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Fifth Session

SUMMARY RECORD OF THE HUNDRED AND THIRTY-THIRD MEETING

Held at Lake Success, New York,
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<u>Rapporteur:</u>	Mr. MALIK	Lebanon
<u>Members:</u>	Mr. HOOD	Australia
	Mr. WOULBROUN	Belgium
	Mr. SAGUES	Chile
	Mr. CHANG	China
	Mr. SOERENSEN	Denmark
	Mr. LOUFTI	Egypt
	Mr. CASSIN	France
	Mr. GARCIA BAUER	Guatemala
	Mrs. MEHTA	India
	Mr. ENTEZAM	Iran
	Mr. INGLES	Philippines
	Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. PAVLOV	Union of Soviet Socialist Republics
	Miss BOWLE	United Kingdom
	Mr. MORA	Uruguay
	Mr. VILEAN	Yugoslavia

Representative of a specialized agency:

Mr. ARNAIDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
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Consultants from non-governmental organizations:

Category A:

Miss SENDER	American Federation of Labor (AF of L)
Mrs. MEACHER	World Federation of Trade Unions (WFTU)

Category B:

Mr. BERNSTEIN Mr. FRIEDMAN	Co-ordinating Board of Jewish Organizations
Mr. PERLZWEIG	
Mr. MOSKOWITZ	World Jewish Congress
	Consultative Council of Jewish Organizations
Mrs. HYMER	International Federation of Business and Professional Women
Miss ROBB	International Federation of University Women
Mrs. AIETA	Catholic International Union for Social Service
Miss SCHAEFER	International Union of Catholic Women's Leagues

Secretariat:

Mr. HUMPHREY	Representative of the Secretary-General
Miss KITCHEN	Secretary of the Commission

/RIGHT

RIGHT OF PETITION (E/CN.4/316, E/CN.4/347)

The CHAIRMAN announced that the representative of Lebanon had presented an amendment to the joint Guatemala, India and Philippines draft resolution (E/CN.4/316). No other amendment had been submitted.

Speaking as the representative of the United States of America, she stated that, if the Lebanese amendment were adopted, she would be unable to vote for the draft resolution because that amendment completely changed its meaning.

Mr. PAVLOV (Union of Soviet Socialist Republics) had already expressed the fear that the entire debate on the right of petition would have to be re-opened as soon as an amendment was submitted because the question had not been discussed sufficiently.

After noting the Lebanese amendment he was obliged to stress that the Council should first of all decide whether organs of appeal should be provided for on a national or on an international basis. In replying to that question, practical considerations as well as considerations of principle should be taken into account.

It was unnecessary to say that in a democratic State every citizen should enjoy the right of petition and should have effective means of appeal. The USSR delegation had wished the Covenant to include an article stipulating that every citizen had the right to participate in the government of the State. In the USSR the right of appeal was provided for at all levels of the government service up to the Praesidium of the Supreme Soviet. The procedure for the consideration of petitions was well established and any neglect on the part of an official to give serious consideration to the merits of complaints was treated as a serious offence. That was so in the USSR but as a general rule there were no violations of human rights which State organs were not competent to handle and which the State was not empowered to remedy.

In those circumstances, what reason would there be to provide for the handling of petitions on an international basis? Only in the case of Trust Territories should direct recourse to the United Nations, or more precisely, to the Trusteeship Council, be provided, because that was the only case where it might be justifiable not to rely completely on

/the responsible

the responsible authorities for the implementation of human rights in those territories. In all other cases, recourse to an international body would have no positive advantage either in principle or in practice.

Such recourse would be contrary in principle to Article 2, paragraph 7, of the Charter because national institutions of Member States were competent to decide upon petitions from their own inhabitants. That competence derived from the fact that the State was sovereign. Furthermore, the possibility of international friction would be increased; any Government could make capital out of the most fantastic and unfounded petitions against another State. Without doubt, the outcome would be an increase in controversy within the United Nations, an entirely negative result.

From a practical standpoint, it would be physically impossible for the United Nations to make the necessary administrative arrangements to ensure the consideration of the individual petitions which the two and a half thousand million inhabitants of the globe might forward. Furthermore, since international organizations were not empowered to redress offences committed within a State, to provide for the right of petition on an international basis would be to create vain illusions. Moreover, because it had recognized that it was unable to handle them, the Commission had not wished to consider petitions from representatives of Greek labour unions and from a Negro organization which included 14 million members, petitions which above all others would have deserved consideration.

The USSR delegation therefore felt that the right of petition should be provided for on a national basis except in the case of Trust Territories.

It was not without reason that the General Assembly in its resolution 217 (III) considered the right of petition "as...recognized in the Constitutions of a great number of countries". The purport of that phrase was clear: it was a question of extending the system already in effect in a great many States to other countries. In requesting the Council to ask the Commission on Human Rights "to give further examination to the problem of petitions when studying the draft Covenant on human rights and measures of implementation", it had wished to stress the necessity of providing for an effective means of appeal because without it the right of

petition would be worthless. Far from considering that it was urgent to reach a solution, as the second paragraph of the draft resolution (E/CN.4/316) stated, the Assembly had preferred to take no decision until the problem had been given sufficient consideration, believing that in that question it was advisable to proceed cautiously in order not to adopt the wrong course.

In order to take those considerations into account, Mr. Pavlov requested that the phrase "action provided for by the General Assembly" should be substituted in the first paragraph of the draft resolution for the words "appropriate action".

He also proposed an amendment to the second paragraph and asked the sponsors of the draft resolution whether they would accept the phrase "democratic organizations" instead of the single word "organizations", for the reasons already given and also in order to make it clear that fascist organizations such as the Ku Klux Klan or the Malange could not send petitions to the United Nations. He requested, furthermore, that a separate vote should be taken on the word "urgency", the word "individuals" and the word "groups".

With regard to the operative part, he did not see why it was necessary to request the Secretary-General through the Economic and Social Council to do something which he was evidently competent to undertake. Neither did he see the use of sub-paragraph (b) which referred to the current work of the Secretariat.

Mr. GARCIA BAUER (Guatemala) said that he would accept the USSR amendment to add the word "democratic" before the word "organizations" if the USSR representative would vote for the draft resolution thus amended.

Mr. PAVLOV (Union of Soviet Socialist Republics) replied that he would vote for the draft resolution if the representative of Guatemala accepted his amendment and if he agreed to delete the words "individuals" and "groups" in the second paragraph.

Mr. SOERENSEN (Denmark) asked the representative of Guatemala whether he would agree to word sub-paragraph (b) of the operative part to read "in the study referred to" instead of "under the procedure suggested in the study referred to".

Mr. GARCIA BAUER (Guatemala) accepted the Danish amendment but not the last USSR amendment.

Mr. MALIK (Lebanon) stated that he had presented his amendment because, after the interventions by the representatives of France and India, he had been afraid that amendments might be submitted which in his opinion would have weakened the meaning of the draft resolution. Furthermore, since a final date had been set for the submission of amendments, he had introduced an amendment to retain the full force of the draft resolution. He noted however, that no other amendment had been formally submitted and was therefore ready to withdraw his own. He asked, however, whether the sponsors of the draft resolution would accept a slight modification, which would be to add at the end of the second paragraph after the word "petitions" the words "in the event of a violation of human rights".

After consulting the sponsors of the draft resolution, the CHAIRMAN announced that that amendment had been accepted and would therefore be incorporated in the text.

The Chairman put to the vote the amendment to the first paragraph of the draft resolution. If the amendment were adopted, the paragraph would read as follows:

"Noting that the Economic and Social Council has, by its resolution 191 (VIII), transmitted to the Commission for action contemplated part B of resolution 217 (III) of the General Assembly concerning the problem of the right of petition".

That amendment was rejected by 6 votes to 2, with 8 abstentions.

The CHAIRMAN put to the vote the original text of the first paragraph.

That text was adopted by 10 votes to 3, with 4 abstentions.

The CHAIRMAN put to the vote the USSR amendment to the second paragraph which proposed replacing the word "organizations" by the phrase "large democratic organizations".

That amendment was rejected by 8 votes to 3, with 6 abstentions.

The CHAIRMAN put to the vote the words "considering the importance" at the beginning of the second paragraph.

Those words were adopted by 10 votes to none, with 7 abstentions.

The CHAIRMAN put to the vote the words "and urgency".

The words were adopted by 8 votes to 5, with 4 abstentions.

The CHAIRMAN put to the vote the words "of the question of the right of".

Those words were adopted by 9 votes to 1, with 6 abstentions.

The CHAIRMAN put to the vote the words "individuals, groups".

Those words were adopted by 10 votes to 4, with 3 abstentions.

The CHAIRMAN put to the vote the remainder of the phrase, "and organizations to present petitions on violations of human rights".

The phrase was adopted by 10 votes to 1, with 6 abstentions.

The paragraph as a whole was adopted by 10 votes to 4, with 3 abstentions.

The third paragraph was adopted by 10 votes to none, with 7 abstentions.

The fourth paragraph was adopted by 10 votes to none, with 7 abstentions.

The fifth paragraph was adopted by 10 votes to 1, with 6 abstentions.

Sub-paragraph (a) of the operative part was adopted by 10 votes to none, with 7 abstentions.

Sub-paragraph (b) of the operative part was adopted by 10 votes to 2, with 5 abstentions.

The draft resolution as a whole was adopted by 10 votes to 4, with 3 abstentions.

Miss BOWIE (United Kingdom) explained that she had abstained from voting on all the paragraphs except the last because in her opinion it was premature to proceed at that time to a further study of the question. She had voted against sub-paragraph (b) of the operative part because it was for the Commission itself to decide in what circumstances communications concerning human rights could be accepted.

Mr. SOERENSEN (Denmark) had voted for the draft resolution and for sub-paragraph (b) of the operative part, as the procedure suggested was perfectly normal. It was the Secretariat's duty to furnish the material which would guide the Commission in its work.

Mr. ENTEZAM (Iran) explained that he had voted against the draft resolution as a whole in order to be consistent with the position adopted by his delegation in regard to a previous draft resolution.

Mr. PAVLOV (Union of Soviet Socialist Republics) had voted against the whole draft resolution, not only because of the procedure which had been followed but also for the following reasons: the draft resolution virtually requested the Secretary-General to distort the provisions of the Charter; its adoption would increase the possibility of international friction; the draft resolution was contrary to Article 2, paragraph 7, of the Charter; finally and principally, because of the rejection of the USSR proposal that the right of appeal should be given to democratic organizations only. The Commission's vote would have the deplorable result of making it possible for fascist organizations to call upon the United Nations to consider their complaints.

Mr. LOUTFI (Egypt) had abstained from voting on the resolution as a whole as he thought it premature to embark on the suggested study.

Mr. CHANG (China) had abstained because, if the Declaration on Human Rights and later the Covenant were to be applied, every effort should first be made to find some practical measures to promote co-operation between nations. Any possibility of mutual recrimination and friction should therefore be reduced. The resolution gave too much weight to negative action.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) added the following reason to those given by members who, like himself, had voted against the resolution: the resolution did not give any real right to petitioners.

Mr. VILFAN (Yugoslavia) saw no need to repeat the reasons for which he had voted against the resolution as a whole; the Commission was familiar with them. He would, therefore, confine himself to pointing out, on the one hand, that he had voted against the last

paragraph of the recital as the further study proposed therein was, in reality, merely an excuse to go back on an earlier decision taken by the Commission and, on the other hand, that he had voted against subparagraph (b) of the operative part, as it established a dangerous precedent by assigning the Secretariat functions outside its competence.

DRAFT QUESTIONNAIRE ON IMPLEMENTATION (E/CN.4/327)

Joint draft resolution submitted by France and Egypt (E/CN.4/346)

The CHAIRMAN, speaking as United States representative, said that she had intended proposing some slight amendments to the questionnaire but would not do so as they were only of minor importance. She was, therefore, prepared to accept the draft questionnaire in its existing form, and supported the draft resolution submitted by France and Egypt.

Mr. LOUTFI (Egypt) thought that the questionnaire would enable the Commission to find out the views of the various Governments on questions of interest to them. He congratulated the Secretariat on having prepared such a very complete document. After replies from Governments had been received the Commission would have all the necessary material to take an authoritative decision on measures of implementation. In view of the great number of questions it contained, it was obvious that the questionnaire was not rigid; Governments would reply to the questions they thought useful, and would disregard the others. The Commission should adopt the Franco-Egyptian draft resolution and should circulate the questionnaire to the various Governments for further discussion.

Mr. CASSIN (France) agreed with the Egyptian representative; as there would be no discussion of the questionnaire if the Franco-Egyptian draft resolution were adopted, the French text of the draft resolution (E/CN.4/346) should be brought into line with the English wording by saying at the beginning of the second paragraph "ayant pris note" instead of "ayant pris connaissance".

The CHAIRMAN, in reply to Mr. GARCIA BAUER (Guatemala) who wished to know whether Governments were expected to reply by a certain date, said, with the Commission's approval that the words "by 1 January 1950" should be added at the end of the draft resolution.

Mr. SHANN (Australia) thought that Governments would wish to include provisions in regard to economic and social rights different from those on civil rights. The questionnaire should therefore, also refer to measures for the implementation of economic and social rights if the Commission were to decide to include in the Covenant articles on those particular rights. He proposed the following wording: "In the event of the inclusion of the economic and social articles in the Covenant, what would be your view on the most appropriate means of implementation?"

Mr. PAVLOV (Union of Soviet Socialist Republics) could not understand how the Commission could approve a questionnaire containing 160 questions which it had not had time to study. The Commission's good reputation required that all questions should be carefully considered. The question which should have appeared at the beginning of the questionnaire had not been included. He therefore suggested that the following be added at the beginning of the questionnaire:

"Is it necessary to have in the text of the convention or in the protocol attached to it or in a separate document any articles providing for international measures and the setting up of international institutions for the implementation of human rights and freedoms, or should these questions be left within the competence of each State as the particular concern of each country and people?" (E/CN.4/349)

Further, he could not support the draft resolution which had been submitted. He wondered how the Commission would be able to examine at its following session, replies from 59 Member States to each of the 160 questions contained in the Secretariat's document. He therefore suggested that the following draft resolution be adopted:

"THE COMMISSION ON HUMAN RIGHTS

"TAKES NOTE of the questionnaire on the implementation of the Covenant on Human Rights prepared by the Secretariat;

"THANKS the Secretariat for its speedy accomplishment of that task in accordance with the Commission's resolution of 8 June 1949; and

"DECIDES to defer the consideration of that question until its next session."

Mr. LOUTFI (Egypt) explained that it was not a matter of approving the questions contained in the document but of taking a decision which would ensure that, on the whole, replies from Governments to those questions would enable the Commission to continue its work at its following session with full knowledge of the facts.

Mr. CASSIN (France) shared the Egyptian representative's view: the questionnaire was not a list of rights to be protected. Governments could reply to the questions quite freely or could even disregard them. He therefore called on the Commission to decide upon the questionnaire's distribution to Member States.

The CHAIRMAN put to the vote the USSR draft resolution. The draft resolution was rejected by 10 votes to 3, with one abstention.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that he would bow to the decision of the majority on the principle of the questionnaire's transmission to Member States, but urged the inclusion of the additional question proposed by his delegation (E/CN.4/349).

The CHAIRMAN announced that the Commission would be asked to vote on the inclusion in the questionnaire of the two additional questions submitted by the Australian and the USSR representatives.

Mr. ENTEZAM (Iran) proposed that the French and Egyptian draft resolution (E/CN.4/346) should be amended so as to provide also for the transmission of the two additional questions. That would save the Commission the need to take a decision on the principle of their inclusion in the questionnaire.

Mr. Charles MALIK (Lebanon) suggested that the Secretariat be asked simply to add two additional questions to its draft questionnaire.

Mr. HUMPHREY (Representative of the Secretary-General) had no objection to that being done.

Mr. GARCIA BAUER (Guatemala) reminded the Commission that the questionnaire had been modelled on certain documents and proposals, in accordance with the resolution of 8 June 1949. The question which the USSR delegation wished included in the questionnaire was not within the scope of the questionnaire as defined by those documents. It raised the very important problem of how far the Charter's provisions applied to the respect of the sovereignty of Member Nations in regard to which the views of certain States had changed considerably since the San Francisco Conference. The additional question proposed by the USSR could not, therefore, be immediately included in the questionnaire: a vote should first be taken. He was opposed to the inclusion of that question as the problem it raised would require careful consideration and very detailed discussion.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) stated that a vote should be taken on whether to delete the USSR question and not on its inclusion, as the Secretariat had agreed to include it in its draft questionnaire.

Mr. GARCIA BAUER (Guatemala) argued that the Secretariat could have included that question in its questionnaire only if there had been no opposition in the Commission.

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the question proposed by his delegation was not new, as it had been dealt with already in a statement by the USSR representative on 18 May 1948 (E/CN.4/154). That document should have been taken into consideration in drafting the questionnaire but, as it had been overlooked, the omission should be corrected without any other formality. The Commission did not appear to have been inspired solely by the proposals mentioned in the introduction to the questionnaire as none of those proposals had required the quite inopportune inclusion of the question of the implementation of the proposed instruments in Non-Self-Governing and Trust Territories which nevertheless appeared on page 13 of the questionnaire. Moreover, it was not the only question which seemed to have been included on the Secretariat's initiative.

The CHAIRMAN did not think that the Secretariat could amend the questionnaire of its own accord if there was any objection on the part of some members of the Commission. The Commission should, therefore, decide on the inclusion of each of the two additional questions proposed.

The Australian question was worded as follows: "In the event of the inclusion of the economic and social articles in the covenant, what would be your view on the most appropriate means of implementation?"

The Commission decided by 10 votes to one, with 4 abstentions to include that question in the questionnaire.

Mr. VILFAN (Yugoslavia) had voted in favour of that question's inclusion in spite of his position of principle on the means of implementation, as he thought that it would be wrong to refuse certain delegations the right to make any additions to the questionnaire they thought necessary.

Mr. CASSIN (France) thought that the question raised by the USSR should be put before Member States, but would prefer it to be done in a more objective form.

The CHAIRMAN put to the vote the USSR additional draft question (E/CN.4/349) on whether means of implementation of human rights should be of an international character, or whether they should remain within the individual competence of each State.

It was decided to include that question in the questionnaire by 10 votes to none, with 4 abstentions.

The draft resolution put forward by France and Egypt (E/CN.4/346) was adopted by 10 votes to none, with 3 abstentions, with the addition at the end of the words: "before 1 January 1950".

REPORT OF THE COMMITTEE ON COMMUNICATIONS (E/CN.4/302)

The CHAIRMAN asked the Commission to examine the draft report of the Committee on Communications.

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the report contained three draft resolutions which should be examined separately.

The USSR delegation would not vote for resolution A, because it thought that the Commission could not take note of a confidential list by itself, without knowing the exact purport of each of the communications in it. Moreover, most of those communications were absurd complaints or were motivated by anger or hatred and could not be taken seriously. The solution adopted the previous year had been a better one; the Committee had not then considered it necessary to submit the list to a vote by the Commission. Only the complaints received from Trust Territories should be retained, since the Charter had only made provision for the right of petition in the case of those territories: such complaints, which usually dealt with cases of discrimination, should be transmitted to the Sub-Commission for the Prevention of Discrimination. The Commission had no need to deal with the rest, as long as the question of the right of petition against violations of human rights, which had been postponed for further study, had not been finally decided on.

The CHAIRMAN pointed out that the Sub-Commission was already seized of communications regarding discrimination.

Mr. GARCIA BAUER (Guatemala) noted that draft resolution B stated that in the future each Member State concerned would receive a copy of any communication regarding human rights. As he saw it, the meaning of the words "State concerned" should be made clear. In point of fact, all communications regarding the territory of Belize, occupied by the United Kingdom but belonging to Guatemala, directly concerned the latter and it was Guatemala which should receive copies of such communications.

Mr. MORA (Uruguay) thought that the text of the resolution might be amended in order to satisfy the Guatemalan delegation.

Mr. GARCIA BAUER (Guatemala) thought it would be enough to draw the Secretary-General's attention to the fact that all communications regarding violations of human rights in the territory of Belize concerned Guatemala.

Mr. DUQUESNE (United Kingdom) observed that the text of the resolution was perfectly clear. The copy was to be addressed to the State having jurisdiction over the territory from which the communication was received. The question of the territory of Belize was currently

the subject of a legal dispute. Until that dispute was settled, it could not be claimed that the territory was under Guatemalan jurisdiction. Consequently, the copies of communications received from that territory should not be addressed to Guatemala.

The CHAIRMAN said that the Commission was not competent to settle a dispute of that kind. When the verdict had been given, the Secretary-General would no doubt comply with its provisions.

Mr. GARCIA BAUER (Guatemala) pointed out that the dispute might only be settled after long delay, and since Guatemala was not represented on the Economic and Social Council, it was unable to uphold its point of view there. His delegation wished, therefore, to make clear its position with regard to the application of paragraph (e) of resolution 75 (V) of the Council, as it would be affected by resolution B, if the latter were adopted.

Mr. PAVLOV (Union of Soviet Socialist Republics) observed that, by providing that the identity of the originator of the communication would not be divulged, the resolution would simply encourage anonymous and slanderous denunciations. He did not see the use of transmitting such communications to the State concerned since it could not act on them if they were justified nor defend itself against false accusations, if they were merely slanderous. The USSR delegation did not see the point of asking the Secretary-General to go through bundles of anonymous letters, which could only contain documents insulting Governments.

The same objection held good in the case of draft resolution C which, by asking the Secretary-General to compile a confidential list of such communications, would to some extent legalize their anonymity.

The CHAIRMAN observed that the copy provided for in draft resolution B was only to be addressed to the State concerned and consequently could not be slanderous, since it would be confined to that State.

Mr. ENTEZAM (Iran) thought that the procedure contemplated in draft resolution B was of great advantage, since it would permit States which were not represented on the Economic and Social Council, nor on the Commission on Human Rights, nor the Committee on Communications, to be

informed of complaints made against them and to supply explanations if needed. Even if the complaints were absurd or not worthy of consideration, it was to the advantage of the State concerned to have knowledge of them.

In answer to a question by Mr. VILFAN (Yugoslavia), Mr. HUMPHREY (Representative of the Secretary-General) explained that, with regard to States represented on the Commission, the Secretary-General would henceforth communicate to them, before each session, a non-confidential list containing a summary of communications dealing with the principles on which the universal respect for human rights was based. Other communications regarding human rights would be put on a confidential list which would be communicated, as in the past, to the Commission at a private meeting. The States mentioned in such complaints, whether or not represented on the Commission, would receive a copy of the communication which concerned them and no longer only a brief summary.

The CHAIRMAN put to the vote the three draft resolutions contained in the report of the Committee on Communications (E/CN.4/302).

Draft resolution A was adopted by 9 votes to none, with 4 abstentions.

Draft resolution B was adopted by 11 votes to 2, with 1 abstention.

Draft resolution C was adopted by 9 votes to 3, with 2 abstentions.

Mr. GARCIA BAUER (Guatemala) stated, with regard to draft resolution B in document E/CN.4/302, that communications regarding violations of human rights in the Guatemalan territory of Belize should be addressed by the Secretariat of the United Nations to Guatemala, which was the country to which that territory belonged. He requested that his statement should be attached to the resolution and included in the Commission's report to the Economic and Social Council.

It was with that interpretation in mind that the Guatemalan delegation had voted for draft resolution B.

Miss BOWLE (United Kingdom) stated that her delegation did not accept the interpretation of the Guatemalan delegation and disputed the assertion that the territory of Belize belonged to Guatemala.

REPORT OF THE COMMITTEE ON THE TRUSTEESHIP QUESTIONNAIRE (E/CN.4/334,
E/CN.4/348)

The CHAIRMAN asked the Commission to consider the report of the Committee on the Trusteeship Questionnaire (E/CN.4/334) which contained a draft recommendation from the Economic and Social Council to the Trusteeship Council, proposing the addition of supplementary questions to the Provisional Questionnaire and requesting the Trusteeship Council to ask the Administering Authorities to guarantee respect for human rights in the Trust Territories.

Mr. CASSIN (France) said that he was satisfied with the report as a whole, but proposed that the word "progressive" should be inserted before the word "measures" in the second paragraph of the resolution (E/CN.4/348). That adjective appeared in the passage in the Universal Declaration of Human Rights on which the text of the Committee's resolution was based. Furthermore, it was in accordance with common sense and justice to lay down that the common ideal set forth in the Declaration, the fulfilment of which would demand a certain length of time even in European territories, could only be achieved gradually in the Trust Territories.

Mr. INGLES (Philippines) accepted the French amendment because its effect would be to bring the text of the resolution closer to the wording of the Universal Declaration of Human Rights.

The CHAIRMAN put the French amendment to the vote.

The amendment was adopted by 8 votes to none, with 5 abstentions.

The CHAIRMAN asked the Commission to vote on the draft resolution as amended.

The draft resolution as amended was adopted by 12 votes to none,
with 2 abstentions.

Mr. PAVLOV (Union of Soviet Socialist Republics) had abstained from voting, because the second paragraph of the resolution did not make it sufficiently clear what measures were to be adopted by the Administering Authorities, and because the addition of the word "progressive" might result in delaying the application of these measures.

ELECTION OF A NEW MEMBER OF THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES (E/CN.4/291, E/CN.4/294, E/CN.4/295)

The CHAIRMAN proposed that Mr. Joseph Winiewicz, the only candidate, nominated by Yugoslavia, the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic, should be declared elected.

It was so decided.

VALIDITY OF THE MINORITIES TREATIES AND DECLARATIONS

The CHAIRMAN suggested that the study of that question should be postponed until a later date, since the Secretary-General had not yet submitted the report contemplated in item 9 of the agenda.

It was so decided.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that, in principle, his delegation was opposed to any study of that topic by the Commission on Human Rights or by the Secretary-General, because all the treaties regarding minorities were based on the Treaty of Versailles which had ceased to exist. It was useless, therefore, to study texts which no longer had any legal value and which no longer applied to the new situation which had emerged from the Second World War. New documents had taken their place, namely, the armistice agreements, where the matter was amply dealt with in relation to the current political situation.

DEFERMENT OF THE CONSIDERATION OF TEXTS SUBMITTED BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

The CHAIRMAN said that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities was currently in session. She therefore proposed that consideration of the matter should be postponed to the following session, to which the Sub-Commission would have submitted the report on its second session.

It was so decided by 12 votes to none, with 2 abstentions.

Mr. PAVLOV (Union of Soviet Socialist Republics) recalled that from the start he had requested the deletion of that item from the agenda,

because the study contemplated was purely technical, its only purpose being to define terms which there was no need to define since they had long been in use and their meaning was known to everyone. That was why he had abstained from voting.

LOCAL HUMAN RIGHTS COMMITTEES

The CHAIRMAN suggested that the consideration of item 11 of the agenda regarding local Human Rights Committees should be postponed until the means of implementation had been dealt with.

It was so decided, by 9 votes to none, with 5 abstentions.

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS (discussion continued):

ADDITIONAL ARTICLES

Right of Asylum (E/CN.4/184, E/CN.4/341)

The CHAIRMAN believed that the Commission on Human Rights should defer consideration of that question until the International Law Commission had completed its study of the matter.

She drew the attention of the members to a French draft resolution (E/CN.4/341) to request the Economic and Social Council to complete its study of the problems of nationality, and to decide on whether to consider the question of political asylum.

Mr. GARCIA BATTER (Guatemala), after recalling that the International Law Commission had instructed Mr. Yepes to prepare a report on the right of asylum, proposed the addition at the end of the French draft resolution of the words: "while taking into consideration the studies of the International Law Commission established by the General Assembly", in order to direct attention to the fact that the International Law Commission was dealing with that matter.

Mr. CASSIN (France) observed that his proposal was to recognize the jurisdiction of the Commission with regard to political rights to the same extent that it had considered itself competent in the field of economic and social rights.

Mr. Cassin accepted the addition proposed by the representative of Guatemala, on the condition that the last phrase of the French draft resolution was retained, because the Economic and Social Council might have occasion to consult organs other than the International Law Commission.

Mr. PAVLOV (Union of Soviet Socialist Republics) considered the French proposal unacceptable. If paragraph 8 of the memorandum by the Secretary-General (E/CN.4/184) were examined, it would be noted that, at its second session, the Commission had decided to examine at an early opportunity: "the question of inclusion of the right of asylum of refugees from persecution in the International Bill of Human Rights or in a special convention for that purpose". It was necessary, therefore, to settle the question of whether it was proper to include an article on the right of political asylum in the covenant. If the Commission decided in the affirmative, Mr. Pavlov would offer an amendment, the text of which he had prepared. Otherwise he would propose the adoption of the following resolutions:

"The Commission on Human Rights

"Having examined the memorandum by the Secretariat (E/CN.4/184) on the question of the right of political asylum; and

"Recognizing that the codification of the right of political asylum is at present being considered by the International Law Commission and that that right may be included in the covenant on human rights,

"Decides to defer the examination of the question of the right of political asylum to the end of the next session of the Commission on Human Rights."

The CHAIRMAN, speaking as United States representative, stated that consideration of the question of the right to nationality and of the right of political asylum was a matter for the International Law Commission and not the Economic and Social Council. For that reason, she proposed to amend the French draft resolution as follows:

(1) In the second part of the recital delete the words:
"by the Economic and Social Council";

(2) Modify the operative part as follows: "Requests the Economic and Social Council to ask the International Law Commission to complete the study of the problems of nationality..."

Mr. CASSIN (France) accepted the first amendment. With regard to the second, he did not favour recognizing the International Law Commission as the sole body with the right to consider problems of that type. In that connexion, he recalled that the Economic and Social Council had already undertaken consideration of the question of statelessness. Mr. Cassin would agree to accept, if it were really necessary,

the following wording: "Requests the Economic and Social Council to ask the International Law Commission in particular...". Otherwise, the work of the Commission would depend indefinitely upon the decisions of other organs.

In reply to the representative of the USSR, Mr. Cassin stated that France had recognized the right of political asylum in its Constitution. Nevertheless, he believed that it would not be proper to draft, hastily, a convention which might run the risk of remaining a dead letter.

Mr. ENTEZAM (Iran) proposed postponing consideration of the question. If, at the following session the International Law Commission had not reached a decision on the matter, the French delegation could always bring up its point.

Mr. INGLES (Philippines) supported the proposal of the Iranian representative.

Mr. CASSIN (France) declared that he would gladly have accepted the proposal to postpone, if the consideration of the question of nationality and of the right of political asylum were on the agenda of the following session of the International Law Commission. But it was not. In order to avoid the difficulties which the Commission had run into in the past, the French delegation believed that it was advisable to proceed forthwith with the necessary studies to enable the Commission to take a decision, at a later date, with full knowledge of the situation.

Mr. GARCIA BAUER (Guatemala) shared the view of the French representative. The International Law Commission would not meet again before June 1950, and the questions of nationality and of the right of political asylum would not appear on the agenda of that session. They would not therefore be considered for another two years.

Mr. Garcia Bauer believed that it should be left to the Economic and Social Council to decide whether that question should be assigned solely to the International Law Commission. He therefore approved the French resolution with the amendment that he had proposed.

The CHAIRMAN put to the vote the Iranian proposal to postpone consideration of the question of the right of political asylum.

That proposal was adopted by 6 votes to 4, with 3 abstentions.

Old age rights

The CHAIRMAN proposed, in the absence of a report by the Secretary-General, that consideration of the above should be postponed to a later date.

It was so decided.

Economic and social rights: articles submitted by the USSR delegation (E/CN.4/313).

The CHAIRMAN proposed that the Commission should consider the additional articles for the second part of the draft covenant (E/CN.4/313).

On behalf of the United States delegation, she proposed reconsidering the decision adopted the previous day to put those articles to the vote, because of the adoption at the morning meeting of the Danish resolution to request the Secretary-General to submit a report on those articles after having asked the opinions of Governments.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that the additional articles concerning the right to work, equality of rights between men and women, and trade union rights had been tabled sufficiently early and should be put to the vote immediately. Moreover, that was what the Commission had itself decided the previous day. Mr. Pavlov denounced the repeated attempts to avoid putting those articles to the vote. That was a discriminatory procedure, without precedent in the United Nations. He urged that votes on those articles be taken immediately so that millions of the world's workers could recognize who were their true protectors. Any subterfuge designed to delay the voting would prove to the working class that the Commission had no intention of meeting its needs.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) also protested against the attempts made by the Commission to postpone indefinitely the vote on the USSR proposal.

Mrs. MEHTA (India) stated that she was not prepared to vote on those articles, as they had not been thoroughly discussed. The fact was that the previous day's discussion bore on their inclusion in the covenant and not on the text itself.

Mr. SAGUES (Chile) supported the Chairman's proposal to go back on the previous day's decision. Those articles raised questions of fundamental importance that had not been thoroughly discussed.

The fact was that the article proposed by the USSR on the right to work (E/CN.4/196/Rev.1 and E/CN.4/313) stated that "It is the duty of the State to guarantee to everyone the right to work and to choose his occupation..." That was not possible, according to Mr. Sagues, except in a system where the State itself controlled the country's economic life. Further, that system inevitably involved another aspect: the obligation to work with all the necessary police system. The majority of countries could not accept such a system, for it did not conform to the true principles of democracy.

Mr. Sagues recalled that article 10 of the Chilean Constitution guaranteed, within the framework of a democratic system, protection of the workers, based on suitable labour legislation, a system of social insurance and numerous other benefits. But the proposal of the USSR was too radical and required long discussion that was hardly possible at that hour.

Mr. SOERENSEN (Denmark) would vote for the Chairman's proposal, not for the reasons stated by the representative of Chile, but because it was logical to defer the vote on those articles in view of the adoption of the Danish proposal.

Miss BOWIE (United Kingdom) stated that her delegation would vote for the Chairman's proposal for the reasons stated by the representative of Denmark, despite the fact that it was the delegation of the United Kingdom which had the previous day proposed the consideration of the articles in question.

Mr. MORA (Uruguay) shared the opinion of the United Kingdom representative. He had requested, the previous day, the postponement of the vote on those articles pending submission of the Danish proposal which had later been adopted.

In response to Mr. MALIK (Lebanon), the CHAIRMAN stated that after the vote on whether a vote should be taken, there would be a second vote to decide how the articles should be dealt with.

/Mr. PAVLOV

Mr. PAVLOV (Union of Soviet Socialist Republics) requested discussion of the two articles proposed by the USSR concerning political rights, namely, the right of all citizens to participate in Government and the right of peoples to self-determination (E/CN.4/237 and E/CN.4/218).

The CHAIRMAN observed that it had been decided that all additional articles should be forwarded to Governments for their opinions. She recalled that other delegations had also submitted articles not bearing upon economic and social rights.

In reply to the representative of Lebanon, the Chairman stated that it would be difficult to prolong the session, as some delegations, amongst them those of Denmark, France, India and the United Kingdom, had made arrangements to leave New York the following day.

Mr. PAVLOV (Union of Soviet Socialist Republics) asked whether those representatives could not postpone their departure to permit the Commission to vote on those articles. He made a formal proposal that the Commission prolong its session by at least three days.

The CHAIRMAN put the proposal of the USSR representative to the vote.

That proposal was rejected by 7 votes to 4, with 4 abstentions.

STATEMENTS BY THE REPRESENTATIVES OF THE INTERNATIONAL UNION OF
CATHOLIC WOMEN'S LEAGUES AND OF THE AMERICAN FEDERATION OF LABOR

The CHAIRMAN announced that the representatives of the American Federation of Labor and the International Union of Catholic Women's Leagues had asked to be heard by the Commission.

The International Federation of University Women, which had also asked to speak, had later withdrawn its request.

The Chairman suggested that the Commission should hear the statements of the representatives of the first two organizations concerning economic and social rights.

Mr. SHANN (Australia and Mr. CASSIN (France) supported that proposal.

Miss SCHAEFER (International Union of Catholic Women's Leagues), after stating that her Union attached the highest importance to the realization of economic and social rights, asked the Commission

to give a major consideration in its discussions to the study of the rights of the family which was the basic unit of society.

Concerning equal rights for men and women, she called members' attention to document E/C.2/198 which summarized the Union's views on that question.

Miss Schaefer said that the physiological and psychological differences between men and women did not imply any inferiority on either side. The happiness of men and women as well as of mankind in general required collaboration between the two sexes in accordance with their capacities and talents.

States in their respective legislations should provide protection for women's rights such as:

- (1) Free choice of civil and professional status;
- (2) Educational opportunities at all levels;
- (3) Free access to all professions except those which were incompatible with her dignity and her nature;
- (4) The principle of equal pay for equal work and equal treatment with regard to off-duty activities, holidays with pay, trade union rights and social security, as well as special provisions for the protection of young girls, pregnant women and nursing mothers.

As far as the family was concerned, the Union considered that it was to the interest of men and women as well as of society as a whole that the two spouses should together bring up the family and participate in the education of the children. To that end State legislation should:

- (1) Ensure that the family heritage be placed under the joint management of husband and wife;
- (2) Take steps to improve economic conditions so that the husband might draw a salary sufficient to provide for the needs of the family in order that the wife might devote herself entirely to her home. The wife should, however, be ensured her freedom to follow a profession;
- (3) Recognize the economic value and civilizing influence of woman's work in the home. That work should be rendered easier by the improvement of living conditions.

/Miss SENDER

Miss SENDER (American Federation of Labor) said the workers of the whole world would be very disappointed if their economic and social rights were not specifically guaranteed by the Covenant. Moreover, a Covenant which contained only vague generalities would be of no practical use; suitable international legislation must provide for its implementation.

As far as the draft article concerning the right to work submitted by the USSR (E/CN.4/313) was concerned, Miss Sender remarked that it was not sufficient to guarantee the right to work "in such manner as to create conditions which will exclude the threat of death from hunger or from exhaustion"; effective ways and means to ensure the protection of that right must also be provided.

On the other hand, it must be made clear that the right to work did not entail the obligation to work; for freedom was at least as dear to workers as security.

Miss Sender considered that the International Labour Organization should participate in the implementation of those provisions for, in some countries, they might end in the opposite extreme, namely, the obligation to work under conditions only just sufficient to prevent death from hunger.

Mr. VILFAN (Yugoslavia) regretted that his delegation had been absent at the time when the question of the protection of trade union rights in Greece was considered.

His delegation wished to state that it would have supported the opinion that the Commission was competent to intervene, and it therefore regretted that the latter had not thought itself called upon to do so.

The meeting rose at 7.10 p.m.