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COMMISSION ON HUMAN RIGHTS

Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SEVENTY-NINTH MEETING

Held at Headquarters, New York,
on Friday, 16 April 1954, at 11.20 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. AZMI	(Egypt)
<u>Rapporteur:</u>	Mr. INGLES	Philippines
<u>Members:</u>	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. ORTEGA	Chile
	Mr. CHENG PAONAN)	China
	Mr. HU CHUN)	
	Mr. GHERBAL	Egypt
	Mr. CASSIN)	France
	Mr. JUVIGNY)	
	Mr. ROUSSOS	Greece
	Mr. RAJAN	India
	Mr. PIRACHA	Pakistan
	Mr. BIRECKI	Poland
	Mr. ASIROGLU	Turkey
	Mr. SAPOZHNIKOV	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. LORD	United States of America
	Mr. RODRIGUEZ FABREGAT	Uruguay

Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category B:</u>	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. JOFTES	Co-ordinating Board of Jewish Organizations

PRESENT: (continued)Representatives of non-governmental organizations: (continued)Category B: (continued)

Miss RANDALL

International Federation of
Business and Professional
Women

Miss ROBB

International Federation of
University Women

Mr. JACOBY

World Jewish Congress

Mr. RONALDS

World Union for Progressive
Judaism

Mr. PENCE

World's Alliance of Young Men's
Christian AssociationsSecretariat:

Mr. HUMPHREY

Director of the Division of
Human Rights

Mr. SCHWELB

Deputy Director of the Division
of Human Rights

Mrs. BRUCE)

Mr. DAS)

Secretaries of the Commission

REPORT OF THE TENTH SESSION OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/L.366/Add.7-13) (concluded)

Mr. INGLES (Philippines), Rapporteur, said that the parts of the draft report which the Commission had not yet considered contained some typing errors; he suggested that, in order to save time, they should not be referred to during the meeting but should be left to the Secretariat and Rapporteur for correction.

Document E/CN.4/L.366/Add.7

Mr. INGLES (Philippines), Rapporteur, said that the quotation in paragraph 15 should be preceded by the words "the Sub-Commission".

The first sentence in paragraph 29 should be amended; the end of paragraph 32, from the words "particularly in view of the fact that" onwards, should be deleted and a sentence - which he read out - should be added at the end of paragraph 34.

Mr. NISOT (Belgium) thought that the word "unanime" in the French text of paragraph 7 had been used wrongly, since the Belgian delegation, at least, had considered that the Sub-Commission's work had not been up to standard.

Mr. HOARE (United Kingdom) pointed out that the English text read "it was the consensus of opinion", which did not convey unanimity but merely the general view.

Mr. MOROZOV (Union of Soviet Socialist Republics) agreed with the Belgian representative that paragraph 7 was badly drafted and had the defect of giving a general appreciation of the Sub-Commission's work, whereas the Commission had decided only to take note of the report. It might be better to delete paragraph 7; that did not, of course, mean that he disapproved of the Sub-Commission's work.

Mr. WHITLAM (Australia), while agreeing with the United Kingdom representative, thought that the words "many members of the Commission expressed the opinion that" could be used at the beginning of paragraph 7.

Mr. NISOT (Belgium) felt that the best solution would be to delete paragraph 7; if, however, it was retained in an amended form, the words "in a serious and businesslike manner" could at a pinch be retained but there could scarcely be reference to "a high technical level".

The CHAIRMAN, speaking as the representative of Egypt, pointed out that paragraph 7 was an introduction to the following paragraphs and might be amended to read as follows: "The Commission was generally of the opinion that the Sub-Commission's report contained constructive proposals", the remainder remaining unchanged.

Mr. INGLES (Philippines), Rapporteur, said that the paragraph was based on the views expressed by some delegations and was in keeping with the facts. The draft report embodied many criticisms of the Sub-Commission's work and it was only right that the opposite view should also be reflected. The Australian representative's proposals and those of the Chairman were acceptable, in his opinion, provided that the word "many" before "constructive proposals" was retained.

Mr. MOROZOV (Union of Soviet Socialist Republics) thought it better to say "certain constructive proposals" rather than "constructive proposals".

Mr. NISOT (Belgium) supported the Chairman's proposal, as amended by the USSR representative.

Mr. INGLES (Philippines), Rapporteur, thought that if paragraph 7 was drafted so as to reflect the Commission's general view, the words "some constructive proposals" might be used, but if the Australian representative's proposal was adopted, it would have to read "many constructive proposals". He considered the latter proposal preferable.

Mr. ORTEGA (Chile) concurred in that view, as reproducing the facts more accurately.

Mr. JUVIGNY (France) thought that the phrase "The Commission was generally of the opinion" implied a large majority; that being so, the word "certain" would have to be inserted before "constructive proposals".

Mr. MOROZOV (Union of Soviet Socialist Republics) preferred the expression "Several members of the Commission were of the opinion that", or, better still, the Chairman's proposal with the USSR amendment.

Mr. NISOT (Belgium) proposed that the wording should be: "A number of delegations were of the opinion" and "certain constructive proposals".

Mr. INGLES (Philippines), Rapporteur, and Mr. WHITLAM (Australia) urged that the wording should be "many constructive proposals".

The CHAIRMAN thought that the wording "A number of members were of the opinion that the report of the Sub-Commission contained constructive proposals for action in an important field" might be accepted by all the representatives who had spoken on the matter.

Mr. MOROZOV (Union of Soviet Socialist Republics) accepted that wording, provided that it was understood that his delegation was not included.

Mr. NISOT (Belgium) asked that the record of the meeting should show that that was true also of the Belgian delegation.

After a further exchange of views, in which Mr. INGLES (Philippines), Rapporteur, Mr. RODRIGUEZ FAPREGAT (Uruguay), Mr. MOROZOV (Union of Soviet Socialist Republics) and Mr. HOARE (United Kingdom) took part, the CHAIRMAN proposed that the Commission should adopt his last proposal.

It was so decided.

Mr. ORTEGA (Chile) remarked that paragraph 8 did not allude to the principle that the labourer was worthy of his hire, which his delegation had adduced in support of the view that the rapporteurs and experts of the Sub-Commission should receive honoraria.

Mr. INGLES (Philippines), Rapporteur, explained that paragraph 8 concerned the general debate on the Sub-Commission's report and that accordingly the argument referred to by the Chilean representative should appear in the passage on measures to expedite the work of the Sub-Commission, namely in paragraphs 23 and following in document E/CN.4/L.366/Add.8

Document E/CN.4/L.366/Add.7 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.8

Mr. INGLES (Philippines), Rapporteur, gave notice of an addition to the fourth line of paragraph 10 and amendments to the first and second sentences of paragraph 11.

Mr. ORTEGA (Chile) reminded the Rapporteur that at the 461st meeting his delegation had stated that the definition of the term "minority" was not clear because all the factors to be comprehended in it had not been placed together. He asked that reference should be made in paragraph 6 to that statement.

He also requested the Rapporteur to see that a reference was made in Addendum 8 to the reason for which his delegation believed that independent experts should be appointed and paid.

Document E/CN.4/L.366/Add.8 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.9

Mr. INGLES (Philippines), Rapporteur, mentioned a drafting amendment to paragraph 4, a correction to the first sentence of paragraph 7 and two corrections to the second and third sentences of paragraph 31.

Mr. RODRIGUEZ FABREGAT (Uruguay) drew the Rapporteur's attention to the drafting of paragraph 6. The expression "in view of" seemed to indicate an appraisal. The report should not give sequences of cause and effect but should, in his opinion, record nothing but facts.

Mr. JUVIGNY (France) thought the report might simply state that other members of the Commission had pointed out that there was no need to make special reference to the Non-Self-Governing and Trust Territories, because the study was to be undertaken on a universal basis. That passage could be followed by another sentence which would indicate, without any implication of cause and effect, that the Uruguayan delegation had revised its proposed amendment.

Mr. RODRIGUEZ FABREGAT (Uruguay) thought that, in that case, the report should mention also the essential points of the Uruguayan argument.

Mr. INGLES (Philippines), Rapporteur, said that he had had no intention of introducing a qualitative appraisal into paragraph 6; that passage would be amended to take into account the remarks made by the Uruguayan and French representatives.

Mr. BIRECKI (Poland) thought that it would be useful to mention also that the Polish delegation had incorporated the original Uruguayan text into its own amendment.

Mr. INGLES (Philippines), Rapporteur, said that that remark would also be taken into account.

Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic) proposed that the words "questioned the need for such a decision" in paragraph 33 should be replaced by the words "considered that such a decision was unnecessary".

Document E/CN.4/L.366/Add.9 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.10

Mr. INGLES (Philippines), Rapporteur, said that he had received no proposals for amendments to that part of the report and had found only one typing error, in paragraph 5 of the English text.

Document E/CN.4/L.366/Add.10 was adopted.

Document E/CN.4/L.366/Add.11

Mr. INGLES (Philippines), Rapporteur, read out a phrase to be added to the penultimate sentence of paragraph 6, an amendment to the sixth sentence of paragraph 7, a phrase to supplement the second sentence of paragraph 11 and a new sentence to be included at the end of paragraph 11.

Mr. BIRECKI (Poland) proposed that the word "dialectical" should be deleted from the first sentence of paragraph 8 of the English text.

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed that the seventh sentence of paragraph 9 should be deleted. In his opinion, the present wording of that sentence gave the impression that the Commission had discussed the question whether the members of the proposed commission should be experts or representatives of governments. If that question had been discussed, the USSR delegation would have had a great deal to say in favour of representatives of governments.

Mr. WHITLAM (Australia) pointed out that the United Kingdom representative had raised the question during the debate.

After a brief exchange of views, in which the representatives of Australia, Belgium, Egypt, Pakistan and the Union of Soviet Socialist Republics, as also the Chairman and the Rapporteur, took part, it was decided that the sentence in question should be omitted from the report.

Document E/CN.4/L.366/Add.11 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.12

Mr. INGLES (Philippines), Rapporteur, said that the draft resolutions referred to in paragraph 4 would be reproduced before paragraphs 9, 15 and 18. The first sentence of paragraph 6 would make it clear that the paragraph was a continuation of the expression of the United States representative's views. A new paragraph 25 would be included at the end of the addendum, relating to the views of the representative of France concerning periodic reports and the Yearbook on Human Rights.

The CHAIRMAN pointed out that the two questions were quite separate and it would be preferable to devote a special paragraph to the question of the Yearbook.

Mr. JUVIGNY (France) proposed that the new paragraph 26, concerning the Yearbook, should begin with the words "The representative of France also urged...".

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed a new wording for the second and third sentences of paragraph 23.

Document E/CN.4/L.366/Add.12 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.13

Mr. INGLES (Philippines), Rapporteur, explained that a new chapter should be inserted before the chapter on the adoption of the report, concerning the draft resolution on the place of the next session (E/CN.4/L.385), submitted by the French delegation and adopted by the Commission.

Mr. RODRIGUEZ FABREGAT (Uruguay) pointed out that his delegation had not withdrawn the draft resolution that it had submitted to the seventh session, concerning the establishment of an office of the United Nations high commissioner (attorney-general) for human rights. The text was given in annex II of the report of the ninth session (E/2447, pages 51 to 54) and the Uruguayan delegation had suggested some amendments to it. It had been only lack of time that had prevented the Commission's examining the text at its current session and he therefore thought that the draft resolution should be included in the annexes of the report of the tenth session.

The CHAIRMAN stated that the draft proposal would appear automatically in an annex to the report, as in previous years.

Mr. SCHWELB (Secretariat) stated that, in accordance with the Secretary-General's instructions, it was his duty to draw the Commission's attention to General Assembly resolutions 593 (VI) and 789 (VIII) on the control and limitation of documentation. The Commission might consider whether it was really necessary to reproduce the whole text of the Uruguayan draft resolution in the report of the tenth session, in view of the fact that it was already included in the Commission's last three reports.

The CHAIRMAN said that he quite understood the considerations of economy which had prompted the Assembly's resolutions, but he considered that the Commission was entitled to ask that the text of the Uruguayan draft resolution should be reproduced in the report of the tenth session, since a limited documentation, which would make it necessary to refer to previous reports, could only hamper the smooth conduct of its work.

Mr. RODRIGUEZ FABREGAT (Uruguay) agreed wholeheartedly with the Chairman.

Mr. INGLES (Philippines), Rapporteur, asked the Uruguayan representative to let him have the written text of the amendments which his delegation had submitted to its own draft resolution.

Document E/CN.4/L.366/Add.13 was adopted.

The CHAIRMAN put the draft report as a whole to the vote.

The draft report as a whole (E/CN.4/L.366 and Add.1 to 13) was adopted unanimously.

Mr. MOROZOV (Union of Soviet Socialist Republics) explained that, in voting in favour of the draft report, his delegation had wished to express its agreement with some of the decisions contained in that document, especially the decision to insert in the draft covenants an article under which the provisions of the covenants would be applicable to all the parts of the territories of

States parties, without any exception. The USSR delegation had also supported some of the decisions taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, especially those relating to the prevention of discrimination in education, and the recommendations concerning international respect for the right of peoples and nations to self-determination.

Nevertheless, some other decisions taken by the Commission were to be regretted, in particular with regard to the so-called "measures of implementation" of the draft covenants on human rights, which had no relation to a proper application of the provisions of the covenants and provided for a system of control which would be tantamount to interference in the domestic affairs of States. Moreover, some of the Sub-Commission's useful and constructive suggestions had been amended without good reason; he stressed in particular that the amendments to the resolution on discrimination in employment and occupation would make the Sub-Commission's work more difficult. Lastly, he recalled that his delegation had opposed several other of the Sub-Commission's proposals.

CLOSING ADDRESSES

The CHAIRMAN felt that all members would agree that the present session had been exceptional in several respects: in respect of its length, since it had lasted eight weeks; of the continuity of work, since, with two exceptions, the Commission had met twice a day; and of achievement, in that the Commission had completed the drafting of the covenants on human rights and measures of implementation, had discussed in detail the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and had adopted recommendations on international respect for the right of peoples to self-determination.

The completion of the draft covenants and measures of implementation was the highlight of the session, and in fact of the year, as far as the work of the United Nations was concerned. The peoples of the world had begun to feel some anxiety about the fate of the covenants, under which States would undertake to apply the principles set forth in the Universal Declaration of Human Rights, a document the signature of which had been greeted with joy throughout the world.

While the draft covenants lacked a few provisions - and it was particularly regrettable that an article on the right of property should be one of them - those gaps would certainly be filled subsequently.

The Commission could well be proud of having carried out its task in a generally satisfactory manner and of having been able to resolve the difficult problems referred to it by the General Assembly, in particular the problem of the federal clause. In turn, it had wisely referred to the General Assembly the question of reservations, which was of a political character. While it had been unable to solve the problem of the right of petition, the draft protocol submitted by the Uruguayan delegation, dealing with the establishment of an Office of the United Nations High Commissioner for Human Rights, was still among the Commission's documents and would be examined at later sessions.

It was unfortunate that the length of speeches had made it impossible for the Commission to give the question of the development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms all the attention it deserved; that it had intended to do so at the present session was obvious from the relatively high priority it had given that item on its agenda.

The United States proposals had been brilliantly introduced by that country's representative and would be on the Commission's agenda at its following session.

The Yearbook on Human Rights had been mentioned only briefly by the French representative but the question was on the agenda and it was to be hoped that it, too, could be dealt with at the eleventh session.

The fact that the Commission had met in New York had entailed certain disadvantages. New York was the headquarters of the permanent delegations to the United Nations. The members of the Commission had found themselves in close proximity to the official representatives of their Governments, who had felt it their duty to take a more direct interest in the Commission's work. Consultations between the two categories of representatives had consequently been more frequent and the result had been to delay some of the Commission's decisions and perhaps to give politics a certain ascendancy over technical considerations. Politics tended to make representatives maintain rigid positions, whereas technical experts usually sought conciliation of opposing views.

It was perhaps sub-conscious wisdom on the Commission's part that moved it to prefer to hold its sessions at Geneva, far from temptation and interference, and the same wisdom might move the Secretary-General, in reorganizing the Secretariat, to consider transferring the Division of Human Rights, among other Divisions of the Department of Social Affairs, to Geneva. The Economic and Social Council would then reserve social questions for its summer session, held at Geneva, and the Commission on Human Rights, which would also meet at Geneva, would thus be able to accomplish more work.

Now that the Commission had approved the Rapporteur's report, he wished to thank all the members of the Secretariat for their part, direct or indirect, in facilitating the Commission's work, and he was particularly grateful to the Secretary of the Commission, whose competence, devotion and amiability merited the highest praise.

Mrs. LORD (United States of America) paid a tribute to the Chairman, who had directed the Commission's work with humour, understanding and tact, and to the two Vice-Chairmen and the Rapporteur. She thanked all the members of the Secretariat who had assisted the Commission in its work. The tenth session had undoubtedly been marked by a particularly friendly atmosphere and it represented a constructive stage in the Commission's history. She added that the United Kingdom representative, who had been obliged to leave before the end of the meeting, had asked her to associate him with her remarks.

Mr. RODRIGUEZ FABREGAT (Uruguay) expressed his delegation's gratitude to the Chairman, who in his conduct of the debates had shown personal qualities indispensable for the successful direction of the type of work entrusted to the Commission and had found occasion to state his personal convictions instead of confining himself to a narrow and rigid interpretation of the rules of procedure. He also paid a tribute to the French representative, who had discharged his duties as Vice-Chairman with great competence and devotion, and to the Rapporteur. He regretted that he had been unable to take part in the Commission's work from the beginning of the session and he added that he had been deeply moved by the honour

the Commission had done him in electing him second Vice-Chairman. He thanked all the members of the Secretariat who had contributed to the success of the session, in particular the Secretary of the Commission.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Chairman had once again fully justified the Commission's confidence in him. The fact that, in spite of differences of views on certain points, the Commission had been able to solve many of the difficult problems referred to it was due to a large extent to the Chairman's experience and patience. He was confident that the questions which had been left open could be solved subsequently. In conclusion, he paid a tribute to the Vice-Chairmen, the Rapporteur and the members of the Secretariat, in particular the representatives of the Secretary-General, the Secretaries of the Commission and the interpreters.

Mr. BIRECKI (Poland) associated himself with the compliments addressed to the Chairman, the Vice-Chairmen, the Rapporteur and the Secretariat. As his country's permanent representative, he would like to say, with reference to the Chairman's remark, that his delegation would welcome a decision that would allow the Commission on Human Rights to meet at Geneva.

Mr. ORTEGA (Chile) emphasized the high quality of the debates at the present session. The Chilean delegation noted with satisfaction that the United Nations was endeavouring to put into effect the principles laid down in the Charter and the Universal Declaration of Human Rights. The Commission was greatly indebted to the Chairman for his wisdom and diligence and he fully associated himself with the compliments addressed to all the officers of the Commission and to the Secretariat.

Mr. ROUSSOS (Greece), Mr. JUVIGNY (France), Mr. PIRACHEA (Pakistan), Mr. ASIROGLU (Turkey), Mr. HU CHUN (China), Mr. WHITLAM (Australia) and Mr. RAJAN (India) associated themselves with the preceding speakers in thanking the Chairman, the Vice-Chairmen, the Rapporteur and the Secretariat.

Mr. INGLES (Philippines), Rapporteur, thanked all the members of the Commission who had referred to his work and associated himself with the tributes to the Chairman.

The CHAIRMAN, after thanking the members of the Commission for the kind things they had said about him, declared the tenth session of the Commission on Human Rights closed.

The meeting rose at 2.45 p.m.