

MASTER FILE

COMMISSION ON HUMAN RIGHTS

Fifth Session

SUMMARY RECORD OF THE ONE HUNDRED AND THIRTY-FIFTH MEETING

Held at Lake Success, New York,
on Monday, 20 June 1949, at 2.30 p.m.

CONTENTS: Draft report of the Fifth Session of the Commission on Human Rights: (E/CN.4/332, E/CN.4/332/Corr.1, E/CN.4/332/Add.1, E/CN.4/332/Add.2, E/CN.4/332/Add.3, E/CN.4/332/Add.4) (discussion continued)

<u>Chairman:</u>	Mrs. ROOSEVELT	United States of America
<u>Rapporteur:</u>	Mr. MALIK	Lebanon
<u>Members:</u>	Mr. SHANN	Australia
	Mr. WOULEROUN	Belgium
	Mr. CHA	China
	Mr. SOERENSEN	Denmark
	Mr. LOUEFI	Egypt
	Mr. CASSIN	France
	Mr. GARCIA BAUER	Guatemala
	Mrs. MEHTA	India
	Mr. ENTEZAM	Iran
	Mr. AQUINO	Philippines

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Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
Mr. PAVLOV	Union of Soviet Socialist Republics
Miss BOWIE	United Kingdom
Mr. MORA	Uruguay
Mr. VILFAN	Yugoslavia

Representative of a Specialized Agency:

Mr. Arnaldo	United Nations Educational, Scientific and Cultural Organization (UNESCO)
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Consultants from non-Governmental Organizations:

Category A:

Miss BENDER	American Federation of Labor
Mrs. MEAGHER	World Federation of Trade Unions

Category B:

Mr. PERLWEG	World Jewish Congress
Mrs. ALIETA	Catholic International Union for Social Service
Miss SCHAEFER	International Union of Catholic Women's Leagues
Mr. STEINER	Commission of the Churches on International Affairs
Miss ROBB	Liaison Committee of Women's International Organizations
Mr. BEER	International League for the Rights of Man
Mr. FRIEDMAN) Mr. BERNSTEIN)	Coordinating Board of Jewish Organisations for Consultation with the Economic and Social Council

Secretariat:

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

Miss BOWIE (United Kingdom) drew attention to a report on the Commission's work which had been published in The New York Times of 18 June. In that report, George Barrett, the author, had contended that on 17 June the Commission had completed its five weeks' debate on the question of the receivability of petitions by reversing its previous decision; the initiative for that action had been ascribed to a non-governmental organization.

Such an interpretation was unfair to Guatemala, India and the Philippines, who had proposed the resolution adopted at the meeting in question. Moreover, there had been general agreement that the resolution covered wider ground; that it would not prejudice the issue of inserting the right of petition in the Covenant; and that consequently its adoption did not constitute a reversal of the Commission's earlier decision.

While welcoming the co-operation of non-governmental organizations, the representative of the United Kingdom would resent the suggestion that any one of them might attempt to influence members of the Commission after a decision had been taken. She therefore suggested that a correction of that report should be sent to The New York Times.

Mr. AQUINO (Philippines), speaking for the sponsors of the resolution on the right of petition, expressed his sincere thanks to the representative of the United Kingdom for inviting the Commission's attention to the matter. The report contained certain statements which constituted a deliberate distortion of the facts underlying the adoption of the resolution in question. It should be said in all fairness that the source of those statements -- not the newspaper or the reporter -- must take the responsibility for the gross misinformation of which the representative of the United Kingdom had complained.

The sponsors of the resolution wished to invite the attention of the Commission to that part of the report which credited a member of the organization mentioned therein as having given members of the Commission the benefit of his advice. They disclaimed emphatically any such association with that member or organization. The representatives of India, Guatemala and the Philippines were certainly not among those who had availed themselves of that advice. They liked to think that members of the Commission did not have to seek counsel from outside sources.

The authors of the resolution associated themselves with the United Kingdom in an energetic protest against the audacious attempt by an organization of consultative status with the Commission to read its particular ideas into the action taken by the latter. The Commission was a self-respecting body, and any attempt, especially by subterfuge, to represent its action as having been subject to outside influence, was an affront to its standing and integrity.

He would therefore urge that in future any organization in the same circumstances should act with proper regard for decorum and propriety.

The CHAIRMAN suggested that the Department of Public Information should be requested to issue a correction of the report in accordance with the statements made by the representatives of the United Kingdom and the Philippines. The Secretariat might also be asked to suggest to all non-governmental organizations that they should refrain from implying that they were responsible for anything more than the statements they made in their own name, which was the only proper attitude for a non-governmental organization.

Mr. PAVLOV (Union of Soviet Socialist Republics) supported the United Kingdom statement. He also wished to stress that the report in question had given a distorted and one-sided picture of the position of his delegation and of the action taken by the Commission. It was not the first time that the Press had misrepresented the facts, and the matter should be drawn to the attention of newspapers as well as non-governmental organizations.

Mr. BERNSTEIN (Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social Council) stated that he thought it was the responsibility of his organization to submit views relevant to the decisions of the Commission. His organization had therefore believed that it could promote progress by formulating the drafts which had been favourably received by certain members of the Commission. It had subsequently sent a formal letter to The New York Times on 14 June 1949 in which it had quoted the two resolutions contained in document E/C.2/201.

No offence to any of the delegations had been meant; his organization had not intended to claim credit for work done by the Commission, but had

done only what it had thought to be its duty. Mr. Bernstein wished to apologize to the Commission if, in so doing, his organization had overstepped its bounds.

DRAFT REPORT OF THE FIFTH SESSION OF THE COMMISSION ON HUMAN RIGHTS
(E/CN.4/332, E/CN.4/332/Corr.1, E/CN.4/332/Add.1, E/CN.4/332/Add.2,
E/CN.4/332/Add.3, E/CN.4/332/Add.4) (discussion continued)

Mr. WOULBROUN (Belgium) stated, with reference to paragraph 15 of the report, that he supported the statement made by the United Kingdom at the preceding meeting in respect of the Commission's recommendation that the Council should request the Trusteeship Council to authorize the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to participate in visits to Trusteeship Territories arranged by the Trusteeship Council.

Annex IV: Financial Implications of Draft Resolution D (E/CN.4/332, page 19)

Mr. HUMPHREY (Secretariat) stated that no separate paper had been produced on the financial implications of the inclusion in the Yearbook of judicial decisions relevant to human rights. So far the Secretariat had been unable to decide whether it could undertake the new work without an increase in staff. It might be necessary to add an intermediate officer and a secretary. There was the possibility that the printing cost of the Yearbook would be increased, but that might be counteracted by the fact that the coming Yearbook might be reduced in length.

After an exchange of views on procedure, the CHAIRMAN stated that while the estimates would not be ready on time for the Commission to consider them, the Secretariat would prepare a separate paper on the matter.

Mr. GARCIA BAUER (Guatemala) requested that a statement which he had made at the preceding meeting should be included at the bottom of page 19 of the report.

The financial implications of draft resolution D were accepted without further comment.

Chapter V: Draft International Covenant on Human Rights and Measures of Implementation (E/CN.4/332/Corr.1)

Paragraph 16

The paragraph was accepted without comment.

Paragraph 17

Mr. CASSIN (France) asked that at the bottom of page 1 of the French text the word "premier" should be deleted.

The paragraph was accepted without further comment.

/Paragraph 18

Paragraph 18

The CHAIRMAN suggested that document E/CN.4/274/Rev.1 should be listed next to the United States and United Kingdom proposals at the top of page 3.

Mr. SHANN (Australia) asked that the Australian draft proposals for an International Court of Human Rights (document E/CN.4/AC.1/27) should also be mentioned.

Mr. PAVLOV (Union of Soviet Socialist Republics) requested that the USSR statement contained in document E/CN.4/154 should be included in the list of documents.

Mr. GARCIA BAUER (Guatemala) requested that the Guatemalan proposal (E/CN.4/292) should be mentioned.

Paragraph 18 was accepted as amended.

Paragraph 19

Paragraph 19 was accepted without comment.

Paragraph 20

Paragraph 20 was accepted without comment.

Paragraph 21

Mr. PAVLOV (Union of Soviet Socialist Republics) noted that there was some inconsistency between that paragraph and paragraph 19. He recalled that the Commission's decision on two of the chapter headings mentioned in the latter paragraph had not been a binding one, and that it had merely implied that the questions listed under the headings would be included in the measures for implementation. Paragraph 21 should therefore read: "The Commission decided at its one hundred and fourteenth meeting, by a vote of twelve for, none against, and two abstentions, to include, as a heading of a Chapter in the Memorandum referred to in paragraph 19, the principle that..."

Mr. SHANN (Australia) felt that the text was not clear; it should give an indication of the action taken in respect of the other chapters of the memorandum.

Mr. GARCIA BAUER

Mr. GARCIA BAUER (Guatemala) agreed with the Australian representative and suggested the inclusion of a reference to the fact that the first two chapters only had been acted upon.

Paragraph 21 as amended was accepted.

Paragraph 22

Paragraph 22 was accepted.

Paragraph 23

Mr. GARCIA BAUER (Guatemala) suggested that mention should be made of his delegation's proposal on the question of the right of petition in view of the fact that it would be forwarded to governments for comment.

Mr. PAVLOV (Union of Soviet Socialist Republics) requested that after the words "submission to Governments for their comments" a sentence giving his delegation's view on the matter should be inserted; stating that the Union of Soviet Socialist Republics raised objection against the transmission of the questionnaire to Governments in view of the fact that it had not been examined in substance by the Commission and that the questions contained therein had not been put to the vote.

The CHAIRMAN pointed out that the resolution on the matter made it clear that the Commission had taken note of the Secretary-General's memorandum on the means of implementing a methodical questionnaire. She agreed, however, to the inclusion of the USSR view.

Mr. LOUTFI (Egypt) proposed that the paragraph should mention the fact that the Commission's decision had been based on a proposal by France and Egypt.

Mr. AQUINO (Philippines) thought that if the USSR objection was included the paragraph should also state the Commission's reasons for defeating a USSR proposal to that effect.

The CHAIRMAN stated that the paragraph would be amended as proposed by the representatives of the Union of Soviet Socialist Republics, Egypt and the Philippines.

Paragraph 23 was accepted as amended.

Paragraph 24

Paragraph 24 was accepted without comment.

Chapter VI: the Right of Petition (E/CN.4/332/Add.1)

Paragraph 25

Paragraph 25 was accepted without comment.

Chapter VII: Communications Concerning Human Rights (E/CN.4/332/Add.1)

Paragraph 26

Paragraph 26 was accepted without comment.

Paragraph 27

Miss BOWIE (United Kingdom), feeling that reference to claims to sovereignty over certain territories would be inappropriate in the Commission's report, said she would withdraw her delegation's statement on the question of Belize if the representative of Guatemala agreed to do likewise.

Mr. GARCIA BAUER (Guatemala) was unable to accede to the United Kingdom representative's request in view of the fact that the statement had been made in connexion with violations of human rights in that territory, a matter which could not be omitted from the report.

Miss BOWIE (United Kingdom) consequently requested that the footnote to resolution B should read as follows: "The representative of the United Kingdom stated that this resolution provided for the transmission to Governments concerned of communications concerning human rights referring to territories under their jurisdiction. If the representative of Guatemala intended a reference to British Honduras, the representative of the United Kingdom must make it clear that neither Belize nor any other part of that territory was under the jurisdiction of Guatemala. The representative of the United Kingdom requested the inclusion of this statement in the report of the Commission."

Mr. AQUINO (Philippines) pointed to some inconsistency in the drafting of sub-paragraphs (a) and (b):

After some discussion, Mr. MALIK (Lebanon), Rapporteur, suggested that in sub-paragraph (b) the word "similar" should be deleted and the words "containing a brief indication of the substance of each communication however addressed" should be inserted. In reply to a remark /

/representative

representative of the Soviet Union, he stated that the votes on the proposals mentioned would be recorded in the text.

Paragraph 27 as amended was accepted.

Chapter IX: Continuing Validity of Minorities Treaties and Declarations (E/CN.4/332/Add.1)

Mr. PAVLOV (Union of Soviet Socialist Republics) requested that reference should be made to his delegation's view that the item should never have been included in the agenda of the Commission.

Chapter IX as amended was accepted.

Chapter X: Local Human Rights Committees (E/CN.4/332/Add.1)

Chapter X was adopted without comment.

Mr. MALIK (Lebanon), Rapporteur, explained that the numbering of the chapters would subsequently be rearranged.

Chapter XII: Trusteeship Questionnaire (E/CN.4/332/Add.1)

Chapter XII was accepted without comment.

Chapter XIII: Right of Asylum (E/CN.4/332/Add.1)

Chapter XIII was accepted without comment.

Chapter XIV: Old Age Rights (E/CN.4/332/Add.1)

Chapter XIV was accepted without comment.

Chapter XV: Examination of Texts Submitted by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities

Mr. PAVLOV (Union of Soviet Socialist Republics) asked that his delegation's view that the question should not have been included in the Commission's agenda should be mentioned.

Chapter XV as amended was accepted.

Annex 1, Draft International Covenant on Human Rights, A, Parts I and II (E/CN.4/332/Add.2)

Mr. MALIK (Lebanon), Rapporteur, explained that section A dealt with material considered by the Commission and in respect of which decisions had been taken; section B dealt with questions on which action had been postponed.

Annex 1, A

The CHAIRMAN, speaking as the representative of the United States of America, pointed out that the United States delegation would like to have its suggestions for the Covenant included in Annex II.

/ Mr. CASSIN

Mr. CASSIN (France) asked that the old French amendment mentioned in footnote 1 should be deleted, and the French proposal contained in document E/CN.4/265 inserted instead.

Mr. MALIK (Lebanon), Rapporteur, suggested that as no final decision had been taken on the preamble, the report might include the Drafting Committee's text of each article of the preamble together with all alternative texts proposed thereto.

It was so decided.

Article 1

Mr. PAVLOV (Union of Soviet Socialist Republics) suggested that reference should be made to the statement made by the Chinese representative in objection to the words "civilized nations".

Article 1 as amended was accepted.

Article 2

Mr. CASSIN (France) requested that in the French text the word "infractions" should be changed to "violations".

Article 2 as amended was accepted.

Article 3

Article 3 was accepted without comment.

Article 4

Article 4 was accepted.

Article 5

Miss BOWIE (United Kingdom) requested that a statement by the delegation of the United Kingdom should be inserted in the report in connexion with articles 5 and 9 in order to clarify its point of view on the matter.

Mr. MALIK (Lebanon) ^{Rapporteur} replied that if the statement were submitted in writing it would be included in the annex of the report.

Mrs. MEHTA (India) remarked that paragraphs 1 and 2 were inconsistent, and suggested that the word "arbitrarily" should be added at the end of paragraph 1.

The CHAIRMAN recalled that the matter had been discussed at a previous meeting and that the paragraph had been accepted as it read because no agreement could be reached on an alternative wording.

/ Mr. GARCIA BAUER

Mr. GARCIA BAUER (Guatemala) suggested that a footnote be added to the effect that some delegations wished to insert the word "arbitrarily" in paragraph 1.

Mr. MALIK (Lebanon), Rapporteur, stated that any delegation objecting to the text might submit a written statement which would be included in annex II of the report.

Mr. PAVLOV (Union of Soviet Socialist Republics) suggested that a footnote should be added containing a reference to the summary record in which the previous discussion on the use of the word "arbitrarily" was reported.

Mr. MALIK (Lebanon) ^{Rapporteur,} ~~considered~~ such a note unnecessary, as the statements in the annex would clarify the matter.

As Mr. ENTEZAM (Iran) was also dissatisfied with such a solution, Mr. MALIK (Lebanon), Rapporteur, agreed to add a footnote to paragraph 1. Article 5, as amended, was accepted.

Articles 6, 7 and 8 were accepted without discussion.

Article 9

Mr. MALIK (Lebanon) ^{Rapporteur,} ~~explained~~ that the footnote to article 9 would not appear in the final text as a note, but would be placed in the annex among other items which were to be considered at a later date.

Mrs. MEHTA (India) recalled that article 9 had never been voted on as a whole. Its adoption had been postponed pending the final adoption of article 4, which had been accepted provisionally. She asked if article 9 could be voted on at that point.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that if a vote were taken on article 9, he would request that the additional articles submitted by the delegation of the USSR for inclusion in the Covenant should also be voted on.

Miss BOWIE (United Kingdom) pointed out that many representatives were absent and it did not seem advisable to vote on the article at such a time. She suggested including a footnote to the article, saying that its adoption had been postponed pending final acceptance of article 4.

/ The CHAIRMAN

The CHAIRMAN called attention to the note at the beginning of article 9, which would cover the matter.

Mr. AQUINO (Philippines) proposed that the last part of the note should be revised to read: "until a final vote had been taken on article 4."

It was so decided.

Article 9 was accepted.

With the exception of a slight drafting change in the French text of article 12 and of article 15, articles 10 to 16, inclusive, were adopted without discussion.

Article 17

Mr. MALIK (Lebanon), Rapporteur, explained that the text contained in the report of the third session of the Commission could not be included in the annex, which was to contain only statements and proposals by representatives on which no work had been done and no decisions taken. The Commission had taken a decision to postpone the adoption of a text for article 17 until its sixth session, when such a text would be considered in the light of the text of the Convention on Freedom of Information adopted by the General Assembly.

Miss BOWIE (United Kingdom) suggested the insertion of a note stating that the text of the article submitted by the United Nations Conference on Freedom of Information could be found in document E/800, pages 24 to 26.

Mr. AQUINO (Philippines) considered that the reference to Governments in the second sentence of the article was unnecessary.

Mrs. MEHTA (India) recalled that the Commission had taken the decision to postpone consideration of the article because the matter had been before the General Assembly, which was studying the Convention on Freedom of Information. If the Commission had to consider and adopt, in September, what the General Assembly decided on, it was unnecessary to retain that article.

Mr. MALIK (Lebanon), Rapporteur, replied that the Commission was not bound to incorporate in its Covenant on Human Rights the decision of the General Assembly which was taken in connexion with the Convention on Freedom of Information. The text drafted by the Conference on Freedom of Information had been drafted particularly for inclusion in the Covenant and should be considered by the Commission.

The CHAIRMAN stated that, if there were no objection, article 17 would be retained.

Article 18

Mr. PAVLOV (Union of Soviet Socialist Republics) wished to have a footnote inserted in the report to the effect that the USSR delegation had proposed an amendment (E/CN.4/222) to amalgamate articles 18 and 19 and to substitute a briefer text which had been drafted by the USSR.

Mr. MALIK (Lebanon), Rapporteur, asked him to submit a written statement in reference to the proposed amendment; it would be included in the annex.

Article 18 was accepted.

Article 19 was accepted without discussion.

Article 20

Mr. CASSIN (France) requested that the French text of article 20 be clarified; he did not believe that a French reader would understand the references to discrimination and incitement to discrimination in paragraphs 2 and 3.

Mr. MALIK (Lebanon), Rapporteur, replied that the text would be made to conform to the English text.

Article 20 was accepted.

Article 21

Mr. MALIK (Lebanon), Rapporteur, explained that the alternative texts submitted by the USSR and French delegations appeared under article 21 rather than in the annex because a decision had been taken to postpone consideration of them.

Article 21 was accepted.

/Article 22

Article 22

At the suggestion of Mr. CASSIN (France), the parenthesis at the end of the French text of the article was deleted.

Annex I A (continued) Part III (E/CN.4/332/Add.3)

Article 23

Article 23 was accepted without discussion.

Article 24

At the suggestion of the Rapporteur, the words "to Governments" were inserted before the word "together" in the note at the beginning of the article.

Miss BOWIE (United Kingdom) recalled that the amendment proposed by the representative of the United Kingdom had been withdrawn, and therefore paragraph 1 in the section entitled "Text proposed by the United Kingdom" should be deleted.

Article 24 was accepted.

Article 25

Miss BOWIE (United Kingdom) recalled that the text proposed by the United Kingdom had been withdrawn, and should be deleted.

Article 25 was accepted.

Article 26 was accepted without discussion.

Annex I B: Proposed additional articles

Mr. SHANN (Australia) pointed out that the Australian delegation had proposed not one article, but a series of six short articles; therefore the word "article" in the title of the section including the Australian texts should be made plural and each item listed thereunder should be in parenthesis.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that he would have preferred to have the text concerning participation in the government of States, which was proposed by the USSR representative, precede the text of article 11 included in the draft; it would be better placed in part A of Annex I than in part B.

He would have preferred to have all his proposals in the form of footnotes to the relevant articles, but if they must be included in the annex instead, he wished the texts referring to those rights to national self-determination, to work, to equal pay for men and women, rest and leisure, social security, decent housing, education, and

scientific and educational development to appear in the report, and in that order.

In regard to the USSR proposals to a number of articles of the Covenant, which were listed in the statement of the USSR delegation in document E/800 (pages 29 to 35), he did not insist on the inclusion of those texts in the report, but he would like to have a reference to them made in a footnote.

Mr. MALIK (Lebanon), Rapporteur, explained that part A of Annex I contained only texts on which the Commission had worked and had taken decisions; part B included texts on which no action had been taken. All the USSR proposals which had not been acted on were in the latter group and were listed in the order which Mr. Pavlov had just requested. A footnote would be inserted under part B of Annex I reading as follows: "For further suggestions made by the USSR representative in respect of the Covenant on Human Rights, see document E/800, pages 29 to 35".

Mr. PAVLOV (Union of Soviet Socialist Republics) agreed.

Annex II

Mr. MALIK (Lebanon), Rapporteur, announced that Annex II ^{would} / comprise "Statements and Proposals submitted by Representatives". Some such statements had already been handed in by the delegations of France, the United States, the United Kingdom, the USSR and Guatemala. He wished to have a list of the names of the other delegations which contemplated submitting statements.

Miss BOWIE (United Kingdom) recalled, in connexion with articles 5 and 9, that the delegation of the United Kingdom had requested that its point of view should be clarified in a footnote or statement in the annex. The statement referred to had been prepared and would be submitted for inclusion in a report.

The statement explained that the representatives of Australia, Denmark, France, Lebanon and the United Kingdom felt that the Covenant, which was intended to be an international agreement imposing obligations and conferring rights, should state those rights precisely and the limitations thereon which it permitted. Articles 5 and 9 did not appear to do so.

/In regard

In regard to article 9, it was doubtful what value could be placed on paragraph 1, due to the variety of meanings which it might have; it was not clear whether paragraph 2 repeated, expanded or limited paragraph 1; the words "as established by law" in paragraph 2 were not an effective safeguard against abuse, for any dictator would be prepared to accept such an article.

The above-mentioned representatives doubted that their Governments could accede to a Covenant so lacking in precision; they therefore considered that articles 5 and 9 should be re-drafted before they were sent to the General Assembly for approval. As a basis for such re-consideration, they proposed substitute texts for articles 5 and 9, which would be included in Annex II and taken up for study at the sixth session of the Commission.

The representatives concerned believed that those texts defined all the limitations of the rights set forth which Contracting States could require, in a form that was brief and comprehensive, and they made the draft Covenant a more effective instrument for the guarantee of human rights.

The CHAIRMAN explained that the statement would be placed in the annex and that a footnote would be added to articles 5 and 9 with a reference to the statement.

Mr. WOULBROUN (Belgium) stated that he did not approve the wording of articles 5 and 9, and, like the representative of the United Kingdom, he preferred a clearer text.

Mrs. MEHTA (India) stated that article 2 was also lacking in precision. It did not make it clear that the rights set forth in the Covenant were ensured for all individuals. It should be more precisely worded.

Mr. MALIK (Lebanon), Rapporteur, suggested that Mrs. Mehta should submit a statement to be included in the annex.

Mr. LOUTFI (Egypt) indicated that he also wished to submit such a statement.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that he wished to make a statement on the report as a whole when it was put to the vote.

Annex III (E/CN.4/332/Add.4)

Mr. MALIK (Lebanon), Rapporteur, explained that Annex III would contain documents on implementation and the questionnaire on measures of implementation, as amended.

Mr. CASSIN (France) remarked that the French delegation in its proposals (E/CN.4/82/Add.10, E/CN.4/82/Add.10/Rev.1) on measures of implementation had attempted to incorporate those documents. He requested that only document E/CN.4/82/Add.10/Rev.1, which would be corrected, should be transmitted to the Governments.

The CHAIRMAN stated that the draft resolutions contained in document E/CN.4/332/Add.4 had been read previously and that, if there were no objection to the text as it was worded, draft resolutions E and F, which comprised the document, would be accepted.

The text of the draft resolutions was accepted.

The CHAIRMAN suggested that the draft resolution as a whole should be voted upon.

Mr. PAVLOV (Union of Soviet Socialist Republics) said his delegation had noted that the Commission on Human Rights, during its fifth session held between 9 May and 20 June 1949, had failed to fulfil its task, which was to draw up a covenant on human rights. The Commission carried a heavy responsibility for systematically postponing, during the six weeks of its work, the consideration of the articles on the right to work, to rest, to social security, social insurance, decent living conditions, education, participation in the government of the country and so forth, as well as those on trade union rights and a nation's right to self-determination.

Consequently, all those rights which were of paramount importance to the peoples and working masses of the world, had been omitted from the draft

/covenant,

covenant, although his delegation had submitted drafts of the appropriate articles and had pressed for their consideration and adoption by the Commission.

Furthermore, on 17 June the Commission had adopted a so-called procedural decision which in fact made it doubtful whether those articles would be included in the covenant.

He wished to emphasize that without the articles on the right to work, to rest, to education and so forth, all the articles which the Commission had already adopted on the right to life, freedom of conscience etc., lost both their purpose and their real foundation.

Thus, a comparison between the draft covenant on human rights in its existing form and the Declaration of Human Rights adopted by the General Assembly in December 1948, plainly showed that if the next session of the Commission failed to add the aforementioned articles to the draft, the covenant would become an even less comprehensive and effective document than the weak, formal and inadequate Declaration of Human Rights.

His delegation's proposals had been ignored in the articles already adopted; furthermore, the Commission had refused to include the following article in the covenant: "In the interests of democracy, freedom to hold assemblies, meetings, street processions and demonstrations, and to organize voluntary societies and unions shall be guaranteed by law". By so doing, it had in fact refused to grant the masses guarantees in regard to the right to hold street processions and demonstrations which was followed by the finest democratic traditions and upheld by the laws of most democratic countries.

The Commission on Human Rights had also rejected his delegation's proposal for the inclusion of the following provision: "All societies, unions and other organizations of a Fascist or anti-democratic nature and their activity in whatever form shall be forbidden by law on pain of punishment".

/Under the

Under the pretext that the Convention on Freedom of Information was not complete, the Commission had postponed consideration of the following articles submitted by his delegation: "In the interests of democracy, everyone shall be guaranteed by law the right of free expression of opinion, and in particular freedom of speech, of the press and of artistic expression, provided that freedom of speech and of the press is not used for war propaganda, for inciting enmity among nations, racial discrimination and the dissemination of slanderous rumours", and: "The propaganda in whatever form of Fascist-Nazi views and the propaganda of racial and national superiority, hatred and contempt shall be prohibited by law".

Despite explicit instructions from the Economic and Social Council, the Commission had failed to consider the violation of trade union rights in some countries and had postponed consideration of a special article on trade union rights submitted by his delegation for inclusion in the covenant. The Commission had refused to state directly whether the human rights and freedoms included in the covenant should also be extended to the populations of colonial Trust and non-self-governing territories and had deferred discussion of a corresponding article submitted by his delegation. More than that, it had introduced an element of doubt into that question -- which had been affirmatively settled in the Declaration of Human Rights -- by asking in the questionnaire to Governments whether the covenant should extend to the aforementioned non-self-governing and Trust territories, namely to the most wretched and least privileged part of the world's population.

The Commission's tendency to make the application of human rights in colonial and other dependent territories completely dependent on the arbitrary will of the metropolitan country was inadmissible and might result in limiting the rights of many millions of people; furthermore, it was incompatible with the principles of the United Nations.

The malformed and pitiful draft covenant on human rights, which was the result of the current stage of the Commission's work, did not contain any definite provisions obliging States to promote the implementation

/of the human

of the human rights and fundamental freedoms it laid down, and to take the necessary steps, including legislative measures, to ensure that everyone had a real opportunity to enjoy those rights and freedoms.

Moreover, there were so many different restrictions and provisos attached to each of the few rights, so far provided for in the draft covenant, that in practice they were brought to naught; that provided ample scope for abuse by the police.

It was abundantly clear that in its existing form, and with the tendencies it reflected, the draft covenant on human rights adopted by the Commission represented a step backwards in comparison with the unsatisfactory and inadequate Declaration on Human Rights, and that it could not adequately guarantee either human rights or freedoms or observance thereof.

The innumerable suggestions for implementation discussed in the Commission showed that the primary aim of some members and their Governments was not to draft a satisfactory covenant and effectively to guarantee human rights and freedoms but to provide grounds and excuses which would enable them to interfere in the domestic affairs of other States and to spread international friction and conflict.

The existing incomplete and unsatisfactory draft should be thoroughly revised during the next session of the Commission so that after inclusion of the right to work and other fundamental human rights mentioned in the draft articles submitted by the Soviet delegation and annexed to the Commission's report, the future covenant on human rights should be able to further effectively historic progress, democracy and the true improvement in the life of millions of simple people throughout the world; to help in the struggle against the danger of a rebirth of Fascism or Nazism; to assert the principle of the equality of nations, true respect for human rights and freedoms and to strengthen international peace.

Naturally, any promotion of human rights and freedoms, whether included in the draft covenant or not, should allow for the economic, social and other peculiarities of each country and was within the domestic jurisdiction of the States and peoples concerned.

/In view

In view of the aforementioned considerations, his delegation could not vote for the draft covenant on human rights drawn up by the Commission during its current session. In its opinion, the Commission had been unsatisfactory, and he would have, therefore, to abstain from voting on the report of the Commission on Human Rights to the Economic and Social Council.

Mr. CASSIN (France) expressed regret that the Covenant had not defined all economic and social rights. The Covenant was however of great value and was not unworthy of the United Nations. On the social level, the Commission had made great progress. For instance, it had recorded the existing conventions on human rights, including the most recent on the protection of trade unions. It must be noted that the Commission had only begun its work. The progress made by ILO, UNESCO and FAO should not be forgotten; they had accomplished great tasks with the help of the Commission. In spite of the imperfections of the report, the French delegation would vote for it.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) stated that he shared the views of the USSR delegation and would abstain from voting on the report as a whole.

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

The draft report was adopted by 9 votes to none, with 2 abstentions.

The CHAIRMAN expressed her gratitude to the members of the Commission for their co-operation during the session and, in particular, wished to thank the Vice-Presidents, Mr. Chang and Mr. Cassin, who had so often presided in her absence, the Rapporteur, whose work was yet to be completed, and the members of the Secretariat who had assisted the Commission in its work.

The meeting rose at 6.45 p.m.