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Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada (1966).

ALWD 7th ed.

. Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada (1966).

APA 7th ed.

(1966). Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada. Ottawa, Published by the Authority of the Honourable Lucien Cardin Minister of Justice and Attorney-General of Canada.

Chicago 17th ed.

Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada. Ottawa, Published by the Authority of the Honourable Lucien Cardin Minister of Justice and Attorney-General of Canada.

McGill Guide 9th ed.

Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada (Ottawa: Published by the Authority of the Honourable Lucien Cardin Minister of Justice and Attorney-General of Canada., 1966)

AGLC 4th ed.

Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada (Published by the Authority of the Honourable Lucien Cardin Minister of Justice and Attorney-General of Canada., 1966)

MLA 9th ed.

Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada. Ottawa, Published by the Authority of the Honourable Lucien Cardin Minister of Justice and Attorney-General of Canada. HeinOnline.

OSCOLA 4th ed.

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HATE LEGISLATION IN OTHER COUNTRIES*
AUSTRALIA

"Crimes Act 1914-1960"

Section 24A

An intention to effect any of the following purposes, that is to say –

.....

(g) to promote feelings of ill-will and hostility between different classes of Her Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth, is a seditious intention.

24B – (1) A seditious enterprise is an enterprise undertaken in order to carry out a seditious intention.

(2) Seditious words are words expressive of a seditious intention.

24C – Any person who –

(a) engages in or agrees or undertakes to engage in, a seditious enterprise;

(b) conspires with any person to carry out a seditious enterprise;

(c) counsels, advises or attempts to procure the carrying out of a seditious enterprise, shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

24D – (1) Any person who writes, prints, utters or publishes any seditious words shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

(2) A person cannot be convicted of any of the offences defined in this or the preceding section upon the uncorroborated testimony of one witness.

24E – (1) An offence under either of the last two preceding sections shall be punishable either on indictment or summarily, but shall not be prosecuted summarily without the consent of the Attorney-General.

*This material was assembled from several primary and secondary sources, particularly the citations in Natan Lerner op. cit., and reports prepared for the Committee by the Department of External Affairs.

(2) If any person who is prosecuted summarily in respect of an offence against either of the last two preceding sections, elects, immediately after pleading, to be tried upon indictment, the Court or Magistrate shall not proceed to summarily convict that person but may commit him for trial.

(3) The penalty for an offence under either of the last two preceding sections shall, where the offence is prosecuted upon indictment, be imprisonment for any period not exceeding three years, and, where the offence is prosecuted summarily, shall be imprisonment for a period not exceeding twelve months or a fine not exceeding One hundred pounds or both.

24F – (1) Nothing in the preceding provisions of this Part makes it unlawful for a person –

.....

(d) to point out in good faith, in order to bring about their removal, any matters that are producing, or have a tendency to produce, feelings of ill-will or hostility between different classes of persons or

(e) to do anything in good faith in connection with an industrial dispute or an industrial matter.

30A – (1) The following are hereby declared to be unlawful associations, namely:-

.....

(b) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section twenty-four A of this Act.

(1A) Without limiting the effect of the provisions of the last preceding subsection, any body of persons, incorporated or unincorporated, which is, in pursuance of the next succeeding section, declared by the High Court or the Supreme Court of a State to be an unlawful association, shall be deemed to be an unlawful association for the purposes of this Act.

(2) Any branch or committee of an unlawful association, and any institution or school conducted by or under the authority or apparent authority of an unlawful association, shall, for all the purposes of this Act, be deemed to be an unlawful association.

30AA – (1) The Attorney-General may apply to the High Court or to the Supreme Court of a State for an order calling upon any body of persons, incorporated or unincorporated, to show cause why it should not be declared to be an unlawful association.

(7) If cause to the contrary is not shown to the satisfaction of the Court, it may make an order declaring the respondent body of persons to be an unlawful association.

30D – (1) Any person who –

- (a) gives or contributes money or goods to an unlawful association; or
- (b) receives or solicits subscriptions or contributions of money or goods for an unlawful association, shall be guilty of an offence.

Penalty: Imprisonment for six months.

(2) For the purposes of this section the printer and the publisher of a newspaper or periodical which contains any solicitation of subscription or contributions of money or goods for an unlawful association, or any notification or indication as to places where or persons to whom payment or delivery may be made of subscriptions or contributions of money or goods for an unlawful association, shall be deemed to solicit subscriptions or contributions of money or goods for an unlawful association.

30E – (1) No book, periodical, pamphlet, handbill, poster or newspaper issued by or on behalf or in the interest of any unlawful association shall –

- (a) if posted in Australia, be transmitted through the post; or
- (b) in the case of a newspaper, be registered as a newspaper under the provisions of the Post and Telegraph Act 1901–1923.

(2) Any newspaper registered under that Act, which is issued by or on behalf or in the interests of any unlawful association, shall be removed from the register.

(3) Any book, periodical, pamphlet, handbill, poster or newspaper posted in Australia, the transmission of which would be a contravention of this Act, shall be forwarded to the General Post Office of the State in which it was posted, and shall be forfeited to the Commonwealth and shall be destroyed or disposed of as the Postmaster-General directs.

30F – Any person who knowingly prints, publishes, sells or exposes for sale or who circulates or distributes any book, periodical, pamphlet, handbill, poster or newspaper for or in the interests of or issued by any unlawful association shall be guilty of an offence.

Penalty: Imprisonment for six months.

30FA – (1) The imprint appearing upon any book, periodical, pamphlet, handbill, poster or newspaper shall, in any proceedings under this Part, be *prima facie* evidence that the book, periodical, pamphlet, handbill, poster or newspaper was printed or published by or on behalf of, or in the interests of, the person or body of persons specified in the imprint.

(2) For the purposes of this section, "imprint" means a statement of the name and address of the printer or of the publisher of the book, periodical, pamphlet, handbill, poster or newspaper with or without a description of the place where it is printed.

30FB – (1) The Postmaster-General may cancel any licence issued, under the Wireless Telegraphy Act 1905-1919 and the regulations thereunder, in respect of any broadcasting station from which is broadcast –

(a) any propaganda or advocacy in favour of any object specified in subparagraph (i) to (iii) of paragraph (a) of sub-section (1.) of section thirty A of this Act; or

(b) any seditious matter, and, where any license so issued has expired, may refuse to renew the license.

(2) For the purposes of this section –

"broadcasting station" means a station for the purpose of broadcasting messages by means of wireless telegraphy;

"seditious matter" means any propaganda or matter disclosing a seditious intention as defined by section twenty-four A of this Act.

AUSTRIA

Constitutional Law Regarding the Ban of the N.S.D.A.P. (National Socialist German Workers' Party).

Art. 1, Para. 1

8th May, 1945.

The N.S.D.A.P., its defence formations (S.S., S.A., N.S.K.K., N.S.F.K.), its units and affiliated bodies, as well as all National Socialist organizations and institutions generally, are dissolved; their establishment is prohibited.

Para. 3

It is forbidden to be active on behalf of the N.S.D.A.P. or its aims even outside the framework of these organizations.

Para. 3a

(Amended by the Constitutional Law of 6th Feb., 1947).

Guilty of a crime punishable by death and forfeiture of all his or her property shall be:

- (i) whoever attempts to maintain or reestablish a legally dissolved National Socialist organization or to contact such an organization or

a person acting on its behalf; the term National Socialist organizations Para. 1) shall apply to: the N.S.D.A.P., S.S., S.A., N.S.K.K., N.S.F.K., the National Socialist Soldiers' Ring, the National Socialist Officers Federation, all other units of the N.S.D.A.P. and its affiliated bodies, as well as every other National Socialist organization;

- (ii) whoever establishes an association with the purpose of undermining, through the activity of its members in a National Socialist spirit, the sovereignty and independence of the Republic of Austria or public peace and Austria's reconstruction, or whoever plays a leading part in such an association;
- (iii) whoever furthers the consolidation of an organization or association described under 1 and 2 canvassing for members by providing funds, or by any similar organization or association with arms, means of transport or equipment for the transmission of information; or, in any similar manner, facilitates or supports the activities of such an organization;
- (iv) whoever produces, obtains or holds in readiness arms, means of transport or equipment for the transmission of information for such an organization.

Para. 3 b-c

(Provisions regarding punishment).

Para. 3 d

Whoever, publicly or in the presence of a number of people, through printed matter, publications or pictorial representations, invites, instigates or induces others to perform a prohibited act as set out under Para. 1. or Para. 3, and particularly who, for this purpose, glorifies or praises the objectives of the N.S.D.A.P. its institutions or measures, shall be punished by imprisonment with hard labour for a period of 10 to 20 years and with forfeiture of his or her entire property, provided that the crime is not subject to a more severe punishment.

Paras. 3 e-f

(Provisions regarding murder, robbery and arson committed in the course of National Socialist activities).

Para. 3 g

- (i) Whoever carries on activities, other than those described under Paras. 3a to 3f, in a National Socialist spirit, shall be punished by imprisonment with hard labour for a period from 5 to 10 years, or – in

case the act or the perpetrator are considered particularly dangerous — up to 20 years, provided that the act is not subject to more severe punishment under other provisions. Forfeiture of property may also be inflicted.

- (ii) (Provisions regarding obligation to inform the authorities).

Law on the Ban of Badges

Art. 1

5th April, 1960

- (1) Badges of an organization banned in Austria must not be worn, displayed, depicted or distributed. The term Badge shall cover emblems, symbols and distinguishing marks.
- (2) The ban, according to para. 1, extends also to emblems which by their similarity or by their obvious purpose can be used as a substitute for one of the emblems mentioned under Para. 1.

Penal Code 1945

Art. 302

Incitement to Hostile Acts against National Groups, Religious Communities, Corporate and Similar Bodies.

Whoever invites, instigates or induces others to hostile acts against the various nationalities (national groups), religious or other communities, particular social classes or estates or against legally recognized bodies, or whoever generally invites, instigates or induces citizens of the State to form hostile groupings against each other, shall be guilty of an offence punishable by imprisonment of from three to six months, provided the act is not subject to more severe punishment.

DENMARK

Civil Penalty Code

Law Decree No. 284 of July 1st, 1963, Par. 266 b

Whosoever through the circulation of false rumors or accusations persecutes or incites hatred against a group of the Danish population because of the faith, origin, or civic status of that group, shall be punished with ordinary imprisonment, or, under extenuating circumstances, shall be fined. If the rumors or accusations are exhibited either in printed matter or in any other way whereby they have reached wider publicity the punishment is ordinary imprisonment or, under aggravating circumstances, imprisonment up to one year.

FEDERAL GERMAN REPUBLIC
Basic Law for the Federal German Republic

Art. 9, Para. 2

(1949)

Associations whose aims or whose activities are contrary to the Criminal Laws, or which are directed against the constitutional order or against the idea of understanding among peoples are prohibited.

Art. 18

Whoever misuses, for the fight against the free democratic basic order, the freedom of expressing opinions, especially the freedom of the press, the freedom of teaching, the freedom of meeting, the freedom of association, the secrecy of correspondence, post and telecommunication, property, or the right of asylum, forfeits these basic rights. The forfeiture and its extent are decided upon by the Federal Constitutional Court.

Penal Code

Art. 96A

(Sixth Amendment, 30th June, 1960.)

(1) Whoever uses publicly, at meetings, in publications distributed by him, in records, pictures, or presentations, insignia of:

1. a party declared unconstitutional by the Supreme Court according to Article 21, para. 2 of the Basic Law.
2. An association non-appealably banned according to Article 9, para. 2 of the Basic Law, or
3. a former National Socialist organization, shall be punished by imprisonment up to three years – unless such insignia are used within the framework of civic enlightenment, in the defence against unconstitutional endeavours and similar purposes.

(2) Insignia in the meaning of para. 1 are, in particular flags, badges, pieces of uniform, slogans and forms of salutes.

Art. 130

Whoever attacks the human dignity of others, in a manner capable of disturbing public peace, by

1. incitement to hatred against parts of the population,
2. calling for violent or arbitrary measures against them,

3. insulting them, maliciously exposing them to contempt or slandering them,
shall be punished by imprisonment of not less than three months. In addition,
a fine may be *imposed*.

FRANCE

Decree of April 21, 1939, amending the Law of July 29, 1881, on Freedom of the Press.

Art. 32, para. 2

La diffamation commise . . . envers un groupe de personnes . . . qui appartiennent, par leur origine, à une race ou à une religion déterminée, sera punie d'une emprisonnement d'un mois à un an et d'une amende de 500 à 10,000 fr. lorsqu'elle aura eu pour but d'exciter à la haine entre les citoyens ou habitants.

Art. 32, para. 2 (Translation)

Defamation committed . . . against a group of persons . . . who belong, by their origin, to a race or to a determinate religion, will be punished by imprisonment from one month to one year and a fine of 500 to 10,000 fr. when it is done with the aim of inciting hatred between citizens or inhabitants.

GREECE

Penal Code (Act No. 1492 of 17 August, 1950):

Art. 192. A person who provokes or incites in public in any manner citizens to acts of violence against each other or to reciprocal hatred and by this act disturbs communal peace is punishable with imprisonment up to two years, if no severer punishment shall be inflicted under other provisions of the law.

Art. 199. A person who maliciously in public in any manner insults the Eastern Orthodox Church of Christ or any other religion permitted in Greece is punishable by imprisonment up to two years.

Art. 200 (1) A person who maliciously tries to hinder or intentionally disturbs a religious meeting of worship or ceremony permitted by the Constitution is punishable by imprisonment up to two years.

(2) A person who commits acts of insulting behaviour in a church or in a place designed for religious meetings is punishable by the same punishment.

INDIA

For section 153A of the Indian Penal Code (thereinafter referred to as the Code), the following section shall be substituted, namely, —

“153A. Whoever — —

Promoting enmity between different groups on grounds of religion, race, language, etc., and doing acts prejudicial to maintenance of harmony.

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes, or attempts to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities and which disturbs or is likely to disturb the public tranquillity, shall be punished with imprisonment which may extend to three years, or with fine, or with both.”

ITALY

Regulations for the Implementation of the Twelfth Transitional and Final Provisions of the Constitution.

Law 645 of the 20th June, 1952

Art. 1

Reconstitution of the dissolved Fascist Party.

The dissolved Fascist Party shall be considered as having been reconstituted if any association or movement pursues anti-democratic aims characteristic of the Fascist Party, by advocating, threatening or using violence as a means of political action; advocating the suppression of democratic freedoms guaranteed by the Constitution, disparaging democracy, democratic institutions and the ideals of the resistance movement, or engaging in racial propaganda, or if any such association or movement devotes itself to commending and praising the representatives, principles and acts of the said party or organizes public activities of a Fascist character.

Art. 2

Penalties.

Any person convicted of promoting or organizing, in any form, the reconstitution of the dissolved Fascist Party, within the meaning of the previous article, shall be liable to penal servitude (reclusione) for from three to ten years.

The leaders of the association or movement shall be liable to the same penalty; any member shall be liable to penal servitude for up to two years.

If the association or movement assumes, wholly or partly, the character of an armed or paramilitary organization, or uses violent means of action, the promoters, leaders and organizers of the said association or movement shall be liable on conviction to penal servitude for from five to twelve years and members shall be liable to penal servitude for from one to three years.

Without prejudice to the provisions of paragraph 1 of Article 29 of the Criminal Code, the conviction of promoters, organizers or leaders shall in all cases entail loss of the rights and offices listed in paragraph 2, subparagraphs 1 and 2 of article 28 of the Criminal Code, for a period of five years. The conviction of members shall entail loss of the rights specified in paragraph 2, subparagraph 1, of Article 28 of the Criminal Code, for the same period of five years.

Art. 3

Dissolution and confiscation of property.

If reconstitution of the dissolved Fascist party is proved and sentence is passed the Minister of the Interior shall, after consulting the Council of Ministers, order the dissolution of the association or movement and the confiscation of its property.

In special cases of necessity or urgency, the Government shall, whenever any of the cases specified in Article 1 occurs in practice, proceed to dissolve the association or movement and confiscate its property by decree-law, in accordance with paragraph 2 of Article 77 of the Constitution.

Art. 4

Condonation of Fascism.

In addition to the cases listed in Article 1, any person who publicly commends or praises the representatives, principles, acts or methods of Fascism, or the anti-democratic aims characteristic of the Fascist party, shall be liable to penal servitude for up to two years and a fine of up to 500,000 lire.

The sentence shall be increased if the offence is committed through the press or any other means of publicity or propaganda.

Conviction shall entail loss of the rights listed in paragraph 2, subparagraph 1 of Article 28 of the Criminal Code, for a period of five years.

Art. 5

Fascist activities.

Any person who by his utterances, behavior, or in any other manner, publicly engages in activities characteristic of the dissolved Fascist party shall be liable to imprisonment for up to three months and a fine of up to fifty thousand lire.

Art. 6**Increased penalties.**

The prescribed penalties shall be increased if the convicted person has concealed any of the charges specified in Article 1 of Law 1453 of 23rd December, 1947, or has been convicted of collaboration, even if amnestied for such collaboration.

The prescribed penalties shall also be increased in the case of any person convicted of having financed in any way the association or movement, or any press publication, for the performance of acts specified as punishable offences in the preceding articles.

NETHERLANDS

Code of Penal Law of 15 April, 1886

Art. 137 c

Amendment of 19th July, 1934

Any one deliberately and publicly expressing himself either in speech or in writing, or by means of a pictorial representation, in a manner offensive to a group of the population or a group of persons belonging partly to the population, is liable to imprisonment for a maximum of one year or to a fine of a maximum of 600 guilders.

Art. 137 d, 1

Any one publishing, distributing, exhibiting or posting a publication or pictorial representation containing a defamatory expression concerning a group of the population or a group of persons belonging partly to the population or having in store such a publication or pictorial representation in order publicly to exhibit, distribute or post it — provided he knows or has serious reasons to assume that such defamatory view is contained in it is liable to imprisonment for a maximum of six months or to a fine of a maximum of 600 guilders.

Art. 137 d, 2

Any one bringing the contents of such publication to public knowledge will be liable to the same punishment.

Art. 137 d, 3

Any one guilty of any of the offences herein described and committing them in the course of carrying out his occupation, may be deprived of the right to pursue his occupation if less than five years have elapsed since his last final conviction for a similar offence.

NORWAY

Penal Code

Article 135 (May 22, 1902)

Whoever endangers the public peace by publicly deriding or inciting to hatred against the constitution of the state or against public authority or by publicly inciting one section of the population against another or participating in it will be punished by fines or by detention or imprisonment up to one year.

Amendment to Art. 135 (June 9, 1961)

The same penalty shall befall anyone who publicly insults or provokes hatred or contempt of an ethnic group on account of its creed, extraction or origin or who threatens such a group or spreads false accusations about it. Participation will be punished in like manner.

SWEDEN

Penal Code (January 1, 1965)

Chapter 16

OF CRIMES AGAINST PUBLIC ORDER

- Sec. 6. If a person publicly spreads a false rumor or other untrue assertion apt to arouse a danger to public subsistence or to public order or security, he shall be sentenced for *spreading socially harmful rumor* to pay a fine or to imprisonment for at most two years.
- Sec. 8. If a person publicly threatens, slanders or vilifies an ethnic group having a certain origin or religious creed, he shall be sentenced for *agitation against ethnic group* to imprisonment for at most two years or, if the crime is petty, to pay a fine.

SWITZERLAND

Decision of the Federal Council concerning Propaganda Material endangering the State (29th December, 1948)

Art. 1

The Federal Attorney is instructed to impound, in co-operation with the Federal Customs and Postal Authorities, such propaganda material as is conducive to jeopardising the internal and external security of the Swiss Confederation, in particular Switzerland's independence, neutrality, her relationship to foreign states, her political, especially democratic institutions, or the interests of national defence, as well as literature and articles of a character hostile to religion.

The Federal Council decides on the confiscation.

UNITED NATIONS DOCUMENTS

Convention¹ on the Prevention and Punishment of the Crime of Genocide.
(Adopted by the General Assembly of the United Nations on 9 December 1948).

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96(I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

⁽¹⁾ Came into force on 12 January 1951, the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession, in accordance with article XIII.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the state in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the Parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a process-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
- (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV;
- (e) The abrogation of the Convention in accordance with article XV;
- (f) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

Universal Declaration of Human Rights
(Adopted by U.N. General Assembly on December, 10th, 1948).

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter re-affirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier

penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and

medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

United Nations Declaration on the Elimination of all Forms of Racial Discrimination.

(Adopted by The U.N. General Assembly on November 21, 1963)

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by

means of legislative, administrative or other measures, in the form, inter alia, of apartheid, segregation and separation, as well as by the promotion and dissemination of doctrine of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. *Solemnly affirms* the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;
2. *Solemnly affirms* the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;
3. *Proclaims* this Declaration:

Article 1

Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the grounds of race, colour or ethnic origin.
2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.
2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of apartheid, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour, or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

Article 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.
2. All incitement to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.
3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

Article 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, and shall fully and faithfully observe the provisions of the present Declaration, the

Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

**Measures Taken in the Implementation of the United Nations
Declaration on the Elimination of all Forms of Racial Discrimination.**

(Resolution adopted by the U.N. Economic and Social Council on July 28, 1965)

The Economic and Social Council.

Bearing in mind resolutions 5 and 6 (XVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission resolved to continue to review further developments in the field of elimination of all forms of racial discrimination and decided to carry out in the light of the Declaration on Elimination of All Forms of Racial Discrimination a special study of racial discrimination in the political, economic, social and cultural spheres,

Noting that the question of measures of implementation of the Declaration of Elimination of All Forms of Racial Discrimination is included in the agenda of the forthcoming session of the General Assembly,

Bearing in mind the special importance of the speedy implementation in practice of the Declaration on Elimination of All Forms of Racial Discrimination,

1. *Welcomes* the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake in the light of the Declaration a special study of racial discrimination in the political, economic, social and cultural spheres;
2. *Asks* the Secretary-General to give necessary assistance to the Sub-Commission in preparation of this study;
3. *Requests* the Commission on Human Rights to include on the agenda of its twenty-second session the question "Measures for the speedy implementation of the Declaration on Elimination of All Forms of Racial Discrimination;"
4. *Decides* to maintain on the agenda of the Council's next session the question of the Measures for the speedy implementation of the Declaration on Elimination of All Forms of Racial Discrimination;
5. *Requests* the Secretary-General to submit to the forty-first session of the Council a further report on the action taken by Member States, the United Nations Organization, the specialized agencies, and inter-governmental regional organizations directed towards the implementation of the Declaration on the Elimination of All Forms of Racial Discrimination and propaganda.

**International Convention On The Elimination Of All
Forms Of Racial Discrimination**

(Resolution adopted by the U.N. General Assembly on December 21, 1965, Res. 2106(XX).

A

The General Assembly,

Considering that it is appropriate to conclude under the auspices of the United Nations an International Convention on the Elimination of All Forms of Racial Discrimination,

Convinced that the Convention will be an important step towards the elimination of all forms of racial discrimination and that it should be signed and ratified as soon as possible by States and its provisions implemented without delay,

Considering further that the text of the Convention should be made known throughout the world,

1. *Adopts* and opens for signature and ratification the International Convention on the Elimination of All Forms of Racial Discrimination, annexed to the present resolution;
2. *Invites* States referred to in article 17 of the Convention to sign and ratify the Convention without any delay;
3. *Requests* the Governments of States and non-governmental organizations to publicize the text of the Convention as widely as possible, using every means at their disposal, including all the appropriate media of information;
4. *Requests* the Secretary-General to ensure the immediate and wide circulation of the Convention and, to that end, to publish and distribute its text;
5. *Requests* the Secretary-General to submit to the General Assembly reports concerning the state of ratifications of the Convention, which will be considered by the General Assembly at future sessions as a separate agenda item.

*1406th plenary meeting,
21 December 1965.*

ANNEX

*International Convention on the Elimination of All Forms of
Racial Discrimination*

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or

exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
- (c) Political rights, in particular the rights to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;

- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) The right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a

view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.
4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States Parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States Parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States Parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties to the dispute in accordance with paragraph 6 of this article.
8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the States Parties and containing such recommendations as it may think proper for the amicable solution of the dispute.
2. The Chairman of the Committee shall communicate the report of the Commission to each of the States Parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.
3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in sub-paragraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two-thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

B

The General Assembly,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Bearing in mind its resolution 1654 (XVI) of 27 November 1961, which established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the application of the Declaration and to carry out its provisions by all means at its disposal,

Bearing in mind also the provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination contained in the annex to resolution 2106 A (XX) above,

Recalling that the General Assembly has established other bodies to receive and examine petitions from the peoples of colonial countries,

Convinced that close co-operation between the Committee on the Elimination of Racial Discrimination, established by the International Convention on the Elimination of All Forms of Racial Discrimination, and the bodies of the United Nations charged with receiving and examining petitions from the peoples of colonial countries will facilitate the achievement of the objectives of both the Convention and the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recognizing that the elimination of racial discrimination in all its forms is vital to the achievement of fundamental human rights and to the assurance of the dignity and worth of the human person, and thus constitutes a pre-emptory obligation under the Charter of the United Nations,

1. *Calls upon* the Secretary-General to make available to the Committee on the Elimination of Racial Discrimination, periodically or at its request, all information in his possession relevant to article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;
2. *Requests* the Special Committee on the Situation with regard to the Implementation of the Granting of Independence to Colonial Countries and Peoples, and all other bodies of the United Nations authorized to receive and examine petitions from the peoples of the colonial countries, to transmit to the Committee on the Elimination of Racial Discrimination,

periodically or at its request, copies of petitions from those peoples relevant to the Convention, for the comments and recommendations of the said Committee;

3. *Requests* the bodies referred to in paragraph 2 above to include in their annual reports to the General Assembly a summary of the action taken by them under the terms of the present resolution.

*1406th plenary meeting,
21 December 1965.*