the 122 States from which he had requested information, replies had been received from only thirty-six; the ILO and UNESCO had supplied very valuable assistance for which he expressed his thanks; but he regretted that only two of the non-governmental organizations in consultative status with the Economic and Social Council had replied to his request for information. He drew attention to the various ways in which the draft report represented an expansion of the progress report (E/CN.4/Sub.2/276) which he had submitted at the Sub-Commission's twentieth session. In the introductory part of the report he had included a chapter on the historical background which was tentative and provisional but which he hoped to present in a more complete form in his final report. Part I, comprising Chapters IV-VIII, analysed the current situation regarding racial discrimination in the political, economic, social and cultural spheres and described measures taken within States to eliminate racial discrimination. Part II dealt with apartheid and nazism. With regard to the chapter on nazism, he recalled that in resolution 1 (XX), the Sub-Commission had asked him to give due consideration in his report to the problem of measures which should be taken to halt nazi activities wherever they might occur, and that in its resolution 15 (XXIV), the Commission on Human Rights had requested the Sub-Commission to submit recommendations to the Commission on measures which could be taken to halt nazi activities wherever they might occur. He pointed out that the chapter, including the recommendations, was of a tentative nature and would be revised in the light of further information. With regard to the preliminary conclusions and proposals dealt with in Part III of the report he drew particular attention to paragraph 705 in which he had proposed that the Secretary-General of the United Nations and the

Directors-General of the specialized agencies should give strict instructions to their staff to avoid all forms of manifestations of racial or national intolerance.

25. Observations were made by various members of the Sub-Commission and by the representatives of the ILO and the Organization of African Unity (OAU). They warmly commended the Special Rapporteur for the quality, depth and comprehensiveness of his report on a study of a difficult and complex nature. Some of the questions raised concerning the draft report are summarized below.

26. Several members expressed their satisfaction with the chapter on the historical background to the problem. In their view, the chapter dealt adequately with the two main causes of racial discrimination, colonialism and slavery, and made it clear how public opinion and international law had changed in the course of time. Some members, on the other hand, while recognizing the important part played by colonialism and slavery in the practice of racial discrimination, were of the opinion that there were other historical causes, such as perverted nationalism, which might be considered. One member suggested that the impression might be conveyed that with the abolition of slavery and colonialism, racial discrimination would come to an end. In this regard, however, he drew attention to paragraph 126 in which the Special Rapporteur mentioned that, in some cases, people who had been discriminated against, were now themselves, after the discrimination against them had been removed, starting movements for segregation and were actively inciting hatred of those who had discriminated against them in the past. The Special Rapporteur replied that, as he had indicated, the chapter relating to the historical background was provisional and would be expanded in his final report. He attached considerable importance to the causes of racial discrimination since he recognized that it was only on the basis of a truly clear conception of the causes that racial discrimination could be properly understood and effectively combated.

27. Members welcomed the inclusion in the draft report of a chapter dealing with the revival of nazism and racial intolerance. Certain members recalled the suffering which nazi atrocities had brought to millions and drew attention to the resurgence of nazi activities in certain parts of the world. They felt that in his treatment of the subject and particularly in the recommendations proposed the Special Rapporteur had demonstrated his keen awareness of the danger of the phenomenon. Some members, on the

other hand, felt that a more precise definition of nazism could be formulated and that a more extensive treatment of the subject could be undertaken in the final report with a view to distinguishing clearly between fact and propaganda. In this connexion, one member stated that a clear understanding of the genesis and salient features of nazism might make it possible to prevent its recrudescence in the future. The Special Rapporteur welcomed the comments. He felt that they were very illuminating and would be taken into consideration in the preparation of the final report. At the same time, he reminded the Sub-Commission that the views which had been expressed in the chapter on nazism were based not on the replies of governments but on the writings of scholars on that subject.

28. Several members deplored the policy of apartheid pursued by the government of the Republic of South Africa in spite of numerous resolutions adopted by various United Nations organs, condemning that policy. The view was expressed that the policy persisted largely because of the support with South Africa received from certain major trading partners. In this connexion, one member expressed the view that, while the report was fully documented with regard to South Africa's trading partners, there was little documentation on the question of the trading pattern of South Africa, and suggested that some attention might be given to this aspect of the problem in the preparation of the final report.

29. The question of anti-semitism was raised during the discussion. One member stated that in certain countries Jews were denied access to cultural institutions of their own where their children could be educated in their own language and customs. He also stated that, contrary to the principles of the Universal Declaration of Human Rights, there was no freedom of movement of Jews in such countries. Another member, however, stated that it was erroneous to assert that the rights of Jews in the countries referred to were different from those of the rest of the population. Though there might be prejudice in the minds of certain people against Jews, such prejudice was not officially tolerated and was a relic of the past. He maintained that Jews were to be found in some of the highest official positions in his country and occupied first place in terms of the number of persons receiving higher education.

30. Some members emphasized the importance of measures at the national and community level to eliminate racial discrimination. In this connexion, one member stated that in her country community action had been employed to ensure that all persons were treated

on a footing of equality regardless of their race, colour, national or ethnic origin and that it was as a result of such action that peace and harmony had prevailed in spite of the racial difficulties which preceded independence.

31. Some members commented on recommendation 13 contained in paragraph 705 to which the Special Rapporteur had himself drawn attention. The view was expressed that even though the recommendation was based on the personal experience of the Special Rapporteur it might create a false impression. It was therefore felt that the recommendation might be reconsidered. One member, however, expressed the view that the recommendation offered sound guidelines for United Nations staff members. The Special Rapporteur maintained that he had himself seen symptoms of racial intolerance within the United Nations. It was his view, however, that any reference to the problem should be carefully worded, and he promised to give greater consideration to the matter.

32. There were various suggestions as to ways in which the structure of the report might be improved. The Special Rapporteur promised to take the various observations and comments into consideration in the preparation of his final report.

Adoption of resolution

33. At the 550th meeting Mr. Calvocoressi submitted a draft resolution (E/CN.4/Sub.2/L.506) which was adopted by 15 votes to none with 1 abstention.

34. The text of resolution 6 (XXI), as adopted at the 550th meeting on 18 October 1968, reads as follows:

Resolution 6 (XXI)

SPECIAL STUDY OF RACIAL DISCRIMINATION IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SPHERES

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Having considered the report submitted by the Special Rapporteur, Mr. Hernán Santa Cruz (E/CN.4/Sub.2/288) on the special study of racial discrimination in the political, economic, social and cultural spheres,

1. Expresses its warm appreciation to Mr. Hernán Santa Cruz for his report which represents a further step forward in the Sub-Commission's work in this field;
2. Invites the Special Rapporteur, taking into account the exchange of views on the report during the twenty-first session of the Sub-Commission, to submit a final report in time for consideration by the Sub-Commission at its twenty-second session.

III. STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

Agenda item 4

35. At its 543rd-545th meetings the Sub-Commission considered item 4 of its agenda, entitled "Study of equality in the administration of justice". It had before it document E/CN.4/Sub.2/289, being the draft report on his study prepared by the Special Rapporteur, Mr. Mohammed Ahmed Abu Rannat, in accordance with resolution 5 (XX) of the Sub-Commission. In introducing his report, Mr. Abu Rannat explained the ways in which the present version constituted an expansion upon the outline draft (E/CN.4/Sub.2/281), which the Sub-Commission had discussed at its twentieth session.

36. All speakers warmly congratulated the Special Rapporteur on his report and reference was made to its erudition, comprehensiveness, objectivity and good style. Some of the questions raised concerning specific aspects of the draft are reviewed below.

37. Several speakers maintained that the question of equality as between the individual and the State in the administration of justice should be treated at greater length than it was in paragraph 7 of the draft. Where the individual faced the State in litigation, the latter had enormous advantages by way of superior financial resources and expertise. It might also have legal privileges not possessed by the individual; for instance, it might be entitled to withhold documents on grounds of public security. This inequality, it was claimed, was likely to increase. The Special Rapporteur replied that the question of equality between the individual and the State in the administration of justice was one which had not apparently been envisaged for examination when the Sub-Commission approved the outline for the collection of information for his study. That outline was based upon articles 2 and 10 of the Universal Declaration of Human Rights and the equality to which article 2 refers was usually thought of as being equality between individuals. The material gathered for the conference room papers had not therefore had primarily in mind equality between the individual and the State. He would nevertheless attempt to expand the treatment given in the draft report to this question, even though this would necessitate using material which is not in the conference room papers and there would probably not be time to address supplementary questions to governments.

38. It was said by several speakers that the report should pay more attention to questions of equality. The Special Rapporteur recalled that in addition to Chapter III, on grounds on which discrimination operates in the administration of justice, and paragraphs 328-410, on methods adopted to combat discrimination on the specific grounds prohibited by article 2 of the Universal Declaration, the report allotted paragraphs 186-327 to matters relating to the prevention of discrimination whatever the grounds thereof, namely: the sources of the relevant law, the role of the courts, remedies before the higher courts, the role of the legal profession, the Procurator General, the Ombudsman, the

Ministerio Público and other governmental institutions. He added that a recommendation might be made in Chapter V that there should be an increased adoption of constitutional provisions and legislation aimed at preventing discrimination on the specific grounds laid down in article 2 of the Universal Declaration.

39. If the requisite stress continued to be placed on equality, the Special Rapporteur went on to say, Chapter II, dealing with the meaning of a fair hearing whether or not discrimination exists in respect of any particular aspect thereof, should not be greatly expanded. It might however be possible to elaborate a little upon paragraph 85, so that, as requested in the Sub-Commission, the procedures of administrative courts of greatly varying types would not all be treated together.

40. The point was made in the debate that, even if the right to one's lawful judge is observed, there may still be discrimination in the exercise of a discretion where any of several judges or divisions of a court may be legally assigned by the Minister of Justice or the President of the Court to hear a specific case; and the Special Rapporteur undertook to take this point into consideration in his final report.

41. It was questioned whether any discrimination was illustrated in footnote 1 to paragraph 100 of the draft report, which drew attention to certain subjective qualities of personal character which are applied in many countries in the appointment of judges. The Special Rapporteur recalled that, as the footnote stated, the intention was not to signify that discrimination applies in any of the countries mentioned, but to point out that discrimination may enter into the application of such subjective tests.

42. It was stated that the definition, in footnote 1 to paragraph 134 of the draft, of communism for the purposes of the Suppression of Communism Act of the Republic of South Africa was superfluous. The Special Rapporteur explained that this vague definition had been included to make it clear that the discrimination described in paragraphs 132-134 of the draft is even worse than may at first appear.

43. It was also stated that the policy of colonialism necessarily leads to the breach of equality or violation of rights and that the achievement of full equality in courts depends upon the abolition of the effects of colonial and imperialist oppression, as well as upon the social and political structure of the society.

44. The desirability was also pointed out of paying particular attention in the report to the comparative analysis of relevant laws of various states.

45. Other questions discussed by the Sub-Commission were whether the existence of religious courts in various countries constitutes discrimination, and whether it was possible to avoid discrimination arising out of the requirement of pecuniary guarantees as a condition of release from imprisonment pending or during trial. Several members of the Sub-Commission drew attention to developments in their countries which were relevant to the study, and these were noted by the Special Rapporteur.

46. The Special Rapporteur announced that Chapter V of his study, on conclusions and recommendations, would contain, inter alia, recommendations for further progress in the direction of free justice, such as had been advocated in the Sub-Commission and elsewhere. Many points made in the present debate had stimulated other ideas for that chapter and he would take them into account in drafting his final report.

Adoption of resolution

47. At its 545th meeting the Sub-Commission adopted unanimously a draft resolution submitted by Mr. Schiller (E/CN.4/Sub.2/L.498).

48. The text of resolution 4 (XXI), as adopted at the 545th meeting on 16 October 1968, reads as follows:

Resolution 4 (XXI)

STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the draft report submitted by the Special Rapporteur,

Mr. Mohammed Ahmed Abu Rannat, on equality in the administration of justice (E/CN.4/Sub.2/289),

1. Commends the Special Rapporteur for his comprehensive and objective draft report, which represents a further step forward in the Sub-Commission's work in this field;

2. Requests the Special Rapporteur to continue his task, taking into account the exchange of views on his draft during the twenty-first session of the Sub-Commission, and to prepare and submit a report, with his conclusions and recommendations, for consideration by the twenty-second session of the Sub-Commission.

IV. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL
THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE
SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

Agenda item 5

49. At its 551st-553rd meetings, the Sub-Commission considered item 5 of its agenda, entitled "Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism":

50. The Sub-Commission had before it: (i) the Report on Slavery (E/4168/Rev.1)^{1/} by Mr. Mohamed Lwad, Special Rapporteur on Slavery, prepared pursuant to Economic and Social Council resolutions 960(XXXVI) of 12 July 1963 and 1077(XXXIX) of 28 July 1965; and (ii) a note by the Secretary-General, (E/CN.4/Sub.2/290 and Add.1 and 2), describing (a) the relevant action taken by the Commission on Human Rights at its twenty-fourth session and the Economic and Social Council at its forty-fourth session; (b) the action taken by the Administrative Committee on Co-ordination (ACC) in response to operative paragraph 3 of resolution 4 B (XX) of the Sub-Commission; (c) additional information received by the Secretary-General from governments in reply to the questionnaire on slavery; (d) the implementation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery of 1956, and (e) the implementation of operative paragraph 3 of Economic and Social Council resolution 1330 (XLIV), concerning lists of experts in economic, sociological, legal and other relevant disciplines whose advice shall be available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of apartheid and colonialism.

51. The Sub-Commission was again unanimous in condemning slavery and the slave-trade, which were characterized as affronts to human dignity which violated not only article 4 of the Universal Declaration of Human Rights but also articles 1 to 3. It was pointed out that slaves, in addition to being mere objects of property, were excluded from the social life of the community in which they lived and also served as a source of cheap labour. Their inferior social and economic status continued after their emancipation. The problem was therefore not only legal, but also social and economic. The slave could not help himself, but needed assistance. Action by international bodies was essential, both because of the international nature of the problem, including the fact that slaves were often transported across frontiers, and in view

^{1/} United Nations Publication, Sales No.: 67.XIV.2

of the diplomatic approach which the solution of the question called for. It was maintained that to condemn the States in whose territory slavery and the slave trade took place was likely to be ineffective and that stress should instead be placed on the economic and social aspects of the problem and on the possibility of solving it by technical aid, such as that described by the Secretary-General in his note (E/CN.4/Sub.2/290), rather than by political means. It was claimed that the most progress had been made in reducing slavery and the slave trade when appropriate international machinery in continuous operation had existed. The relative failure of international efforts in this field during the life-time of the United Nations, despite the adoption in 1956 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery and the preparation of the Report on Slavery, was stressed by several speakers; but some hope of progress was expressed in the light of the work of the Sub-Commission at its twentieth session and the resulting resolution 1330 (XLIV) of the Council, together with the action of the Administrative Committee on Co-ordination in having arranged for the United Nations, the ILO, UNESCO and the Food and Agriculture Organization of the United Nations (FAO) to co-operate with one another in pursuing their efforts to contribute to the creation of conditions in which servitude will be finally eradicated. The special importance of the United Nations making further progress in this area during the International Year for Human Rights, 1968, was emphasized.

52. It was recognized that the existence of slavery and the slave trade had been conclusively demonstrated in the Report on Slavery, and that the further study envisaged by paragraphs 1 and 2 of Economic and Social Council resolution 1330 (XLIV) must examine means for eradicating these evils. Paragraph 2 of this resolution requires a study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations; and in this connexion it was pointed out that international police co-operation need not be limited to action through the International Criminal Police Organization (INTERPOL). Other subjects suggested by various speakers for exploration in relation to or in the study required by paragraph 1 of resolution 1330 (XLIV) included the following:

(i) that the study be universal in nature, recognizing that the situation in specific countries would require separate examination; (ii) that not only legislation and its effective enforcement and administrative implementation were needed but education with a view to changing public attitudes to slavery; (iii) that the United Nations

Development Programme (UNDP) might be called into play, in view of the economic problems caused by placing freed slaves on the labour market; (iv) that international economic aid to certain countries might be made to some extent conditional upon increased efforts on their part to end slavery and the slave trade; (v) that special attention should be given to the education and placing in employment of young slaves, who were more capable of making their way in the world after emancipation than would be older former slaves; (vi) that there should be increased co-operation in this field between the United Nations and the regional organizations, especially the League of Arab States (LAS), the Organization of African Unity (OAU) and the Organization of American States (OAS); (vii) that there should be a meeting of experts from countries where vestiges of slavery are thought to exist or a seminar on slavery held under the United Nations programme of advisory services in the field of human rights; (viii) that there should be set up some permanent machinery to implement the Supplementary Convention; (ix) that a further international instrument be adopted with a view to securing that no person shall be born a slave and (x) that slavery, the slave trade and the other institutions and practices dealt with in the Supplementary Convention of 1956 would not yield to identical remedies.

53. Most members regretted that the Economic and Social Council had, in paragraph 1 of resolution 1330(XLIV), authorized the Sub-Commission to study measures which might be taken to implement not only the International Slavery Convention of 1926 and the Supplementary Convention of 1956 but also the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism. It was said that to treat, in the same study, slavery, apartheid and colonialism would impede progress in combatting all three. In particular, it was felt that the subject of slavery would receive insufficient attention in such a combined study. Apartheid and colonialism were already being dealt with in various other contexts and by special bodies within the United Nations. It was pointed out that apartheid affected far more people than did slavery, and was a much graver problem. Moreover, apartheid was defended and practiced by certain governments and the question was to compel a change of policy on their part, whereas no government approved of slavery and the problem was to help some governments to eradicate it from their territories. Colonialism was a disappearing phenomenon. On the other hand, it was recalled that the Commission on Human Rights had in resolution 13 (XXIII) requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the

slavery-like practices of apartheid and colonialism. These attacks on human rights were intimately connected, and the intention was not to consider apartheid and colonialism in general but only the aspects of those evils which were relevant to the subject of slavery and the slave trade. In particular it was suggested that those aspects of apartheid which resembled slavery should be studied, such as the master and servant laws currently enforced in Southern Rhodesia, Namibia (South West Africa) and South Africa, which were mentioned in operative paragraph 6 of Council resolution 1330 (XLIV).

Adoption of resolution

54. At the 552nd meeting of the Sub-Commission, Mr. Calvocoressi introduced a draft resolution (E/CN.4/Sub.2/L.507), which after discussion he introduced in a revised form (E/CN.4/Sub.2/L.507/Rev.1) at the 553rd meeting of the Sub-Commission. The latter draft resolution read as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Recalling Economic and Social Council resolutions 1126 (XLI) of 26 July 1966, 1232 (XLII) of June 1967 and 1330 (XLIV) and 1331 (XLIV) of 31 May 1968,
Recalling also its own resolution 4 (XX) of 10 October 1967,
Noting the authorization given to the Sub-Commission in paragraphs 1 and 2 of Council resolution 1330 (XLIV),
Noting further paragraph 3 of Council resolution 1330 (XLIV), and
Bearing in mind that besides member governments, interested specialized agencies, regional intergovernmental organizations, and competent non-governmental organizations may be in a position to submit lists of experts called for by the Council,

1. Requests the Secretary-General to submit to the twenty-second session of the Sub-Commission the names of experts suggested by member governments, interested specialized agencies and regional intergovernmental organizations, as well as by competent non-governmental organizations in consultative status with the Council for the list contemplated in paragraph 3 of Council resolution 1330 (XLIV), together with their curriculum vitae,

2. Requests the Secretary-General to invite the interested regional inter-governmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to submit in time for consideration by the Sub-Commission at its twenty-second session their observations and suggestions on the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved,

3. Requests the Commission on Human Rights to adopt the following draft resolution in order to assist the Sub-Commission in carrying out its tasks:

"The Commission on Human Rights,

Having noted resolution (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

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

The Economic and Social Council,

Noting resolution (XXV) of the Commission on Human Rights,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to designate a Special Rapporteur from amongst its members to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV),

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission,

3. Invites the co-operation of the specialized agencies, regional inter-governmental organizations and the non-governmental organizations in consultative status with the Council in the study to be undertaken by the Sub-Commission."

55. Also at the 553rd meeting, Mr. Nath Pai introduced certain amendments (E/CN.4/Sub.2/L.509) to Mr. Calvocoressi's draft resolution, reading as follows:

1. Add a new operative paragraph 3 between operative paragraphs 2 and 3 of the draft resolution of the Sub-Commission reading as follows:

"3. Decides to appoint, subject to approval by the Commission on Human Rights and the Economic and Social Council, Mr. _____ as its Special Rapporteur to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV);"

2. Renumber operative paragraph 3 of the draft resolution of the Sub-Commission as operative paragraph 4.

3. Revise operative paragraph 1 of the draft resolution for adoption by the Economic and Social Council to read as follows:

"1. Decides to confirm the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur from amongst its members to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV);"

56. While it was recognized that a Special Rapporteur provisionally appointed by the Sub-Commission at its present session might not be re-elected a member thereof by the Commission on Human Rights in 1969, there was said to be an advantage in taking such an interim step in view of the urgency of the matter.
57. A statement on the financial implications of the draft resolution and the proposed amendments thereto was made by the representative of the Secretary-General at the 552nd meeting of the Sub-Commission.
58. Voting on the draft resolution and the proposed amendments thereto took place at the 553rd meeting of the Sub-Commission. The first of Mr. Nath Pai's proposed amendments was adopted by 10 votes to none, with 6 abstentions. The second was therefore adopted automatically. The third amendment was adopted by 11 votes to none, with 5 abstentions. Mr. Calvocoressi's draft resolution, as thus amended, was adopted unanimously.
59. The text of resolution 7 (XXI), as adopted by the Sub-Commission at its 553rd meeting on 22 October 1968, reads as follows:

Resolution 7 (XXI)^{2/}

QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR
PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-
LIKE PRACTICES OF APARTHEID AND COLONIALISM

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling Economic and Social Council resolutions 1126 (XLI) of 26 July, 1966, 1232 (XLII) of June 1967 and 1330 (XLIV) and 1331 (XLIV) of 31 May 1968,

Recalling also its own resolution 4 (XX) of 10 October 1967,

Noting the authorization given to the Sub-Commission in paragraphs 1 and 2 of Council resolution 1330 (XLIV),

Noting further paragraph 3 of Council resolution 1330 (XLIV), and

Bearing in mind that besides member governments, interested specialized agencies, regional intergovernmental organizations, and competent non-governmental organizations may be in a position to submit lists of experts called for by the Council,

1. Requests the Secretary-General to submit to the twenty-second session of the Sub-Commission the names of experts suggested by Member Governments, interested specialized agencies and regional intergovernmental organizations, as well as by competent non-governmental organizations in consultative status with the Council

^{2/} See also chapter XIII, draft resolution IV and annex I.

for the list contemplated in paragraph 3 of Council resolution 1330 (XLIV), together with their curriculum vitae,

2. Requests the Secretary-General to invite the interested regional inter-governmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to submit in time for consideration by the Sub-Commission at its twenty-second session their observations and suggestions on the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved;

3. Decides to appoint, subject to approval by the Commission on Human Rights and the Economic and Social Council, Mr. as its Special Rapporteur to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV);

4. Requests the Commission on Human Rights to adopt the following draft resolution in order to assist the Sub-Commission in carrying out its tasks:

"The Commission on Human Rights,

Having noted resolution 7 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

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

The Economic and Social Council,

Noting resolution ... (XXV) of the Commission on Human Rights,

1. Confirms the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur from amongst its members to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV);

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission;

3. Invites the co-operation of the specialized agencies, regional inter-governmental organizations and the non-governmental organizations in consultative status with the Council in the study to be undertaken by the Sub-Commission."

60. At its 555th meeting, the Sub-Commission appointed, in accordance with paragraph 3 of resolution 7 (XXI), subject to approval by the Commission on Human Rights and the Economic and Social Council, Mr. Mohamed Awad as its Special Rapporteur to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV).

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

Agenda item 6

61. At its 541st, 542nd and 543rd meetings the Sub-Commission considered item 6 of its agenda entitled, "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories."

62. The discussion centred on the question as to what course the Sub-Commission should follow in considering the item, in the light of the discussion in the Commission on Human Rights on resolution 3 (XX) of the Sub-Commission.

63. Some members stressed that the mandate of the Sub-Commission to identify situations which reveal a consistent pattern of violation of human rights was still valid. They recalled that the Economic and Social Council, in resolution 1235 (XLII) welcomed the decision of the Commission on Human Rights to give annual consideration to the item "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories", concurred with the requests for assistance addressed to the Sub-Commission and to the Secretary-General, and authorized the Commission and the Sub-Commission, in conformity with the provisions of paragraph 1 of the Commission's resolution 8 (XXIII), to examine information relevant to gross violations of human rights and fundamental freedoms.

64. One member observed that the Sub-Commission should not become a fact-finding body. He noted the lack of guidance from the higher bodies, and referring to the twenty-fourth session of the Commission on Human Rights and to the International Conference on Human Rights held at Teheran from 22 April to 13 May 1968, he concluded that the only course of action open to the Sub-Commission was to examine the decisions and the debates of other United Nations organs on the matter.

65. Another member felt that, as a matter of principle, the Sub-Commission, in considering the question of violations of human rights, should not limit itself to a review of action taken by United Nations organs. It was said that the Sub-Commission, being an expert body, could study cases of systematic violations of human rights, without having to conduct inquiries in the territories of the countries concerned. The same member pointed to one country currently in the news as an example of a case in which the Sub-Commission could inquire.

66. One member stressed that because of the non-observance by certain States and some international organizations of the great number of resolutions adopted by various United Nations bodies and their refusal to take sanctions against racist regimes, millions of people in various parts of the world were still deprived of fundamental human rights.

67. While all the members who spoke agreed that at this session the Sub-Commission could not make an extensive study of the matter under review, there was some discussion on the form of action that the Sub-Commission should take. According to some members, the situations referred to in resolution 3 (XX) of the Sub-Commission had not changed but there was no point in passing another resolution in the same terms as resolution 3 (XX). Most members felt that some kind of action would have to be taken by the Sub-Commission to demonstrate its continuing concern with respect to the question of violation of human rights.

68. At the 543rd meeting Mr. Humphrey introduced a draft resolution (E/CN.4/Sub.2/L.501) (see para. 70 below). At the same meeting, Mr. Abu Rannat proposed that, instead of a formal resolution, the following text (E/CN.4/Sub.2/L.502) be included in the report of the Sub-Commission to the Commission on Human Rights.

"The Sub-Commission considered, pursuant to Economic and Social Council resolution 1235 (XLII) of 6 June 1967, the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories, and decided to draw the attention of the Commission on Human Rights to the Sub-Commission's discussion on this subject at its 541st, 542nd and 543rd meetings."

Adoption of resolution

69. At the 543rd meeting, after Mr. Abu Rannat withdrew his proposal, the Sub-Commission voted on Mr. Humphrey's draft resolution (E/CN.4/Sub.2/L.501) and adopted it by 14 votes to none, with 2 abstentions.

70. The text of resolution 3 (XXI), as adopted at the 543rd meeting on 14 October 1968, read as follows:

"RESOLUTION 3 (XXI)
QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR
REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Recalling Economic and Social Council resolution 1235 (XLII) relating to the
question of the violation of human rights and fundamental freedoms, including policies
of racial discrimination and segregation and of apartheid, in all countries, with
particular reference to colonial and other dependent countries and territories,
Considering that at its twentieth session it adopted resolution 3 (XX) relating
to this matter,

Decides to draw the attention of the Commission on Human Rights to the Sub-
Commission's discussion on this subject at its 541st, 542nd and 543rd meetings."

VI. PROCEDURE TO BE ADOPTED FOR CONSIDERING COMMUNICATIONS
RELATING TO THE PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Agenda Item 7

71. At its 536th to 541st meetings the Sub-Commission considered item 7 of its agenda: "Procedure to be adopted for considering communications relating to the prevention of discrimination and protection of minorities."

72. The Sub-Commission had before it the report of the working group of three of its members established under resolution 10 (XX) of the Sub-Commission (E/CN.4/Sub.2/L.492). The working group stated in its report that it did not divide on the questions dealt with in its report but simply discussed them with a view to assisting the Sub-Commission which alone, it felt, had the right to make any decision in the matter. The report indicated that the working group felt that there were two main possibilities to be considered. One possibility was to maintain the existing procedure for dealing with communications. According to the report, a view was expressed that the present procedure was satisfactory and effective, that examination of the communications was a responsibility of each individual member of the Sub-Commission, and that the communications were intended to illustrate situations of which members of the Sub-Commission were already aware. Therefore, the evaluation of the communications should be left to the personal judgement of the members.

73. The second possibility was the establishment of new machinery. In this connexion, the report indicated that the view was expressed that the existing procedure was not satisfactory, particularly as regards those communications which appeared to reveal a consistent pattern of violation of human rights, and that a new procedure ought therefore to be evolved. However, members of the Sub-Commission did not have the time to deal adequately with communications while the Sub-Commission was in session. It was therefore suggested that a small committee consisting of persons who need not necessarily be members of the Sub-Commission should be established and that this committee would meet between sessions of the Sub-Commission and consider all the communications received, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross violation of human rights. Such a committee would in no sense be a tribunal nor would it have the competence to decide whether or not there had been in fact a violation of human rights and fundamental freedoms. The function of the committee would be to draw the attention of the Sub-Commission to such communications as appeared to reveal a consistent pattern of gross violation of human rights with a view to the taking of some further

action. Such further action might take the form of the appointment by the Commission on Human Rights or by the Economic and Social Council of an ad hoc committee to investigate the complaints and allegations and submit a report accordingly.

74. The report of the working group indicated that certain questions were raised regarding the adoption of the procedure suggested. One opinion was that the adoption of that procedure might give rise to conflict with Article 2 (7) of the Charter of the United Nations and could yield no positive results without the consent of the States concerned, such consent being manifested by the express recognition by the States concerned of the competence of the United Nations body to deal with communications. A view was also expressed that, pending the entry into force of the Optional Protocol to the International Covenant on Civil and Political Rights, it would be premature to establish a new procedure for dealing with communications by the Sub-Commission, and that after the Optional Protocol came into force the functions of the proposed ad hoc Committee might conflict with those of the Human Rights Committee to be established under the International Covenant on Civil and Political Rights. Another view was that all States might not become parties to those instruments and that, in any event, the competence of the ad hoc Committee could be limited to the consideration of communications not falling within the competence of the Human Rights Committee.

75. The report also mentioned that the working group considered the nature of a private meeting held for the purpose of considering communications and felt that such a meeting should comprise only members of the Sub-Commission the members of the Secretariat directly concerned with the Sub-Commission.

76. Various members of the Sub-Commission expressed their appreciation to the working group for the manner in which it had carried out the task assigned to it. It was the general consensus that the group had chosen a proper course in not proposing solutions but rather in stating alternatives.

77. Certain members in favour of maintaining the existing procedure which they felt was satisfactory for dealing with communications. It was their view that the Sub-Commission had no authority to change the existing procedure and that neither by the Charter nor by any other international instrument was the Sub-Commission empowered to consider individual complaints. One member stated that isolated facts in a given country should not be construed as violations of human rights. He felt that the task of the Sub-Commission was to study problems of a more general character relating to the prevention of discrimination and protection of minorities. He stressed the fact that dealing with individual communications might lead the Sub-Commission away from its main task. Such

complaints could more appropriately be considered by special rapporteurs for the purpose of their studies. Moreover, consideration of individual complaints was not the most important way of protecting human rights. While it was true that international law had been considerably humanized in recent years, it still did not provide for consideration of complaints by individuals. It was pointed out that the European Convention on Human Rights did not allow for consideration of such complaints on a compulsory basis and that the International Labour Organisation Constitution and Conventions gave the right of complaint not to individuals but only to recognized organizations of employers and workers. Attention was also drawn to resolution 728 F (XXVIII), operative paragraph 1, in which the Economic and Social Council had approved the statement that the Commission on Human Rights recognized that it had no power to take any action in regard to any complaints concerning human rights.

78. Some members, on the other hand, expressed dissatisfaction with the existing procedure for dealing with violations of human rights. It was their view that under Economic and Social Council resolution 1235 (XLIII) the Sub-Commission had a clear mandate to examine communications which revealed a consistent pattern of gross violations of human rights and fundamental freedoms. They felt that this could only be done effectively if some of the procedures outlined in the report of the working group were adopted. They recognized the existence of certain problems which might arise when the Optional Protocol to the International Covenant on Civil and Political Rights entered into force but felt that they should not delay a decision. Moreover not all Member States would be parties to the Optional Protocol.

79. Some members, on the other hand, while recognizing that the existing procedure for dealing with communications was unsatisfactory, expressed doubt as to some of the new procedures outlined in the working group's report. They found difficulty in reconciling the proposal for the appointment of an ad hoc Committee by the Commission on Human Rights with operative paragraph 1 of Council resolution 728 F (XXVIII). They also felt that the adoption of the procedure proposed would conflict with Article 2 (7) of the Charter as well as with what had been recognized as the voluntary nature of the obligations to be undertaken under the Optional Protocol to the Covenant on Civil and Political Rights.

80. With regard to the statement in the report of the working group that a private meeting held for the purpose of considering communications should comprise only members of the Sub-Commission and the members of the Secretariat directly concerned with the Sub-Commission, certain members expressed the view that under the Charter the

representatives of all Member Governments had a special status on all organs of the United Nations and could not be treated as members of the public, and that it would not be permissible to exclude them from a private meeting. Other members pointed out that it was not a question of denying the right of participation of a Member State but of recognizing that the Sub-Commission could not agree in advance to the participation of all Member States at a private meeting; it was understood that it was always open to the Sub-Commission to invite to a private meeting any Member State which might be concerned with the discussion of a particular matter.

81. At the 539th meeting, Mr. Abu Rannat, Mrs. Asiyu, Mr. Humphrey and Mr. Nath Pai submitted a draft resolution (E/CN.4/Sub.2/L.496) which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its mandate under Economic and Social Council resolution 1235 (XLII) and Commission on Human Rights resolution 8 (XXIII),

Recalling also its resolution 3 (XX) and the discussion thereon at the twenty-fourth session of the Commission on Human Rights (E/4475, Chapter III, part C),

Recalling further its resolution 10 (XX) by which it requested a working group of three of its members to analyse the possibilities of an appropriate procedure for making a careful study of communications and to present the conclusions of their study to the Sub-Commission,

Noting the views expressed in the report of the working group (E/CN.4/Sub.2/L.492),

Considering that the task assigned to the Sub-Commission by the Council and the Commission involves, inter alia, examination of information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII),

Considering that members of the Sub-Commission do not have time to deal adequately with communications while the Sub-Commission is in session to determine which communications appear to reveal a consistent pattern of gross violations of human rights in accordance with the instructions of the Council and the Commission,

Believing that to fulfil the tasks assigned to it requires careful consideration of the communications by a body of experts prior to a session of the Sub-Commission,

Taking into account the various decisions and procedures adopted by the Commission on Human Rights at its twenty-fourth session for considering violations of human rights and fundamental freedoms as exemplified by the policy of apartheid as practised in the Republic of South Africa and in Namibia and of racial discrimination in Southern Rhodesia,

Submits the following draft resolution for adoption by the Commission on Human Rights:

The Commission on Human Rights,

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

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

The Economic and Social Council,

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

1. Authorizes the Commission on Human Rights to appoint a working group consisting of five experts, who need not be members of the Sub-Commission, to meet twice a year between sessions of the Sub-Commission to consider all communications, including replies of governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) with a view to bringing to the attention of the Sub-Commission those communications, together with replies of governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms;
2. Requests the Secretary-General:
 - (a) to furnish to the members of the working group every month a List of Communications prepared by him in accordance with Council resolution 728 F (XXVIII) containing a summary of the communications, rather than a brief indication of them as mentioned in the resolution of the Council, together with the text of any replies received from governments,
 - (b) to make available to the members of the working group at their meetings the originals of such communications on the List as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,
 - (c) to circulate to the members of the Sub-Commission in the working languages the originals of such communications mentioned in the preceding subparagraph as are referred to the Sub-Commission by the working group;
3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the communications and any replies of governments relating thereto, with a view to determining whether to refer to the Commission on Human Rights a particular situation which appears to reveal a consistent pattern of gross violation of human rights requiring consideration by the Commission.
4. Requests the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:
 - (a) whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII).

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

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

- (a) the composition of the committee shall be determined by the Council,
- (b) the committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,
- (c) the committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential,
- (d) the committee shall report to the Council with such observations and suggestions as it may deem appropriate;

6. Decides that if the consent of the State concerned to an investigation is not forthcoming the Council may decide what further steps may be taken;

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

8. Decides to review the implementation of this resolution in 1972."

82. In introducing the draft resolution on behalf of the sponsors, Mr. Abu Rannat indicated that the sponsors proposed an amendment to the title of the item to read: "Procedure to be adopted for considering communications relating to human rights and fundamental freedoms". It was pointed out, however, that the question of changing the title of an item of the agenda had already been decided to the contrary at a previous session but that there could be no objection to the title of the draft resolution before the Sub-Commission embodying the amendment which Mr. Abu Rannat had proposed.

83. Several members commented on the draft resolution. Some expressed the view that, as it stood, it went beyond the mandate which the Economic and Social Council had given to the Sub-Commission in Council resolution 1235 (XLIII). It was their view that the draft resolution fell into two distinct parts, the first part ending with operative paragraph 3 of the draft resolution proposed for adoption by the Economic and Social Council, the second part comprising operative paragraphs 4 to 8. With regard to the

first part, which dealt with the question of appointing a working group to meet between sessions of the Sub-Commission, it was felt that the Sub-Commission did not need the approval of the Commission on Human Rights in this matter except in so far as there were financial implications. The question was raised, however, whether the Sub-Commission ought to consider such appointment at the present time in view of the fact that the term of office of the present members would expire at the end of 1968. The view was also expressed that the experts proposed to be appointed should be members of the Sub-Commission.

84. With regard to operative paragraphs 4 to 8 of the draft resolution for adoption by the Economic and Social Council, the view was expressed that the proposals embodied in those paragraphs went beyond the scope of the Sub-Commission as authorized by the Economic and Social Council in its resolution 1235 (XLII). In the view of some members, the ideas expressed in the relevant paragraphs might more appropriately have been put forward in the form of opinions for the consideration of the Commission on Human Rights rather than of a draft resolution.

85. On the other hand, it was pointed out that it was customary for the Sub-Commission to submit draft resolutions for the consideration of its superior bodies and that there were technical reasons in favour of that procedure.

86. At the 539th meeting, Mr. Zeltner orally proposed an amendment to the draft resolution by inserting as the first operative paragraph relating to the resolution of the Sub-Commission itself the following:

"Decides, pending the decisions of the Commission on Human Rights and of the Economic and Social Council on the following recommendations to appoint a committee composed of three of its members, the task of which will be to sift before the next annual meeting of the Sub-Commission the communications relating to violations of human rights. Should a member of the working group consider that communications disclose a consistent pattern of gross violations of human rights the group will bring them before the Sub-Commission which will decide whether to draw the situations disclosed by such communications to the attention of the Commission on Human Rights."

This amendment was accepted by the sponsors.

87. At the same meeting, one member suggested inserting after the words "to appoint" in operative paragraph 1 of the draft resolution for adoption by the Economic and Social Council, the words: "until the Committee to be appointed under the International Covenant on Civil and Political Rights is established and the Optional Protocol relating thereto comes into force."

88. Certain members reiterated their view set forth in paragraph 77 above and expressed their satisfaction with the existing procedure which, in their view, was compatible with the Charter, the sovereignty of States and conformed to the prevailing international law. They opposed the adoption of any draft resolution or recommendation on the matter and thought that the amendment which the co-sponsors had accepted raised legal and other problems, including those connected with the present and future membership of the Sub-Commission.

89. In the light of the discussions, the co-sponsors of the draft resolution submitted a revised text (E/CN.4/Sub.2/L.496/Rev.1) at the 540th meeting. At the same meeting Mr. Ferrari - Bravo submitted a draft resolution (E/CN.4/Sub.2/L.497) which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its mandate under Economic and Social Council resolution 1235 (XLII) and Commission on Human Rights resolution 8 (XXIII),

Recalling also its resolution 3 (XX) and the discussion thereon at the twenty-fourth session of the Commission on Human Rights (E/4475, Chapter III, part C),

Recalling further its resolution 10 (XX) by which it requested a working group of three of its members to analyse the possibilities of an appropriate procedure for making a careful study of communications and to present the conclusions of their study to the Sub-Commission,

Noting the views expressed in the report of the working group (E/CN.4/Sub.2/L.492),

Considering that the task assigned to the Sub-Commission by the Council and the Commission involves, inter alia, examination of information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII),

Considering that the brevity of the sessions of the Sub-Commission materially prevents the members of the Sub-Commission from examining adequately all the material relating to communications, for the purpose of deciding whether any of them disclose convincing evidence of persistent and systematic violations of human rights,

Considering that, in order to fulfil the task entrusted to it by the Commission on Human Rights and by the Economic and Social Council, it is necessary that the Sub-Commission should set up machinery for sifting and co-ordinating this material,

Having examined item 7 of its agenda,

1. Decides to establish a working group of three of its members, whose term of office would be renewable each year, with instructions
 - (a) to meet two weeks before the beginning of the session of the Sub-Commission in order to examine the communications received, and select and co-ordinate them according to their evident importance from the point of view of the denunciation of persistent and systematic violations of human rights;
 - (b) to report to the Sub-Commission on the communications examined;
2. Expresses the opinion that the working group's examination will in no way prevent the Sub-Commission or any of its members from requesting, at the annual session, that communications which the working group did not consider important shall also be examined;
3. Invites the Commission on Human Rights to request the Secretary-General:
 - (a) to furnish to the members of the working group every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) containing a summary of the communications, rather than a brief indication of them as mentioned in the resolution of the Council, together with the text of any replies received from governments,
 - (b) to make available to the members of the working group at their meetings the originals of such communications on the list as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,
 - (c) to circulate to the members of the Sub-Commission in the working languages the originals of such communications mentioned in the preceding sub-paragraph as are referred to the Sub-Commission by the working group;
4. Requests the Commission on Human Rights to examine, as a matter of urgency, and in the light of the opinions expressed and the proposals made in the course of the Sub-Commission's work, the question of what action shall be taken on the Sub-Commission's conclusions concerning individual communications;

5. Expresses the opinion that, for the purposes of the examination referred to in the previous paragraph, it would be desirable that the Commission should be guided by the following criteria:

(1) When the Sub-Commission draws the attention of the Commission to a communication and to the relevant replies of the governments concerned, the Commission should decide

- (a) whether the situation requires a thorough examination by the Commission and a report accompanied by a recommendation to the Council, in accordance with paragraph 3 of Council resolution 1235 (XLII),
- (b) or whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Council after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party:

(2) In the case referred to in sub-paragraph 1(b) above, the Council should decide the composition of the Special Committee and the procedure it should follow,

(3) If the Government concerned in the enquiry does not give its consent the Council should decide what further measures should then be taken;

6. Requests the Commission on Human Rights to ask the Secretary-General to supply all necessary means for the implementation of the present resolution;

7. Invites the Commission on Human Rights to appoint, when renewing the term of office of members of the Sub-Commission, the three members of it who shall form, until the Sub-Commission's 1969 session, the working group provided for by the present resolution."

90. At the 541st meeting, the representative of the Secretary-General made a statement on the financial implications relating to the draft resolutions.

Adoption of the resolution

91. At its 541st meeting, the Sub-Commission voted on the draft resolution submitted by Mr. Abu Rannat, Mrs. Asiyó, Mr. Humphrey and Mr. Nath Pai (E/CN.4/Sub.2/L.496/Rev.1), as orally revised, and the amendments thereto as follows:

(a) Operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council was orally revised by the sponsors to read:

"Authorizes the Sub-Commission on Prevention of Discrimination and of Minorities to appoint a working group consisting of not more than five of its members to meet at least once a year immediately before the sessions of the Sub-Commission to consider all communications, including replies of Governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms;"

To this text an oral amendment was submitted by Mr. Ferguson to insert after the words "once a year" the words "for a period not exceeding ten days". This amendment was adopted by seven votes to none, with 8 abstentions.

(b) The draft resolution up to and including operative paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council was adopted by 13 votes to 2, with 1 abstention.

(c) Operative paragraph 4 was adopted by 10 votes to 2, with 4 abstentions.

(d) Operative paragraph 5 was adopted by 7 votes to 2, with 6 abstentions.

(e) Operative paragraph 6 was adopted by 11 votes to 2, with 3 abstentions.

(f) Operative paragraph 7 was adopted by 11 votes to 2, with 3 abstentions.

(g) The draft resolution as a whole, as amended, was adopted by 9 votes to 2, with 5 abstentions.

92. The text of resolution 2(XXI), as adopted by the Sub-Commission at its 541st meeting on 14 October 1968, reads as follows:

"Resolution 2 (XXI)⁽³⁾

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

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its mandate under Economic and Social Council resolution 1235 (XLII) and Commission on Human Rights resolution 8 (XXIII),

Recalling also its resolution 3 (XX) and the discussion thereon at the twenty-fourth session of the Commission on Human Rights (E/4475, Chapter III, part C),

Recalling further its resolution 10 (XX) by which it requested a working group of three of its members to analyse the possibilities of an appropriate procedure for making a careful study of communications and to present the conclusions of their study to the Sub-Commission,

(3) See also chapter XIII, draft resolution II and annex I.

Noting the views expressed in the report of the working group (E/CN.4/Sub.2/L.492),

Considering that the task assigned to the Sub-Commission by the Council and the Commission involves, inter alia, examination of information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVII),

Considering that not all the members of the Sub-Commission have the necessary time to deal adequately with communications while the Sub-Commission is in session to determine which communications appear to reveal a consistent pattern of gross violations of human rights in accordance with the instructions of the Council and the Commission,

Believing that to fulfil the tasks assigned to it requires careful consideration of the communications by a body of experts prior to a session of the Sub-Commission,

Taking into account the various decisions and procedures adopted by the Commission on Human Rights at its twenty-fourth session for considering violations of human rights and fundamental freedoms as exemplified by the policy of apartheid as practised in the Republic of South Africa and in Namibia and of racial discrimination in Southern Rhodesia,

1. Decides, pending the decisions of the Commission on Human Rights and of the Economic and Social Council on the following recommendations to appoint a working group composed of three of its members, the task of which will be to sift before the next annual meeting of the Sub-Commission the communications relating to violations of human rights. Should a member of the working group consider that communications disclose a consistent pattern of gross violations of human rights the group will bring them before the Sub-Commission which will decide whether to draw the situations disclosed by such communications to the attention of the Commission on Human Rights;

2. Submits the following draft resolution for adoption by the Commission on Human Rights:

"The Commission on Human Rights,

Having considered resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

The Economic and Social Council,

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

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, to meet at least once a year for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) with a view to bringing to the attention of the Sub-Commission those communications, together with replies of governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms;
2. Requests the Secretary-General:
 - (a) to furnish to the members of the working group every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief indication of them, together with the text of any replies received from governments,
 - (b) to make available to the members of the working group at their meetings the originals of such communications on the list as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,
 - (c) to circulate to the members of the Sub-Commission in the working languages the originals of such communications as are referred to the Sub-Commission by the working group;
3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the communications and any replies of governments relating thereto, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violation of human rights requiring consideration by the Commission;
4. Requests the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:
 - (a) whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII);
 - (b) whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Council after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

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

- (a) the composition of the committee shall be determined by the Council,
- (b) the committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,
- (c) the committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential,
- (d) the committee shall report to the Commission on Human Rights and to the Council with such observations and suggestions as it may deem appropriate;

6. Decides that if the consent of the State concerned to an investigation is not forthcoming the Council may decide what further steps may be taken;

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

93. As agreed at the 550th meeting of the Sub-Commission, at its 554th meeting on 22 October 1968, the Sub-Commission decided, on the proposal of the Chairman to designate Mr. Abu Rannat, Mr. Martínez Baéz and Mr. Humphrey to perform the functions set out in operative paragraph 1 of resolution 2 (XXI) of the Sub-Commission.

94. At its 550th meeting the Sub-Commission also agreed that in the event that any of the above-mentioned experts did not continue to be a member of the Sub-Commission, the Chairman of the Commission on Human Rights would be authorized, at the twenty-fifth session of the Commission, to fill the vacancies.

VII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

Agenda item 8

95. The Sub-Commission considered item 8 of its agenda entitled "Communications concerning human rights" at a closed meeting (542nd). Members of the Sub-Commission had received a confidential list of communications (Sub.2/Communications List Nos. 18/Add.1 and 2, 19, 20) and replies of governments. A non-confidential list of communications (E/CN.4/Sub.2/CR.13) was also distributed.

96. Various members expressed deep concern as to the manner in which they had to deal with the communications. Although they affirmed that it was the right and duty of the Sub-Commission to study the communications received, they nevertheless felt that the examination of these documents was simply impossible under existing procedures. Several members referred to the procedures recommended in resolution 2 (XXI) adopted by the Sub-Commission at its current session in connexion with agenda item 7 (see para. 92).

97. After some discussion on whether the summary records of the closed meeting should be made public, the Sub-Commission by 9 votes to 1, with 6 abstentions adopted Mr. Humphrey's motion that the summary records of the closed meeting should be made public in the ordinary manner.

VIII. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE
SUB-COMMISSION HAS BEEN CONCERNED

Agenda item 9

98. At its 533rd to 536th meetings, the Sub-Commission considered item 9 of its agenda, entitled "Review of further developments in fields with which the Sub-Commission has been concerned". The item was divided into eight parts as follows:

- (a) Discrimination in education
- (b) Discrimination in the field of employment and occupation
- (c) Discrimination in the matter of political rights
- (d) Discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
- (e) Discrimination against persons born out of wedlock
- (f) Elimination of all forms of racial discrimination
- (g) Elimination of all forms of religious intolerance
- (h) Periodic reports on human rights and reports on freedom of information.

99. The Sub-Commission had before it a memorandum (E/CN.4/Sub.2/291 and Add.1 and 2) submitted by the Secretary-General reviewing developments between 15 June 1967 and 2 October 1968 and relating to the following matters: International Covenants on Human Rights, status of the International Convention on the Elimination of All Forms of Racial Discrimination, elimination of all forms of racial discrimination, elimination of all forms of religious intolerance, reports of the Sub-Commission, the International Conference on Human Rights and the United Nations Human Rights International Seminar on the Elimination of All Forms of Racial Discrimination held at New Delhi from 27 August to 9 September 1968.

100. The Sub-Commission also had before it a memorandum (E/CN.4/Sub.2/292 and Add.1), submitted by the United Nations Educational, Scientific and Cultural Organization, summarizing recent activities of UNESCO in the field of combating discrimination in education. In this connexion, attention was drawn, inter alia, to the fact that the Protocol to the Convention against Discrimination in Education will enter into force on 24 October 1968; to joint action taken by UNESCO and the ILO to consider periodic reports submitted by member States on the implementation of the Convention and the Recommendation Against Discrimination in Education; and to a meeting in June 1968 under the auspices of UNESCO of a group of experts to consider methods of education designed to combat racial prejudice. It was also indicated that the statements on the question of race issued in 1950, 1951, 1964 and 1967 were to be published in the form of

brochures to be widely distributed and that the South African Institute of Race Relations had been authorized to reproduce the 1964 and 1967 statements and to ensure their distribution in the Republic of South Africa.

101. The Sub-Commission also had before it a memorandum (E/CN.4/Sub.2/293) submitted by the International Labour Office relating to discrimination in respect of employment and occupation. The memorandum contained information regarding a number of ILO publications on the question of discrimination in employment and occupation. It summarized the action taken to implement the Declaration concerning the policy of apartheid in the Republic of South Africa. It also dealt with the Director-General's report at the fifty-second session of the International Labour Conference (1968), a substantial part of which was devoted to the problem of discrimination and equality of opportunity. An annex to the memorandum contained an extract from the Director-General's reply of 25 June 1968 to the discussion on his report to the fifty-second session of the ILO Conference.

102. Supplementary statements were made by the representative of the ILO (533rd meeting) and the representative of UNESCO (535th meeting). A statement was also made by the observer for the International Commission of Jurists (533rd meeting).

103. In the debate, members of the Sub-Commission concentrated mainly on the following matters: the information furnished by the ILO and UNESCO, the ratification of United Nations instruments relating to human rights, the International Conference on Human Rights, the resurgence of nazism in certain parts of the world, reports and studies of the Sub-Commission that were before the Commission on Human Rights and the question of periodic reports on human rights.

104. Some members of the Sub-Commission expressed their appreciation for the information furnished by UNESCO and the ILO. The view was, however, expressed that while the statements concerning the activities of UNESCO and the ILO were of great interest, it would have greatly assisted the Sub-Commission in the discharge of its mandate if it had been equally informed of the actual situation in different countries of the world regarding discrimination in the fields with which UNESCO and the ILO were concerned.

105. With regard to the status of certain United Nations instruments relating to human rights, some members of the Sub-Commission expressed disappointment at the paucity of ratification or accession to many of these instruments. They referred in particular to the International Covenants on Human Rights and noted with dismay that there was a total absence of ratification or accession to any of these instruments. It was their view that the delay in ratifying or acceding to instruments which Governments had voted upon

was not always due to unwillingness on the part of the Governments to co-operate further but to a number of different reasons. In some cases, such delay was due to the constitutional situation existing in different countries as well as to the complexity of the legislative process. It was also pointed out that in some instances the activities of the United Nations and those of various regional inter-governmental organizations might overlap with the result that certain Governments which might be parties to instruments adopted by a regional organization, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, might experience difficulties in implementing and applying certain instruments adopted by the United Nations in the same field. The view was also expressed that the Secretary-General as well as non-governmental organizations might be influential in urging Governments to ratify not only the Covenants on Human Rights but also other instruments adopted in the field of human rights.

106. At the 553rd meeting, the observer for the Council of Europe explained that the ratification of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights would involve certain problems for the States Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms, including (i) the problem arising from the differences in the definition of the rights, which was particularly important for States which considered the provisions of a ratified treaty as directly enforceable in their internal law; and (ii) the question whether an individual who considered that his rights had been violated should have the possibility of addressing himself both to the European Commission of Human Rights and to the United Nations Human Rights Committee (article 27 of the European Convention and article 5 (2) of the Optional Protocol to the International Covenant on Civil and Political Rights were relevant to this second problem). These problems were not considered insoluble. The Committee of Ministers of the Council of Europe had instructed the Committee of Experts on Human Rights to examine them and propose solutions. This work was well advanced. The Fifth Conference of European Ministers of Justice had also discussed these questions in June 1968. The Committee of Ministers would examine a first report before the end of October 1968. The general view taken in the Council of Europe was that the work of the United Nations and the Council of Europe for the protection of human rights was not competitive but complementary.

107. As regards the International Conference on Human Rights held at Teheran from 22 April to 13 May 1968, several members welcomed the information conveyed in the Secretary-General's study entitled "Methods used by the United Nations in the field of human rights" (A/CONF.32/6). They hoped that the Conference might have served as a

means of promoting human rights throughout the world and of urging those States which had not yet ratified international instruments relating to human rights to do so without delay. They expressed satisfaction that the Final Act of the Conference (A/CONF.32/41) was under consideration by the General Assembly.

108. Referring to the question of the resurgence of nazism and racial intolerance in some parts of the world, certain members drew attention to Economic and Social Council resolution 1335 (XLIV) in which the Council recommended to the General Assembly the adoption of a draft resolution inviting all States to eradicate nazism and all similar ideologies and practices which were not only a violation of fundamental freedoms but also a threat to peace, and to consider that question at its twenty-fourth session. They felt, however, that Governments should not remain passive in the face of the threat of nazism and await the action of the General Assembly. In this connexion, one member drew attention to recent action taken by a country to ban a nazi meeting. He also drew attention to the concern which the International Conference on Human Rights had expressed concerning the danger presented by neo-nazi and racist activities.

109. Various members referred to resolution 6 (XX) of the Sub-Commission in which the Sub-Commission expressed the hope that the Commission on Human Rights would find it possible to examine at its twenty-fourth session the reports of the Sub-Commission on its seventeenth, eighteenth and nineteenth sessions as well as the studies prepared by three of its members. They referred to resolution 10 (XXIV) of the Commission on Human Rights in which the Commission took note of the reports of the eighteenth and nineteenth sessions of the Sub-Commission and decided to resume consideration, at an appropriate time, of the reports prepared by Mr. Santa Cruz, on discrimination in regard to political rights, by Mr. Inglés, on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and also to undertake at an appropriate time, the consideration of the report by Mr. Saario on discrimination against persons born out of wedlock. They expressed disappointment at the fact that the Commission had again been unable to consider those reports. They did not consider, however, that the failure to consider the reports and studies implied any lack of interest on the part of the Commission in the work of the Sub-Commission. Moreover, the studies were ends in themselves and the fact that they had been undertaken, completed and circulated was a matter of some consequence. They noted with satisfaction that in resolution 8 (XXIV), the Commission had decided to establish an ad hoc working group of fifteen of its members to meet for five or six days before the twenty-fifth session of the Commission to make detailed proposals regarding, inter alia, the adoption of

measures for the early completion of the items that have accumulated on its agenda. In this connexion, it was hoped that the ad hoc working group and the Commission itself would find the way to expedite the examination of the reports and the studies prepared by the Sub-Commission.

110. Some members of the Sub-Commission referred to resolution 1230 (XLII) adopted by the Economic and Social Council on 6 June 1967 concerning periodic reports on human rights. By that resolution, the Council decided that the provisions of resolution 16 (XXIII) of the Commission on Human Rights rendered unnecessary the initial study of periodic reports by the Sub-Commission as provided for in paragraph 15 of Economic and Social Council resolution 1074 C (XXXIX), and requested the Commission on Human Rights to perform that task with the assistance of its ad hoc Committee on Periodic Reports on Human Rights. The Council had reaffirmed that the Sub-Commission should continue to have access to the material received under Council resolution 1047 C (XXXIX), and should make use of it in connexion with its work on prevention of discrimination and protection of minorities.

111. The view was expressed that the withdrawal of the periodic reports from examination by the Sub-Committee tended to frustrate the Sub-Commission in its work and deprived it of factual material necessary to assist it in reviewing developments in the world in the field of human rights. In this connexion, it was felt that it might be of some assistance to members of the Sub-Commission if the Secretary-General could be requested to include in his outline of headings sent to Governments for contributions to the periodic reports matters with which the Sub-Commission was concerned and to prepare for each session of the Sub-Commission a resumé of those parts of the periodic reports which related to matters falling within the terms of reference of the Sub-Commission.

Adoption of resolution

112. A draft resolution relating to the review of further developments in fields with which the Sub-Commission had been concerned (E/CN.4/Sub.2/L.494), submitted jointly by Mr. Humphrey and Mr. Schiller, read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 6 (XX),

Having received the memorandum submitted by the Secretary-General on further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/291 and Add.1 and 2), the memorandum submitted by the United Nations Educational, Scientific and Cultural Organization on its recent activities in the field of combating discrimination in education and race relations (E/CN.4/Sub.2/292), and the memorandum submitted by the International Labour Office (E/CN.4/Sub.2/293),

Noting resolution 10 (XXIV) of the Commission on Human Rights relating to reports and studies of the Sub-Commission and on the manner in which it would consider them,

Noting also resolution 8 (XXIV) of the Commission on Human Rights establishing an ad hoc working group to make detailed proposals regarding inter alia the adoption of measures for the early completion of the items that have accumulated on the agenda of the Commission,

Considering it most desirable to have adequate information and documentation on both the international and national levels on further developments in fields with which the Sub-Commission has been concerned if the Sub-Commission is to review such developments properly,

1. Takes note of the memoranda submitted by the Secretary-General, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director-General of the International Labour Office;
2. Appeals to the specialized agencies to provide the Sub-Commission more ample and substantive information on their activities;
3. Expresses the hope that the ad hoc working group of the Commission on Human Rights and the Commission itself will find the way to examine without further delay the reports and the studies prepared by the Sub-Commission;
4. Recommends that the Commission on Human Rights request the Secretary-General to include in his outline of headings sent to Governments for contributions to the periodic reports matters with which the Sub-Commission has been concerned taking into account the views expressed by the Sub-Commission;
5. Recommends that the Commission on Human Rights request the Secretary-General to prepare for each session of the Sub-Commission a resumé of those parts of the periodic reports which relate to matters falling within the terms of reference of the Sub-Commission;
6. Recommends that the Commission on Human Rights should pursue urgently in the light of the resolutions of the General Assembly and the Economic and Social Council, and the decisions and proposals made at the International Conference on Human Rights at Teheran
 - (a) the question of universal application of human rights instruments and ways and means of achieving this, including inquiries ascertaining from States the nature of obstacles, difficulties or other reasons which either prevent from becoming parties to the instruments or seriously delay the process of ratification or accession,
 - (b) the co-ordination of the various instruments and in particular the measures of implementation contained therein,
 - (c) the co-operation of the specialized agencies, interested regional intergovernmental organizations, and competent non-governmental organizations in the above-mentioned tasks;
7. Suggests that the Commission on Human Rights invite the Sub-Commission to give special attention to the adequacy of the methods and documentation submitted to it in connexion with the consideration of the item on its agenda concerning review of further developments in the fields in which the Sub-Commission has been concerned."

113. At the 536th meeting the representative of the Secretary-General made a statement on the financial implications relating to the draft resolution.

114. In the light of the observations of various members of the Sub-Commission on the draft resolution, the co-sponsors submitted a revised text (E/CN.4/Sub.2/L.494/Rev.1) in which operative paragraph 6 of the original text (see paragraph 112 above) was omitted. The sponsors of the draft resolution agreed to omit paragraph 6 from their revised draft resolution because they felt that it would be difficult to arrive at a generally acceptable text of that paragraph and believed that the Commission on Human Rights could be relied upon to give attention to the questions raised in that paragraph.

115. At its 536th meeting, on 9 October 1968, the Sub-Commission adopted unanimously the revised draft resolution, as further revised orally.

116. The text of resolution 1 (XXI), as adopted by the Sub-Commission at its 536th meeting on 9 October 1968, reads as follows:

"Resolution 1 (XXI)"⁽⁴⁾

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE
SUB-COMMISSION HAS BEEN CONCERNED

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Recalling its resolution 6 (XX),

Having received the memorandum submitted by the Secretary-General on further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/291 and Add.1 and 2), the memorandum submitted by the United Nations Educational, Scientific and Cultural Organization on its recent activities in the field of combating discrimination in education and race relations (E/CN.4/Sub.2/292 and Add.1), and the memorandum submitted by the International Labour Office (E/CN.4/Sub.2/293),

Noting resolution 10 (XXIV) of the Commission on Human Rights relating to reports and studies of the Sub-Commission and on the manner in which it would consider them,

Noting also resolution 8 (XXIV) of the Commission on Human Rights establishing an ad hoc working group to make detailed proposals regarding inter alia the adoption of measures for the early completion of the items that have accumulated on the agenda of the Commission,

Considering it most desirable to have adequate information and documentation on both the international and national levels on further developments in fields with which the Sub-Commission has been concerned if the Sub-Commission is to review such developments properly,

1. Takes note of the memoranda submitted by the Secretary-General, the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director-General of the International Labour Office;

(4) See also chapter XIII, draft resolution I and annex I.

2. Appeals to the specialized agencies to provide the Sub-Commission ample and substantive information on their activities, and also such information as it is possible for them to give the Sub-Commission regarding the existence in the world of discrimination and measures for the protection of minorities in fields for which they are responsible;

3. Expresses the hope that the ad hoc working group of the Commission on Human Rights and the Commission itself will find the way to expedite the examination of the reports and the studies prepared by the Sub-Commission;

4. Recommends that the Commission on Human Rights request the Secretary-General to include in his outline of headings sent to Governments for contributions to the periodic reports matters with which the Sub-Commission has been concerned taking into account the views expressed by the Sub-Commission;

5. Recommends that the Commission on Human Rights request the Secretary-General to prepare for each session of the Sub-Commission a resumé of those parts of the periodic reports which relate to matters falling within the terms of reference of the Sub-Commission;

6. Decides that at its next session the Sub-Commission will give special attention to the adequacy of the documentation submitted to it in connexion with the consideration of the item on its agenda concerning review of further developments in the fields in which the Sub-Commission has been concerned and to the possibility of improving the method of dealing with this item."

IX. PROTECTION OF MINORITIES

Agenda item 10

117. At its 546th and 548th meetings, the Sub-Commission considered agenda item 10 entitled "Protection of Minorities".

118. The Sub-Commission had before it a paper submitted by Mr. Schiller under operative paragraph 2 of resolution 9 (XX) of the Sub-Commission entitled "Outline of the possible scope of future studies" (E/CN.4/Sub.2/L.499). In the outline, Mr. Schiller referred to an early resolution (resolution F in document E/CN.4/703) of the Sub-Commission which called for a "Study of the present position as regards minorities throughout the world" but failed to be endorsed by the higher bodies. He suggested the preparation of a comprehensive document outlining the work of the United Nations on the question of protection of minorities and listed, in his outline, a number of United Nations documents which could, in his view, provide guidance to a Special Rapporteur.

119. Some members, considering that the Sub-Commission had not dealt with the problem of minorities since 1955, recalled the decision of the Sub-Commission in resolution 9 (XX) to initiate as soon as possible a study on the question and urged that the Sub-Commission undertake without delay a far-ranging study on minorities which would be a counterpart to its work on prevention of discrimination. The view that the Sub-Commission had neglected the question of minorities was, however, not shared by some members who maintained that the steps taken by the Sub-Commission to implement the principle of equality and combat discrimination also constituted efforts to protect minorities. Reference was also made to the situation in certain African countries where a large number of minorities lived. It was said that in these cases emphasis should be put on integration and national unity rather than on protection of minorities.

120. Some members, while agreeing on the importance of the study on the protection of minorities, felt that the Sub-Commission should defer a decision on the matter until its twenty-second session. It was observed that, since the question of minorities might raise in Africa and Asia different kinds of problems from those arising in other parts of the world, it would be desirable to let the new and enlarged Sub-Commission, which would include a greater number of members from the Afro-Asian countries, decide on the matter. Furthermore, in the light of the inability of the Secretariat to provide assistance for a study at this time and the reminder of the Economic and Social Council, in resolution 1367 (XLV), that the terms of reference of functional commissions and other subsidiary bodies required that the Council consider, in advance of their implementation, all proposals relating to their work programmes, some members questioned

whether the Sub-Commission was competent to undertake the study without the approval and directives of the higher bodies. In this connexion, it was recalled that previous studies of the Sub-Commission had been approved by the Economic and Social Council.

121. As regards the nature of the study, some members envisaged a comprehensive document which would embrace the work done by the League of Nations and the United Nations as well as the abundant literature on the question. Others felt that the study should not be purely academic or limited to a compilation. The view was also expressed that a preliminary study on certain aspects of the problem, in particular, the question of the definition of minorities, would be desirable. Some members, on the other hand, wished the study to conform to the decision of the Sub-Commission in paragraph 1 of its resolution 9 (XX), namely, the study of the implementation of the principles set out in article 27 of the International Covenant on Civil and Political Rights with special reference to analysing the concept of minority taking into account the ethnic, religious and linguistic factors and considering the position of ethnic, religious or linguistic groups in multi-national societies.

122. There was some difference of opinion concerning when a Special Rapporteur should be appointed to prepare the study. The view that the expiration of the mandate of the present members of the Sub-Commission in the near future prevented the appointment of a Special Rapporteur during the current session was not accepted by some members. It was recalled that the Commission on Human Rights had, in the past, taken into account such appointments when electing members to the Sub-Commission. Some members thought that the long period which would necessarily elapse between the decision of the higher organs and the actual start of the study, during which the assistance of the Secretariat would be extremely limited should not preclude the Sub-Commission from taking some interim steps. In this connexion suggestions were made that the Sub-Commission could decide to appoint a Special Rapporteur even before the completion of the other studies of the Sub-Commission for the sole purpose of preparing an outline of the study or a comprehensive document outlining the work already done for the protection of minorities and the different conceptions connected therewith for submission to the twenty-second session of the Sub-Commission. Other members, however, regarded the fact that the Secretariat lacked adequate resources to assist a new Special Rapporteur while two other studies of the Sub-Commission were in progress, and the need to obtain the approval of the higher organs, as decisive reasons for avoiding any decision to appoint a Special Rapporteur at the current session. It was further observed that a study on the protection of minorities, concerning a subject which is delicate and of a complex nature, could only be undertaken according to the same methods and the same procedures as those applied to previous studies on other subjects.

Adoption of resolution

123. At the 548th meeting, Mr. Humphrey and Mr. Nath Pai submitted a draft resolution (E/CN.4/Sub.2/L.504) (see paragraph 126 below) which took into account the view that approval of the higher bodies was required before the Sub-Commission takes action on the matter.

124. At the same meeting, Mr. Zeltner submitted an amendment (E/CN.4/Sub.2/L.505) to the draft resolution reading as follows:

'1. Add the following first operative paragraph to the draft resolution of the Sub-Commission:

'1. Decides to appoint, until the Commission on Human Rights and the Economic and Social Council take the action outlined below, one of its members to serve as a Special Rapporteur who will prepare a comprehensive document outlining the work already done for the protection of minorities and the different conceptions connected therewith.'

2. The present operative paragraph reading "Recommends to the Commission on Human Rights the adoption of the following resolution" should be renumbered as operative paragraph 2.'

125. At the 548th meeting, the Sub-Commission voted on the draft resolution and the amendment thereto. The amendment (E/CN.4/Sub.2/L.505) was rejected by 8 votes to 5, with 4 abstentions. The draft resolution (E/CN.4/Sub.2/L.504) was adopted unanimously.

126. The text of resolution 5 (XXI), as adopted at the 548th meeting on 17 October 1968, reads as follows:

"Resolution 5 (XXI)"^{5/}
Protection of Minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 9 (XX) in which it decided to include in the programme of its future work, and to initiate as soon as possible a study of the implementation of the principles set out in article 27 of the International Covenant on Civil and Political Rights with special reference to analysing the concept of minority taking into account the ethnic, religious and linguistic factors and considering the position of ethnic, religious or linguistic groups in multi-national societies,

Noting the paper (E/CN.4/Sub.2/L.499) submitted by Mr. Schiller on the possible scope of future studies in the field in accordance with paragraph 2 of resolution 9 (XX) of the Sub-Commission,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

^{5/} See also chapter XIII, draft resolution III and annex I

"The Commission on Human Rights,

Noting resolution 5 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits the following draft resolution for adoption by the Economic and Social Council:

'The Economic and Social Council,

Taking note of resolution (XXV) of the Commission on Human Rights,

Approves the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 9 (XX) to proceed with the study of the protection of minorities as envisaged therein,

Authorizes the Sub-Commission to designate a Special Rapporteur from amongst its members to carry out the study,

Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission.'"

X. GENOCIDE

Agenda item 11

127. At its 553rd and 554th meetings of the Sub-Commission examined item 11 of its agenda entitled "Genocide".

128. It was recalled that at its twentieth session, the Sub-Commission adopted resolution 7 (XX) on Genocide. In this resolution, in addition to deciding to keep the item of genocide on its agenda, the Sub-Commission recommended to the Commission on Human Rights the adoption of a draft resolution according to which the Economic and Social Council would be requested to ask the General Assembly whether the establishment of the International Penal Tribunal referred to in article VI of the Convention on the Prevention and Punishment of the Crime of Genocide could again be taken under study independently of the question of defining aggression and crimes against the peace and security of mankind. The Commission on Human Rights decided in resolution 10 (XXIV) to consider resolution 7 (XX) of the Sub-Commission at a later session. Meanwhile, the Sub-Commission was informed, the General Assembly, at its 1676th plenary meeting on 27 September 1968, took note of the decision of its General Committee (A/7250, para.10) that it was not desirable at this stage, prior to the completion of the Assembly's consideration of the question of defining aggression, for the items "Draft code of offences against the peace and security of mankind", and "International Criminal Jurisdiction" to be included in the agenda of the General Assembly and that these items should be taken up only at a later session when further progress had been made in arriving at a generally agreed definition of aggression.

129. Members of the Sub-Commission agreed that the decision of the General Assembly not to consider the above-mentioned items should not prevent the Sub-Commission from pursuing its consideration of the question of genocide within the limits of its competence. They regretted that no international measures could be adopted at the present time, but they gave wide support to the view that the Sub-Commission, being an expert body, could examine further measures concerning, in particular, the implementation by the States Parties of the Convention on the Prevention and Punishment of the Crime of Genocide and make appropriate recommendations to the higher bodies. The Sub-Commission could also ask the Secretary-General to submit a document on the status of the Convention as regards the number of signatures, ratifications or accessions

130. Some members were of the view that it was desirable to take a decision at this session of the Sub-Commission on the carrying out of the study envisaged in resolution 8 (XX) of the Sub-Commission and to seek the authorization of the higher bodies for the study and the financial implications involved therein.

131. It was also observed that developments since last year indicated a large number of areas where action by the Sub-Commission could be taken with a view to devising the best techniques for determining whether the crime of genocide had been committed. Reference was made to various methods which have recently been suggested or used, such as the establishment of a jury of legal experts, of ad hoc working groups, of a register of offenders, or the good offices of a High Commissioner. Some members pointed out, however, that allegations of genocide raised complex problems involving the question of State sovereignty. Reference was made to situations where tribal rivalries or uprisings by minorities had led to violence and civil war. It was said that the evaluation of allegations and claims of genocide should be made in strict accordance with the provisions of the Convention. Also, certain elements should be taken into consideration, in particular, the intention of the State authorities, the social structure and the legislation of the State and whether the State concerned had ratified the Convention or had systematically violated it. One member stated that the establishment of an international penal court to deal with cases arising out of alleged acts of genocide would diminish the responsibility of the States concerned for dealing with such acts.

Adoption of the resolution

132. At its 554th meeting, Mr. Capotorti introduced a draft resolution (E/CN.4/Sub.2/L.511). He subsequently agreed to include in the draft Mr. Schiller's suggestion to add the word "Parties" after the word "States" in the third preambular paragraph, and Mr. Carey's suggestion to add the words "reservations or declarations" after the word "ratification" in operative paragraph 1 of the resolution of the Sub-Commission.

133. At the 554th meeting the representative of the Secretary-General made a statement on the financial implications of the draft resolution.

134. The draft resolution (E/CN.4/Sub.2/L.511), as orally revised, was adopted unanimously.

135. The text of resolution 8 (XXI), as adopted by the Sub-Commission at its 554th meeting on 22 October 1968, reads as follows:

"Resolution 8 (XXI)"^{6/}

Genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Recalling its resolution 8 (XX), by which it decided to include in its programme
of future work, and to undertake as soon as possible, a study of the question of the
prevention and punishment of the crime of genocide;

Convinced of the urgency and necessity of such a study;

Convinced further of the advisability of considering what measures have already
been adopted by States Parties to apply the Convention on the Prevention and
Punishment of the Crime of Genocide, so as to ascertain what additional measures
might be adopted at both the national and the international levels;

1. Requests the Secretary-General to submit, at the Sub-Commission's twenty-
second session, a document containing information on the status of the Convention on
the Prevention and Punishment of the Crime of Genocide as regards signatures,
ratifications, reservations or declarations, accessions and denunciations;

2. Decides to keep the item on its agenda;

3. Recommends the Commission on Human Rights to adopt the following draft
resolution:

The Commission on Human Rights,

Noting resolution 8 (XXI) of the Sub-Commission on Prevention of Discrimination
and Protection of Minorities;

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

The Economic and Social Council,

Taking note of resolution ... (XXV) of the Commission on Human Rights,

1. Invites States Parties to the Convention on the Prevention and
Punishment of the Crime of Genocide to transmit to the Secretary-General in
time for it to be available to the Sub-Commission at its twenty-second session,
information on the measures adopted to give effect to the Convention;

2. Urgently calls upon all States empowered to do so to ratify the
Convention on the Prevention and Punishment of the Crime of Genocide or to
accede to it, if they have not already done so;

^{6/} See also chapter XIII, draft resolution V and annex I.

3. Approves the decision adopted by the Sub-Commission in resolution 8 (XX) to undertake a study of the question of the prevention and punishment of the crime of genocide;

4. Authorizes the Sub-Commission to designate, from among its members, a Special Rapporteur to carry out that study;

5. Requests the Secretary-General to give the Special Rapporteur and the Sub-Commission all the necessary assistance¹".

XI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

Agenda item 12

136. The Sub-Commission examined item 12 of its agenda "Consideration of the future work of the Sub-Commission" at its 554th and 555th meetings.

137. In connexion with this item, the Sub-Commission's attention was drawn to the note submitted by the Secretary-General to the Commission on Human Rights, (E/CN.4/970 and Add.1), on the implementation of recommendations of the General Assembly's Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, on the review of the human rights programme and establishment of priorities, and control and limitation of documentation. Attention was also drawn to resolution 8 (XXIV) of the Commission, entitled "Question of ways and means which may enable or assist the Commission to discharge its functions", and to resolution 9 (XXIV) of the Commission and resolution 1334 (XLIV) of the Council, entitled "Composition of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

138. In addition, the Sub-Commission had before it a note by the Secretary-General entitled "Consideration of the future work of the Sub-Commission" (E/CN.4/Sub.2/L.508). In the note the Secretary-General drew the attention of the Sub-Commission to Economic and Social Council resolution 1367 (XLV) of 2 August 1968 which, inter alia, requested the functional commissions and other subsidiary bodies of the Council to classify the items in their work programme in categories of priority in the manner recommended by the Committee for Programme and Co-ordination in paragraphs 12 to 14 of its report (E/4493/Rev.1), and to include a section entitled "Programme Changes" in accordance with paragraph 16(c) of the report of the Committee. The Council further reminded the functional commissions and other subsidiary bodies that their terms of reference required that the Council consider, in advance of their implementation, all proposals relating to their work programme. In accordance with the Council resolution and the request in paragraph 12 of the report of the Committee for Programme and Co-ordination, the Secretary-General submitted tentative suggestions for a programme of work of the Sub-Commission.

139. After an exchange of views, during which members made suggestions concerning the manner in which the work programme might be set out and certain members expressed the opinion that the classification recommended by the Committee for Programme and Co-ordination was difficult to apply to the work of the Sub-Commission, the Sub-Commission agreed to set out the following in its report:

<u>Category A - Work of high priority</u>	<u>Authority</u>	<u>Completion date</u>
1. Study of equality in the administration of justice	Economic and Social Council resolution 958 C (XXXVI) Sub-Commission resolution 4 (XXI)	1969
2. Special study of racial discrimination in the political, economic, social and cultural spheres	Economic and Social Council resolution 1076 (XXXIX) Sub-Commission resolution 6 (XXI)	1969
3. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries 7/	Economic and Social Council resolutions 1235 (XLII), 728 F (XXVIII) resolution 8 (XXIII) of the Commission on Human Rights Sub-Commission resolution 2 (XXI)	Recurrent
4. Communications on Human Rights*7/	"	Recurrent

Category B - Work of priority

5. The question of slavery and the slave trade in all their practices and manifestations including the slavery-like practices of apartheid and colonialism 7/	Economic and Social Council resolution 1330 (XLIV) resolution 13 (XXIII) of the Commission on Human Rights Sub-Commission resolution 7 (XXI)
6. Protection of Minorities 7/	Sub-Commission resolution 5 (XXI)
7. Genocide 7/	Sub-Commission resolution 8 (XXI)

Category C - Work of lesser priority

8. Review of further developments in fields with which the Sub-Commission has been concerned	Sub-Commission resolution 1 (XXI)	Recurrent
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Date of future sessions

140. Certain members of the Sub-Commission referred to the 1970 session of the Sub-Commission having been tentatively scheduled by the Economic and Social Council to take place in Geneva for three weeks during October/November. They were of the view that this period would be unsuitable and cause inconvenience to some of the members of the Sub-Commission because of their other commitments. They thought that it might be better to schedule the sessions of the Sub-Commissions at the end of August and beginning of September.

7/ Subject to decisions to be taken by the Commission on Human Rights and the Economic and Social Council on resolutions of the Sub-Commission.

XII. ADOPTION OF THE REPORT OF THE SUB-COMMISSION
TO THE COMMISSION ON HUMAN RIGHTS

Agenda item 13

141. The Sub-Commission considered the draft report of its twenty-first session (E/CN.4/Sub.2/L.503 and Corr.1 and Add.1-10) at its 556th meeting on 25 October 1968, and adopted that report, as revised by the Rapporteur, unanimously.

XIII. DRAFT RESOLUTIONS FOR ACTION BY THE COMMISSION
ON HUMAN RIGHTS

I

Review of further developments in fields with which the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been concerned (8)

"The Commission on Human Rights,

Noting resolution 1 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

1. Requests the Secretary-General to include in his outline of headings sent to Governments for contributions to the periodic reports matters with which the Sub-Commission has been concerned taking into account the views expressed by the Sub-Commission;

2. Requests the Secretary-General to prepare for each session of the Sub-Commission a resumé of those parts of the periodic reports which relate to matters falling within the terms of reference of the Sub-Commission."

II

Procedure for dealing with communications relating to violations of human rights and fundamental freedoms (9)

"The Commission on Human Rights,

Having considered resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

'The Economic and Social Council,

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

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

(8) See paragraph 116, resolution 1 (XXI) and annex I.

(9) See paragraph 92, resolution 2 (XXI) and annex I.

2. Requests the Secretary-General

- (a) to furnish to the members of the working group every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief indication of them, together with the text of any replies received from governments,
- (b) to make available to the members of the working group at their meetings the originals of such communications on the list as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications,
- (c) to circulate to the members of the Sub-Commission in the working languages the originals of such communications as are referred to the Sub-Commission by the working group;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the communications and any replies of governments relating thereto, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross violations of human rights requiring consideration by the Commission;

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

- (a) whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII).
- (b) whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Council after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

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

- (a) the composition of the committee shall be determined by the Council,
- (b) the committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,

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

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

6. Decides that if the consent of the State concerned to an investigation is not forthcoming the Council may decide what further steps may be taken;

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

III

Protection of Minorities (10)

"The Commission on Human Rights,

Noting resolution 5 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits the following draft resolution for adoption by the Economic and Social Council:

'The Economic and Social Council,

Taking note of resolution ... (XXV) of the Commission on Human Rights,

Approves the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 9 (XX) to proceed with the study of the protection of minorities as envisaged therein,

Authorizes the Sub-Commission to designate a Special Rapporteur from amongst its members to carry out the study,

Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission.'"

(10) See paragraph 126, resolution 5 (XXI) and annex I.

IV

Question of slavery and the slave trade in all their practices
and manifestations, including the slavery-like practices of
apartheid and colonialism (11)

"The Commission on Human Rights,

Having noted resolution 7 (XXI) of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities:

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

'The Economic and Social Council,

Noting resolution ... (XXV) of the Commission on Human Rights,

1. Confirms the designation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur from amongst its members to carry out a study within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV);
2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and to the Sub-Commission;
3. Invites the co-operation of the specialized agencies, regional inter-governmental organizations and the non-governmental organizations in consultative status with the Council in the study to be undertaken by the Sub-Commission.¹"

(11) See paragraph 59, resolution 7 (XXI) and annex I.

V

Genocide (12)

"The Commission on Human Rights,
Noting resolution (XXI) of the Sub-Commission on Prevention of Discrimination
and Protection of Minorities;

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

The Economic and Social Council,

Taking note of resolution ... (XXV) of the Commission on Human Rights;

1. Invites States Parties to the Convention on the Prevention and Punishment of
the Crime of Genocide to transmit to the Secretary-General, in time for it to be available
to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its
twenty-second session information on the measures adopted to give effect to the
Convention;

2. Urgently calls upon all States empowered to do so to ratify the Convention on
the Prevention and Punishment of the Crime of Genocide or to accede to it, if they have
not already done so;

3. Approves the decision adopted by the Sub-Commission in resolution 8 (XX) to
undertake a study of the question of the prevention and punishment of the crime of
genocide;

4. Authorizes the Sub-Commission to designate, from among its members, a
Special Rapporteur to carry out that study;

5. Requests the Secretary-General to give the Special Rapporteur and the Sub-
Commission all the necessary assistance¹².

(12) See paragraph 135, resolution 8 (XXI) and Annex I.

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

"The Commission on Human Rights

Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-first session (E/CN.4/976)."

ANNEX I

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

1. In the course of its twenty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a total of eight resolutions, several of which have financial implications. Prior to the adoption of these resolutions, the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted estimates of their financial implications. In some cases, the draft resolutions on the basis of which the estimates were submitted were amended before their adoption. Where such amendments materially affected the estimates already submitted to the Sub-Commission, the estimates have been revised to reflect the new requirements.
2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the proposals of the Sub-Commission require the Secretary-General to enter into commitments in 1969, the Secretary-General would need to seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to meet these expenses initially under the terms of General Assembly resolution ... (XXIII) on unforeseen and extraordinary expenses for the financial year 1969. Requests for additional credits would thereafter be included, as appropriate, in the supplementary estimates for 1969 which the Secretary-General will submit to the General Assembly at its twenty-fourth session. Appropriate provision for expenditures falling in 1970 will be included in the initial budget estimates for that year.
3. Resolution 1 (XXI) - Review of further developments in fields in which the Sub-Commission has been concerned.

This resolution recommends that the Commission on Human Rights request the Secretary-General to prepare, for each session of the Sub-Commission, a resumé of those parts of the periodic reports on human rights which relate to matters falling within the terms of reference of the Sub-Commission.

The Secretary-General informed the Sub-Commission that he would, if requested by the Commission on Human Rights, prepare annually a brief resumé of parts of the periodic reports falling within the purview of the Sub-Commission, and that no additional expense would be involved.

4. Resolution 2 (XXI) - Procedure for dealing with communications relating to violations of human rights and fundamental freedoms.

This resolution establishes, pending confirmation by the Commission on Human Rights and the Economic and Social Council, a working group composed of three members of the Sub-Commission, the task of which will be to sift communications relating to violations of human rights before the next annual meeting of the Sub-Commission in August 1969. The working group consists of Mr. M. Mohammed Abu Rannat (Sudan), Chairman; Mr. Antonio Martinez Baez (Mexico) and Mr. John P. Humphrey (Canada). For the purpose of determining the financial implications of this resolution, the following assumptions were made:

- (a) since the working group will meet immediately before the 1969 session of the Sub-Commission, no costs would arise with respect to travel of members of the group;
- (b) the working group would hold two meetings a day for not more than five working days;
- (c) interpretation in two languages (English and Spanish) would be required;
- (d) no documentation in addition to that normally supplied to the Sub-Commission will be required, except for the report of the working group.

Should the Commission on Human Rights or the Economic and Social Council confirm the Sub-Commission's decision, the Secretary-General would seek the approval of the Committee on Conferences to hold the meeting of the working group in August 1969. Should that Committee give its approval, the Secretary-General would undertake to service the meetings: the only additional expense involved would be \$570* for subsistence of members of the working group.

In addition, the draft resolution submitted to the Commission on Human Rights and the Economic and Social Council in resolution 2 (XXI) would authorize the Sub-Commission to appoint a working group consisting of not more than five of its members, to meet at least once a year, for a period not exceeding ten days immediately before the sessions of the Sub-Commission, to consider all communications relating to human rights with a view to bringing to the attention of the Sub-Commission those communications, together with the replies of Governments, if any, which appear to reveal a consistent pattern of gross violations of human rights and fundamental freedoms. If the draft resolution should be adopted by the Council, the Sub-Commission could appoint the first such working group at its 1969 session, and the working group would hold its first meeting immediately before the Sub-Commission's 1970 session.

* 5 days per diem at \$38 for three members.

For the purpose of determining the financial implications of the draft resolution, the following assumptions were made:

- (a) Since the working group will meet immediately before the annual sessions of the Sub-Commission, no costs would arise with respect to travel of members of the group;
- (b) The working group would hold two meetings a day for not more than ten working days;
- (c) Interpretation in four languages would be required;
- (d) No documentation in addition to that normally supplied to the Sub-Commission will be required, except for a ten-page report of the working group.

Should the Commission on Human Rights and the Economic and Social Council adopt the draft resolution, the Secretary-General would seek the approval of the Committee on Conferences to hold the meetings of the working group in 1970 and annually thereafter, immediately before the annual sessions of the Sub-Commission. Upon the approval of the Committee the Secretary-General would undertake to service the meetings: the only additional expense involved would be \$1,900* annually for subsistence of members of the working group for meetings at United Nations Headquarters, New York. If the session of the Sub-Commission is held at Geneva, as for example it is planned for 1970, one member of the Sub-Commission's secretariat would be required to attend, involving an additional \$170** for subsistence. In that case, however, the subsistence of members of the working group would be reduced to \$1,200***.

In paragraph 2 of the draft resolution the Secretary-General is requested:

- "(a) to furnish to the members of the working group every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief indication of them together with the text of any replies received from governments;
- "(b) to make available to the members of the working group at their meetings the originals of such communications on the list as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications;
- "(c) to circulate to the members of the Sub-Commission in the working languages the originals of such communications as are referred to the Sub-Commission by the working group".

* 10 days per diem at \$38 for five members.
** 10 days per diem at \$17.
*** 10 days per diem at \$24 for five members.

The requests in sub-paragraphs (a) and (b) could be absorbed by assignment of the existing staff of the Division of Human Rights. The request in sub-paragraph (c) would involve translation into the working languages of the Sub-Commission of such communications as are referred to the Sub-Commission by the working group, at a cost of approximately \$12.50 per page per language. It is not possible to estimate in advance the number of pages to be translated.

In operative paragraphs 4 and 5 of the draft resolution, the Sub-Commission:

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

- (a) whether it requires a thorough study by the Commission and a report and recommendation thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII).
- (b) whether it may be a subject of an investigation by an ad hoc committee to be appointed by the Council after obtaining the consent of the State concerned to the investigation being pursued, provided that the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or the State concerned wishes to have recourse to other procedures in accordance with general or special international agreements to which it is a party;

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

- (a) the composition of the committee shall be determined by the Council,
- (b) the committee shall use such modalities of procedure as it may deem appropriate, with authority to receive communications and hear witnesses, as necessary,
- (c) the committee's proceedings shall be conducted in private meetings and all communications shall be kept confidential,
- (d) the committee shall report to the Commission on Human Rights and to the Council with such observations and suggestions as it may deem appropriate;"

The appointment by the Council of ad hoc committees to carry on investigations, envisaged in operative paragraphs 4 and 5 would involve extra costs, the amount of which could only be determined when the composition and terms of reference of such ad hoc committees are known.

5. Resolution 5 (XXI) - Protection of Minorities

The draft resolution submitted to the Commission on Human Rights and the Economic and Social Council in resolution 5 (XXI) would approve the decision of the Sub-Commission in its resolution 9 (XX) to proceed with the study of the protection of minorities as

envisaged therein, and would authorize the Sub-Commission to designate a special rapporteur from amongst its members to carry out the study. The nature and scope of the proposed study is not fully clarified in resolution 5 (XXI), but presumably it would follow the normal pattern of studies undertaken by the Sub-Commission and would thus involve, as a first step, the preparation of country monographs relating to each Member State.

Prior to the adoption of resolution 5 (XXI), the Sub-Commission was informed^{1/} that the Division of Human Rights was staffed to deal simultaneously with the two studies of the Sub-Commission already in progress, scheduled to be completed in 1969, and that a new study involving the preparation of a country monograph for each Member State could be undertaken only after one of the pending studies had been completed.

Should the Commission on Human Rights and the Economic and Social Council adopt the draft resolution recommended by the Sub-Commission in resolution 5 (XXI), staff members assigned to one of the pending studies will, when that study has been completed, be re-assigned to a new study. At this stage provision is being included in the 1970 budget estimates to cover the costs of a special rapporteur on this question in an amount of \$2,250 to provide for his round trip travel to Headquarters and subsistence for approximately three weeks.

6. Resolution 7 (XXI) - Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.

In this resolution, the Sub-Commission decided to appoint, subject to approval by the Commission on Human Rights and the Economic and Social Council, Mr. Mohammed Awad (United Arab Republic) as its special rapporteur to carry out a study on the question of slavery and the slave trade within the terms of Economic and Social Council resolution 1330 (XLIV). In a draft resolution attached to resolution 7 (XXI), the Sub-Commission recommends that the Commission on Human Rights and the Economic and Social Council confirm its decision and requests the Secretary-General to provide all necessary assistance to the special rapporteur and the Sub-Commission.

In operative paragraph 1 of resolution 1330 (XLIV) the Sub-Commission is authorized to undertake a study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of

^{1/} E/CN.4/Sub.2/SR.546, p.1.

apartheid and colonialism. In operative paragraph 2 of the resolution, the Sub-Commission is further authorized to initiate a study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations.

The new study proposed in resolution 7 (XXI) would accordingly differ in nature and scope from the pending studies of the Sub-Commission, in which a special rapporteur prepares a report based on country monographs describing the existing situation and the action being taken by Governments.

It may be expected that the special rapporteur will undertake to prepare a preliminary report for presentation to the Sub-Commission at its twenty-second session in 1969 and that the Sub-Commission will at that time establish a programme of further work. The special rapporteur would then prepare a further report for the twenty-third session of the Sub-Commission in 1970 and possibly a final one for the twenty-fourth session in 1971.

The financial implications of the resolution are the following:

For the preparation of the preliminary report in 1969, it is envisaged that the special rapporteur would travel to New York Headquarters and spend about one week working with the Secretariat. It is estimated that the cost of his travel and subsistence would amount to some \$1,560*.

The preparation of the report in 1970 would entail for the special rapporteur travel to the headquarters of various competent specialized agencies, regional inter-governmental organizations and non-governmental organizations as well as travel to New York Headquarters and a stay of approximately two weeks working with the Secretariat. The round trip transportation and subsistence for the special rapporteur are estimated at \$2,200**.

The preparation of the final report in 1971 would involve travel by the special rapporteur to New York Headquarters and a stay of not more than four weeks working with the Secretariat. It is estimated that the cost of travel and subsistence of the special rapporteur for his work in 1971 would amount to some \$2,430***.

* Round trip Cairo to New York (first class)	\$1,286
Subsistence for 7 days in New York	\$ 266
Total	\$1,552
** Round trip, Cairo to New York (first class)	\$1,286
Subsistence for ten days in Geneva and London, en route to New York	\$ 240
Subsistence for 16 days in New York	\$ 608
Total	\$2,134
*** Round trip Cairo to New York (first class)	\$1,286
Subsistence for 30 days in New York	\$1,140
Total	\$2,426

It may be assumed that the final report prepared by the special rapporteur, following consideration by the Sub-Commission, the Commission and the Council, will be printed in three languages in 1971 or 1972. On the basis of a publication of not more than 100 pages (6 x 9 format), the related costs are estimated at \$4,200.

Should the recommendation of the Sub-Commission be adopted, expenditures totalling approximately \$10,390 would arise; \$1,560 of this amount would be incurred in 1969, \$2,200 in 1970, \$2,430 in 1971 and \$4,200 in 1971 or 1972.

7. Resolution 8 (XXI) - Genocide

In resolution 8 (XXI) of 22 October 1968, the Sub-Commission recommends a draft resolution for adoption by the Commission on Human Rights and the Economic and Social Council by which the Council would approve the decision adopted by the Sub-Commission in the same resolution to undertake a study of the question of the prevention and punishment of the crime of genocide, would authorize the Sub-Commission to designate, from among its members, a special rapporteur to carry out the study, and would request the Secretary-General to give the special rapporteur and the Sub-Commission all the necessary assistance.

The nature and scope of the proposed study of the question of the prevention and punishment of the crime of genocide is not fully clarified in resolution 8 (XXI).

However, it would appear that the proposed study would be comparable in certain respects to the study on the question of slavery and the slave trade referred to above, and would not require the preparation of country monographs.

It may be expected that the special rapporteur will undertake to prepare a preliminary report for presentation to the Sub-Commission at its twenty-third (1970) session, and that the Sub-Commission will at that time establish a programme of further work.

The financial implications of the resolution are the following:

The preparation of the preliminary report in 1970 would entail for the special rapporteur travel to New York Headquarters and a stay of approximately three weeks working with the Secretariat. The round trip transportation and subsistence cost for the special rapporteur are estimated at \$2,100*.

* Round trip to New York (first class)	\$1,200
Subsistence for 16 days in New York	\$ 874
Total	\$2,074

The preparation of the final report in 1971 would involve travel by the special rapporteur to New York Headquarters and a stay of not more than four weeks working with the Secretariat. It is estimated that the travel and subsistence expenses of the special rapporteur for his work in 1971 would amount to some \$2,340*.

It may be assumed that the final report prepared by the special rapporteur, following consideration by the Sub-Commission, the Commission and the Council, will be printed in three languages in 1972 or 1973. On the basis of a publication of not more than 100 pages (6 x 9 format), the related costs are estimated at \$4,200.

Should the recommendation of the Sub-Commission be adopted, expenditures totalling approximately \$8,640 would arise; \$2,100 of this amount would be incurred in 1970, \$2,340 in 1971 and \$4,200 in 1972 or 1973.

* Round trip to New York (first class)	\$1,200
Subsistence for 30 days	\$1,140
Total	\$2,340

ANNEX II

LIST OF DOCUMENTS BEFORE THE SUB-COMMISSION AT ITS TWENTY-FIRST SESSION

1. Documents issued in the general series:

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|---|--|
| E/CN.4/Sub.2/287 and Corr.1
(E only) | Provisional agenda and annotations to the provisional agenda (note by the Secretary-General) |
| E/CN.4/Sub.2/288 | Special study of racial discrimination in the political, economic, social and cultural spheres (draft report submitted by the Special Rapporteur, Mr. Hernán Santa Cruz) |
| E/CN.4/Sub.2/289 | Study of equality in the administration of justice (draft report submitted by the Special Rapporteur, Mr. Mohammed Ahmed Abu Rannat) |
| E/CN.4/Sub.2/290
and Add.1 and 2 | Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism (note by the Secretary-General) |
| E/CN.4/Sub.2/291
and Add.1 and 2 | Review of further developments in fields with which the Sub-Commission has been concerned |
| E/CN.4/Sub.2/292
and Add.1 | Review of further developments in fields with which the Sub-Commission has been concerned - Discrimination in Education (memorandum submitted by the United Nations Educational, Scientific and Cultural Organization) |
| E/CN.4/Sub.2/293 | Review of further developments in fields with which the Sub-Commission has been concerned (memorandum submitted by the International Labour Office) |

2. Documents issued in the limited series:

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|---------------------------------|--|
| E/CN.4/Sub.2/L.492 | Report of the working group established under resolution 10 (XX) of the Sub-Commission |
| E/CN.4/Sub.2/L.493 | Organization of work |
| E/CN.4/Sub.2/L.494
and Rev.1 | Review of further developments in fields with which the Sub-Commission has been concerned: draft resolution submitted by Mr. J.P. Humphrey and Mr. E. Schiller |

- E/CN.4/Sub.2/L.495 Review of further developments in fields with which the Sub-Commission has been concerned. Text of resolution 1 (XXI) adopted by the Sub-Commission at its 536th meeting on 9 October 1968
- E/CN.4/Sub.2/L.496 and Rev.1 Procedure to be adopted for considering communications relating to the prevention of discrimination and protection of minorities: draft resolution submitted by Mr. Abu Rannat, Mrs. P. Asiyo, Mr. J.P. Humphrey and Mr. Nath Pai
- E/CN.4/Sub.2/L.497 Procedure to be adopted for considering communications relating to the prevention of discrimination and protection of minorities: draft resolution submitted by Mr. Ferrari-Bravo
- E/CN.4/Sub.2/L.498 Study of equality in the administration of justice: draft resolution submitted by Mr. Schiller
- E/CN.4/Sub.2/L.499 Protection of minorities: "Outline of the possible scope of future studies" submitted by Mr. Schiller
- E/CN.4/Sub.2/L.500 Text of resolution 2 (XXI) adopted by the Sub-Commission at its 541st meeting on 14 October 1968 (resolution on procedure for dealing with communications relating to violations of human rights and fundamental freedoms)
- E/CN.4/Sub.2/L.501 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries: draft resolution submitted by Mr. J.P. Humphrey
- E/CN.4/Sub.2/L.502 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries: paragraph for inclusion in the report of the Sub-Commission to the Commission on Human Rights submitted by Mr. Mohammed A. Abu Rannat
- E/CN.4/Sub.2/L.503 and Corr.1 and Add.1-10 Draft report of the twenty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights

- E/CN.4/Sub.2/L.504 Protection of minorities: draft resolution submitted by Mr. J.P. Humphrey and Mr. Nath Pai
- E/CN.4/Sub.2/L.505 Protection of minorities: amendment to draft resolution E/CN.4/Sub.2/L.504 submitted by Mr. Zeltner
- E/CN.4/Sub.2/L.506 Special study of racial discrimination in the political economic, social and cultural spheres: draft resolution submitted by Mr. P. Calvocoressi
- E/CN.4/Sub.2/L.507 and Rev.1 Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: draft resolution submitted by Mr. Peter Calvocoressi
- E/CN.4/Sub.2/L.508 Consideration of the future work of the Sub-Commission (note by the Secretary-General)
- E/CN.4/Sub.2/L.509 Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: amendments to the draft resolution (E/CN.4/Sub.2/L.507/Rev.1) of Mr. Calvocoressi submitted by Mr. Nath Pai
- E/CN.4/Sub.2/L.510 Text of resolution 7 (XXI) adopted by the Sub-Commission at its 553rd meeting on 22 October 1968 (resolution on the question of slavery and the slave-trade).
- E/CN.4/Sub.2/L.511 Genocide: draft resolution submitted by Mr. F. Capotorti