



UNITED NATIONS

ECONOMIC
AND
SOCIAL COUNCIL

60



GENERAL

E/CN.4/SR.220

5 June 1951

ENGLISH

ORIGINAL: ENGLISH AND FRENCH

Dual Distribution

COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND TWENTIETH MEETING

held at the Palais des Nations, Geneva,
on Monday, 30 April 1951, at 3 p.m.

CONTENTS:

Pages

Draft International Covenant on Human Rights and
Measures of Implementation (item 3 of the agenda)

(b) Inclusion in the Covenant of provisions concerning
economic, social and cultural rights:

- | | |
|---|---------|
| 1. Special provisions on conditions of work and
the right to rest and leisure
(E/CN.4/578, E/CN.4/579, E/CN.4/580,
E/CN.4/AC.14/2/Add.2) (continued) | 4 - 11 |
| 2. Special provisions on the right to social
security
(E/CN.4/AC.14/2/Add.3) | 11 - 17 |

Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SÖRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMEN
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mr. HICHENS-BERESTROM
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialized agencies:

International Labour Organisation	Mr. JENKS
United Nations Educational, Scientific and Cultural Organization	Mr. SABA Mr. BARMATE Mr. HAVET
World Health Organization	Mr. BERTRAND

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER Mr. PATTEET
International Federation of Christian Trade Unions	Mr. EGGERMANN

Category B and Register

Caritas Internationalis	Mr. PETERKIN
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Miss de ROMER Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Mrs. ROBB Miss DUBOIS
International League for the Rights of Man	Mr. BALDWIN
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHINARD
Liaison Committee of Women's International Organizations	Mrs. ROBB
Women's International League for Peace and Freedom	Miss BAER

Secretariat:

Mr. Schwelb
Mr. Das

Representing the Secretary-General
Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(item 3 of the agenda):

(b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights.

1. Special provisions on conditions of work and the right to rest and leisure (E/CN.4/578, E/CN.4/579, E/CN.4/580, E/CN.4/LC.14/2/Add.2) (continued)

Mrs. ROOSEVELT (United States of America) wished to call the attention of the Commission to a new joint French-United States text for the provision on conditions of work and the right to rest and leisure, which would shortly be circulated (see document E/CN.4/580).

Miss BOWIE (United Kingdom) had been unable to make notes of all the statements made by the Soviet Union representative at the previous meeting. A number of them seemed to her irrelevant, but she would like to make certain corrections to his statements as they had gone on the record. She suggested that the Soviet Union representative should be more careful in checking his sources, for he had quoted from a communist propaganda paper published in Moscow whose information on prices, wages or income tax could not be regarded as authentic. The Soviet Union representative was perhaps confusing wholesale and retail prices. She could speak as a housewife and state that since the middle of the war there had been practically no increase in the price of butter, and that the United Kingdom Government maintained a comprehensive system of food subsidies, which were large, to ensure stable prices of basic food items. The Soviet Union representative also suggested that it was quite normal for the United Kingdom taxpayer to have to pay out one third of his income in the shape of income tax. So far as she could judge from details of the last budget which she had been able to consult, the taxpayer, if a married man with two children, would have to have an income of nearly £3,000 a year before he had to pay a third of it in income tax, and anyone with an income of that size was not likely to be the concern of the representative of the Soviet Union. She could not at the moment quote exact figures, but she believed that a man earning £5 a week, with a family to support, would not have to pay any income tax at all. She was ready to supply exact figures on that point if the Soviet Union representative wanted them.

She then emphasized that the United Kingdom had had a rationing system both during and since the war, with the object of ensuring fair distribution of goods in short supply. That system had worked well. She believed that the Soviet Union had abolished rationing, but judging from some figures she had before her a Soviet Union citizen received $3\frac{1}{2}$ pounds of butter a year against the 13 pounds ration in the United Kingdom, 10 pounds of margarine against 20 pounds, 14 pounds of meat against 42 pounds, and 30 pounds of sugar against 33 pounds in the United Kingdom, where, in addition, a supplementary ration of sugar was often allotted. That would seem to show that the results of rationing could not be regarded as wholly bad, and although the meat ration in the United Kingdom might be small there were other foodstuffs in good supply. Above all, she wished the Soviet Union representative could take a look at the children in the United Kingdom; he would see that little could be found wrong with their health.

Mr. JEVREMOVIĆ (Yugoslavia) recalled that it had been suggested that wages in any particular undertaking should be raised in proportion to any increase in its profits. He thought that it would be better if the profits of particular undertakings which were doing unusually well were taxed in the interest of workers as a whole, rather than that the workers in that particular undertaking should get a rise in wages.

The CHAIRMAN, pointing out that the list of speakers in the general discussion was exhausted, asked the Commission if it was ready to vote on the various proposals before it relating to conditions of work and the right to rest and leisure.

Mr. MOROSOV (Union of Soviet Socialist Republics), speaking to a point of order, said that rule 47 of the rules of procedure entitled members of the Commission to speak after the closure of the general debate if an observation by a previous speaker rendered a reply necessary. He felt that that was so in the case of the statement just made by the United Kingdom representative, and although he would not insist on his right to reply at the present stage, he reserved his right to reply to the United Kingdom representative at some later stage.

The CHAIRMAN said that the Soviet Union representative would be given an opportunity of doing so.

AZMI Bey (Egypt) asked the Commission to bear in mind, in order to avoid any misunderstanding, that the purpose of paragraph 2 of his amendment (E/CN.4/579) to the French proposal was simply to enable the Commission to vote on a unified text. For his own part, he would exercise his discretion in voting on the amendment, which did not reflect his personal views.

The CHAIRMAN put to the vote the Soviet Union proposal (E/CN.4/AC.14/Add.2, page 2, column 1).

The Soviet Union proposal was rejected by 8 votes to 2 with 7 abstentions.

The CHAIRMAN put to the vote the Yugoslav proposal (E/CN.4/578).

Mr. JEVREMOVIĆ (Yugoslavia) asked that the vote on his proposal should be taken in two parts: the first, down to the words "conditions of work"; the second on the remainder.

The first part of the Yugoslav proposal was rejected by 5 votes to 3 with 9 abstentions.

Mr. JEVREMOVIĆ (Yugoslavia) said that in the circumstances he would not press for a vote on the second part of his proposal.

The CHAIRMAN asked the Commission to vote on the United States proposal (E/CN.4/AC.14/Add.2, page 2, column 3).

Mrs. ROOSEVELT (United States of America) and Mr. CASSIN (France) pointed out that, as already announced by the United States representative, they were submitting a joint text combining their two original proposals, which would be ready very soon.

The CHAIRMAN proposed that the meeting be suspended for half-an-hour and that the joint French-United States proposal be taken on the resumption.

It was so agreed.

The meeting was suspended at 3.45 p.m. and was resumed at 4.40 p.m.

Mrs. ROOSEVELT (United States of America) said that she was prepared to withdraw the original United States proposal, provided the new joint French-United States proposal (E/CN.4/580) was voted on paragraph by paragraph, since there were parts of it (those included in brackets) on which the two delegations were not in full agreement. The new proposal read:

"The States Parties to the Covenant recognize the right of everyone to just and favourable conditions of work, including:

- (a) safe and healthy working conditions;
- (b) remuneration which, in particular, provides all workers
 - (i) with fair wages and equal pay for equal work [and
 - [(ii) and a decent living for themselves and their families]
- (c) [reasonable] limitation of working hours and periodic holidays with pay."

She could not accept the words "and a decent living for themselves and their families" because in her mind "fair wages" embraced that concept. The French delegation, for its part, could not accept the word "reasonable".

Mr. CASSIN (France) stated that the French delegation was withdrawing its revised proposal (E/CN.4/577/Rev.1) in favour of the new joint text. The United States representative had very clearly indicated the points of divergence between the two delegations. The French delegation had insisted on the insertion of the words "a decent living for themselves and their families" because they conveyed the precise idea expressed in Article 23 (3) of the Universal Declaration of Human Rights.

That qualification should make it possible to delete the adjective "fair" from before the word "wages" in the preceding clause, although the French delegation would have no objection to its retention. On the other hand, the French delegation was opposed to the use of the adjective "reasonable" in connection with working hours, since it found it superfluous, to say the least, in view of the mention in the introductory clause of "just and favourable conditions of work".

The CHAIRMAN ruled that the joint French-United States proposal should be voted on sentence by sentence.

He put the following paragraphs to the vote:

"The States parties to the Covenant recognize the right of everyone to just and favourable conditions of work, including:

(a) safe and healthy working conditions".

The paragraphs in question were adopted by 16 votes to none with 2 abstentions.

The CHAIRMAN then asked the Commission to vote on sub-paragraph (b) reading:

"(b) remuneration which, in particular, provides all workers
(i) with fair wages and equal pay for equal work [and
/(ii) a decent living for themselves and their families]"

AZMI Bey (Egypt) recalled that he had submitted a proposal (E/CN.4/579) to the effect that the word "minimum" should be inserted before the word "remuneration".

The Egyptian proposal was adopted by 6 votes to 5, with 7 abstentions.

Miss BOWIE (United Kingdom) proposed that the words "in particular" be deleted.

The United Kingdom proposal was adopted by 11 votes to 3 with 4 abstentions.

The CHAIRMAN asked the Commission to vote on the words "fair wages and".

It was agreed by 14 votes to none with 4 abstentions that the words "fair wages and" should be retained.

The CHAIRMAN asked the Commission to vote on the words "and equal pay for equal work".

It was agreed by 16 votes to none with 2 abstentions to retain the words "and equal pay for equal work".

The CHAIRMAN asked the Commission to vote on the words "and, (ii) a decent living for themselves and their families".

It was agreed by 10 votes to 5 with 3 abstentions that the words "and a decent living for themselves and their families" should be included.

The CHAIRMAN asked the Commission to vote on the word "reasonable" in sub-paragraph (c).

It was agreed by 12 votes to none with 6 abstentions that the word "reasonable" should be included.

Mr. CASSIN (France), replying to Mr. VALENZUELA (Chile), confirmed that the French text of paragraph (c) should contain the words: "les congés périodiques payés"; to correspond with the words "periodic holidays with pay" in the English text.

The CHAIRMAN then put to the vote the French-United States text, as amended, and reading as follows:

"The States Parties to the Covenant recognize the right of everyone to just and favourable conditions of work, including:

- (a) safe and healthy working conditions;
- (b) minimum remuneration which provides all workers:
 - (i) with fair wages and equal pay for equal work, and
 - (ii) a decent living for themselves and their families;
- (c) reasonable limitation of working hours and periodic holidays with pay."

The French-United States text, as amended, was adopted by 13 votes to none with 4 abstentions.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that he had abstained from voting on the proposal as a whole, because he considered it unsatisfactory, in that it laid no definite and precise obligations on governments to ensure that the right to work and leisure was granted to all their citizens. The Soviet Union delegation would reserve its right to submit amendments to cover that point at a later stage.

Mr. CASSIN (France) stated that the French delegation had voted for the joint proposal as a whole, although it considered that the inclusion of the word "reasonable" in sub-paragraph (c) restricted the scope of the words "just and favourable" in the introductory paragraph.

He reserved the right to reply at a later stage to the remarks made during the discussion by the representative of the Soviet Union.

Mr. WHITLAM (Australia) said that he had twice abstained from voting, because he thought that there were still some elements of confusion with regard to the texts before the Commission. He had voted against the Soviet Union and Yugoslav proposals, not because they conflicted with the views of the Australian delegation, but because he preferred the simpler wording of other texts, for which his delegation had already indicated its support. It stood by that position, and reserved its right to introduce amendments at a later stage to other clauses in that part of the Covenant.

Miss BOWIE (United Kingdom) said that she had voted against parts of the joint proposal, not because she was opposed to the concept underlying them, but because she felt that the wording proposed might be regarded as limitative. Articles in a Covenant of the kind under discussion should be of a general nature, and should not allow any possibility of a restrictive interpretation. She had voted against the Soviet Union proposal because there was no reference to wages in it, and against the Yugoslav proposal because it seemed to her less happily worded than other proposals. She wished to reserve her right to reconsider her position on the proposal just adopted at a later stage.

70

Mr. JEVREMOVIĆ (Yugoslavia) said that he had abstained from voting on the French-United States proposal, not because he was opposed to it, but because of the way in which it was drafted.

Mrs. MEHTA (India) said that she had abstained from voting on the Yugoslav proposal because she thought that the French-United States text was simpler, and had abstained from voting on the "decent living" clause because she thought it too vague.

Mr. YU (China) said that he had voted against the Soviet Union proposal, not because of its substance, but because he thought that in most countries it would be impracticable to apply the degree of State control which it implied. He had voted against the Yugoslav proposal and part of the French-United States proposal because he thought it was essential to word an article of that kind in very general terms, in order to avoid difficulties in implementation. As he had said at an earlier meeting, stress should be laid on the value of work rather, than on work as a means of livelihood.

2. Special Provisions on the right to social security (E/CN.4/AC.14/2/Add.3)

The CHAIRMAN pointed out that the various proposals relating to the right to social security were set out on page 2 of document E/CN.4/AC.14/2/Add.3, and reminded representatives of the suggestion made on behalf of the International Labour Organisation, to the effect that it would be wise to keep to a general formula.

AZMI Bey (Egypt) said that to facilitate the work of the Commission he would support the Australian proposal on the right to social security and withdraw his own.

Mr. SÖRENSEN (Denmark) withdrew his proposal.

Mr. WHITLAM (Australia) wished to amend his own proposal so as to make its form tally with that of the articles already adopted by the Commission.

It would then read:

"The States parties to this Covenant recognize that everyone has the right to social security."

In view of the adoption of the joint French-United States proposal on conditions of work and the right to rest and leisure, there was no need in the provision dealing with social security to repeat the reference to an adequate standard of living.

Mrs. ROOSEVELT (United States of America) was prepared to withdraw her delegation's proposal in favour of the Australian text.

Mr. JENKS (International Labour Organisation), speaking at the invitation of the CHAIRMAN, suggested that for the sake of uniformity the Australian proposal should be further amended to read "The States parties to this Covenant recognize the right of everyone to social security".

Mr. WHITLAM (Australia) accepted the suggestion.

Mr. CASSIN (France) said that he did not wish to propose a formal amendment, but would like it to be clearly understood that the term "social security" should be interpreted in its broad sense as embracing not only individual social security, but also family allowances and the other means of social protection covered by Article 23 (3) of the Universal Declaration of Human Rights.

Miss BOWIE (United Kingdom) recalled that the International Labour Organisation was working on a social security convention. She was prepared to accept the French representative's interpretation of that term as valid and generally recognized. The inclusion of children's allowances in any full scheme of social security could virtually be taken for granted.

Mr. JENKS (International Labour Organisation) confirmed that it was the practice of the International Labour Organisation to use the term "social

security" in the sense described by the French representative. The detailed proposals, which would be submitted to the forthcoming International Labour Conference in June, included provisions deriving from that very concept.

Mr. VALENZUELA (Chile) said that, in view of the broad interpretation placed on the term "social security" by the representative of the International Labour Organisation, his delegation would be able to vote in favour of the Australian text.

It was unable to agree to the Soviet Union proposal, because the latter stipulated that financial responsibility for social security should be entirely borne by the State or the employer. The adoption of such a provision would oblige Chile to reform its whole system of social security, which was based on the tripartite method of contributions from the State, from employers and from workers.

It was also unable to support the Yugoslav proposal, which seemed to limit the conception of social security to a certain number of specific cases, whereas the current tendency was towards extension of the sphere of social security.

Mr. JEVREMOVIĆ (Yugoslavia) said that his position was somewhat difficult, since his delegation's proposal linked the right to social security with other rights. Consequently, although believing that the Australian proposal was couched too generally, he had no choice but to withdraw his own.

He fully agreed that it was for the specialized agencies to give economic, social and cultural rights their practical and detailed expression, but it was for the Commission and for the United Nations as a whole to define those rights and supply the directives for the work of the specialized agencies. Viewed in that light, the Australian proposal was inadequate, and he would be unable to vote for it.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the Australian representative's proposal was so simple as to be elementary. There

was little doubt that its adoption would not produce any practical improvement. The Universal Declaration of Human Rights already contained a general statement on social security, but the Soviet Union delegation had at the appropriate time pointed out that Article 22 of the Declaration gave no indication of how the aims it laid down were to be given effect. It was impossible in the second half of the twentieth century to deny the principle of the right to social security, which had been won at such cost by the working classes. None the less, the implementation of that right was in many countries highly inadequate. Vague formulas unrelated to practical measures were of little value. But efforts were still being directed to the evasion of practical obligations.

In the Soviet Union, the issue had long since been settled. The right to social security was written into the Constitution, and citizens of the Soviet Union had the benefit of complete services provided by the State and ranging from free medical assistance to visits to holiday resorts.

In support of his contention that the Covenant should refer specifically to the manner in which the States signatories should carry out their obligations, he would mention the main features of the social security system in the Soviet Union.

In accordance with the Constitution, the cost of social insurance was borne by the employer, whether represented by the Government, by co-operatives or by private individuals. Article 178 of the Labour Code stipulated that the worker should make no contribution to social security from his wages. In 1949, the social security budget had amounted to 17,500 million roubles, the whole of which was controlled by the trade unions. Pensions were granted to the aged, to the sick, to invalids, including those disabled as a result of the war, to widows and to families which had lost their breadwinner. The sick and the disabled received assistance to the extent of 60 - 100 percent of their former earnings. Special provision was made for expectant mothers and for women with large families.

He did not propose to describe the whole system in detail, knowing that it would be inapplicable to countries whose social and economic structures differed

from those of the Soviet Union. The few facts he had adduced were intended to emphasize the fundamental point, which was, that anyone who wished to be taken seriously about social security must admit that the Covenant should spell out the ways and means whereby that security was to be provided. Otherwise, the provisions would be nothing but high-sounding, meaningless phrases. That was why his delegation had submitted its proposal, which was clear and specific, and should be acceptable to any government irrespective of the economic and social structure of its country.

The Soviet Union was against a system which provided for unemployment and sickness benefit contributions from the workers, as was, he believed, the case in the United Kingdom, because its ultimate effect was to lower the workers' standard of living, the wages from which the contribution was deducted being in any case sufficient to ensure only the barest minimum of life. He once more commended his delegation's proposal to the Commission, because it allowed for insurance to be provided either at the expense of the State or at that of the employer, thus taking different economic systems into account. In submitting its proposal, his delegation was defending the fundamental principle of social security.

Turning to the comments made earlier by the United Kingdom representative on wages and prices in the Soviet Union, he noted that she had drawn on an article published in the Observer of 29 April 1951. The following figures taken from the report of the State Planning Commission in the Soviet Union, which showed the development of trade in 1950, would conclusively disprove her allegations. In 1950, as compared with 1940, sales in government and co-operative shops had increased by 38 per cent in the case of meat and meat products, by 51 per cent in that of fish, by 59 per cent in that of animal fats and by 67 per cent in that of vegetable fats, by 33 per cent in the case of sugar, by 34 per cent in that of sweets, by 39 per cent in that of footwear, by 47 per cent in that of cotton, woollen, silk and linen fabrics and by 39 per cent in the case of socks and stockings. Sales of other kinds of goods had also increased greatly: that of watches had been more than three times as great in 1950 as in

1940, that of radio sets six times, that of electrical appliances one and a half times, that of bicycles and of sewing machines almost three times, that of motor bicycles sixteen times as great and so on.

The United Kingdom representative had quoted figures for the consumption of basic foodstuffs per head of population. He failed to see how those figures had been arrived at, since the newspaper article to which he had referred did not give a figure for the total planned output of basic foodstuffs for 1950. The only figure it gave was an estimated one of 180,000,000 for the population of the Soviet Union, a figure which happened to err on the low side. How was it possible to divide an unknown quantity by a definite figure? It was clear that the "calculations" on which the United Kingdom representative light-heartedly relied had no foundation in fact, and simply slandered the living conditions of workers in the Soviet Union.

As to the figures for increased sales he had just quoted, he would point out that the vast peasant population which worked on collective farms did not buy its consumer goods from the government or from co-operative shops, but obtained them from the collective farms themselves in part payment for work done. He made use of accurate and official sources. His figures were not, as had been alleged, derived from the United Kingdom communist press, and he supposed that a statement made by Mr. Harold Wilson, the ex-President of the Board of Trade, would hardly be taken as communist-inspired. Mr. Wilson had said, on 30 October 1950, that it would be dishonest to hope that the cost of living could be reduced while world market prices were soaring as a consequence of rearmament programmes and emergency stockpiling. Such an admission was proof enough that conditions were far from ideal in the United Kingdom. According to the Monthly Digest of Statistics for January 1951, published by the Ministry of Labour and National Service, the index of food prices for December 1950 had been 125.4, taking June 1947 as the base (100). Prices for clothing had increased in a similar ratio over the same period. He did not wish to bring charges, but he would at least like the United Kingdom delegation to pledge its Government to try and improve conditions if it signed the Covenant.

He repeated, the facts he had mentioned were not based on doubtful sources, and he had available a vast mass of official figures proving that on four occasions since the war the prices of consumer goods had been reduced in the Soviet Union, despite the great hardships and the terrible destruction suffered by that country during the war.

Mr. CASSIN (France) proposed that further discussion be deferred until the next meeting, and suggested that the representatives of Australia and Yugoslavia should endeavour to draft a joint text for submission to the Commission at its next meeting.

It was so agreed.

The CHAIRMAN drew attention to the fact that the Yugoslav representative had withdrawn his proposal. That would not, of course, prevent him from holding informal consultations with other members.

Mr. DUPONT-WILLEMIN (Guatemala) said that he had not been present when the decision had been taken to sit on the First of May, Labour Day. He wished to propose that the Commission should not meet on the afternoon of that day.

Mr. MOROSOV (Union of Soviet Socialist Republics) supported the Guatemalan representative's motion, and pointed out that the decision to meet on 1 May had been taken by the Working Group, and not by the Commission itself.

The Guatemalan proposal was carried by 15 votes to 2 with 3 abstentions.

The meeting rose at 6.25 p.m.