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COMMISSION ON HUMAN RIGHTS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND EIGHTY-FIRST MEETING

Held at Headquarters, New York,  
on Tuesday, 6 May 1952, at 2.45 p.m.

CONTENTS:

Draft international covenants on human rights and measures of implementation (E/1992; E/CN.4/654, E/CN.4/654/Add.1 to 6, E/CN.4/655, E/CN.4/655/Add.1 to 4, E/CN.4/650, E/CN.4/660, E/CN.4/661; E/CN.4/ESD.35, E/CN.4/L.46, E/CN.4/L.60, E/CN.4/L.62/Rev.2, E/CN.4/L.63/Rev.1, E/CN.4/L.91, E/CN.4/L.94)  
(continued)

<u>Chairman:</u>	Mr. HALIK	Latania
<u>Rapporteur:</u>	Mr. WHITLAM	Australia
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHENG PACHAT	China

Members (continued):

AZHI Dey	Egypt
Mr. CASJIN } Mr. JUVICKY }	France
Mr. AYGOU	Greece
Mrs. MELTA	India
Mr. WASEED	Pakistan
Mr. BGRATYHEKI	Poland
Mrs. BOSSEL	Sweden
Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
Mr. ZHONDOZOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROOSEVELT } Mr. SIMSARZAN }	United States of America
Mr. IRACCO	Uruguay
Mr. JEVREKOVIC	Yugoslavia

Also present:

Miss MANAS	Commission on the Status of Women
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Representatives of specialized agencies:

Mr. FICKFORD	International Labour Organization (ILO)
Mr. SADA	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

Category A:

Mr. LEARY } Miss JENDER }	International Confederation of Free Trade Unions (ICFTU)
Miss KAHN	World Federation of Trade Unions (WFTU)

Category B and Register:

Mrs. AISTA	Catholic International Union for Social Services
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/Miss ROED

Category B and Register (continued):

Miss ROBB	International Federation of University Women
Miss SCHAEFER	International Union of Catholic Women's Leagues
Mrs. PHILIPPS	Liaison Committee of Women's International Organizations
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Mr. DONALD	World Union for Progressive Judaism

Secretariat:

Mr. LUZPERY	Director, Division of Human Rights
Mr. DAI Miss KITCHEN }	Secretaries of the Commission

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION  
(E/1552; E/CN.4/654, E/CN.4/654/Add.1 to 6, E/CN.4/655, E/CN.4/655/Add.1 to 4,  
E/CN.4/650, E/CN.4/660, E/CN.4/661; E/CN.4/ECO.35, E/CN.4/L.46, E/CN.4/L.60,  
E/CN.4/L.62/Rev.2, E/CN.4/L.63/Rev.1, E/CN.4/L.91, E/CN.4/L.94) (continued)

The CHAIRMAN invited the Commission to continue consideration of article 21.

AZHI Bey (Egypt) wished to make two remarks. In the first place, he and the French representative had agreed to propose the replacement of the words "minimum remuneration which provides all workers", in article 21, sub-paragraph (b), by the words "remuneration which provides all workers, as a minimum". He was sure that the ILO representative would find the new wording more acceptable and hoped that the Commission would adopt it. As the word "everyone" was used, he had not thought it necessary to specify in article 21 that it applied to men and women workers. However, as the United Kingdom representative in his statement had not recognized equality

/of remuneration

of remuneration for men and women, he felt that the text should be absolutely explicit on the point. He would therefore vote for the amendments which fulfilled that condition.

The CHAIRMAN declared the debate closed.

Mr. JEVREWVIC (Yugoslavia), speaking on a point of order, accepted the Uruguayan and Chilean representatives' proposal to substitute the words "equal remuneration for equal work" for the words "equal pay for equal work" in his delegation's amendment (E/CN.4/L.63/Rev.1). While he preferred his own wording, he was ready to change it in order to meet the wishes of the Uruguayan and Chilean representatives.

Mr. BOARE (United Kingdom), speaking on a point of order, wished to make it clear to the USSR representative that, having opposed the present terms of article 1, paragraph 2, he was acting quite logically in also opposing the Chilean amendment to insert a similar clause in article 21. He objected in principle to the insertion in a specific article of a particular provision duplicating a general provision on the same lines. If a non-discrimination clause were inserted in article 21, there was no reason why the same should not be done in all the articles of the covenant.

He would also like to clear up a misunderstanding. The Egyptian representative believed that he was opposed in principle to equal remuneration for men and women workers or to the statement of that principle. That was not the case; he had merely stated that his Government was unable at the present time to undertake the immediate application of a legal undertaking to that effect but he was not in any way seeking to escape from the meaning of the word "everyone", which had been quite correctly stated by the Egyptian representative. His objection was not to the principle but to the immediacy of its application.

The CHAIRMAN suggested that the Commission should vote separately on each of the paragraphs of article 21.

He put to the vote the first paragraph of point 1 of the Chilean amendment (E/CN.4/L.62/Rev.2) relating to the first paragraph of article 21.

The first paragraph of point 1 of the Chilean amendment was rejected by 10 votes to 8, with no abstentions.

/The CHAIRMAN

The CHAIRMAN observed that the phrase "notamment en ce qui concerne", in the French text of article 21 did not appear to correspond exactly to the English term "including". He thought, however, that the Commission should confine itself to adopting the various texts in one of the official languages, leaving the matter of co-ordinating translations till later.

He put to the vote the first paragraph of article 21 in the English text.

The first paragraph of article 21 in the English text was adopted by 15 votes to none, with 1 abstention.

The CHAIRMAN put to the vote sub-paragraph (a) of article 21.

Sub-paragraph (a) of article 21 was adopted unanimously by 18 votes.

The CHAIRMAN recalled that two amendments had been submitted to sub-paragraph (b) of article 21: point 1 of the USSR amendment (E/CI.4/L.45) and the oral amendment submitted by the Egyptian and French representatives. The USSR amendment to delete the word "minimum" was first removed in substance from the original text of sub-paragraph (b) and should therefore be put to the vote first. If that amendment was adopted, he thought the Commission need not vote on the Egyptian and French amendment.

Mr. MOROZOV (Union of Soviet Socialist Republics) did not think that the Egyptian and French amendment would be automatically rejected by the adoption of the USSR amendment. It proposed, on the one hand, the deletion of the word "minimum", and on the other a new wording.

The CHAIRMAN wondered whether the USSR representative would withdraw his amendment in favour of that submitted by the delegations of Egypt and France, in order to facilitate the work of the Commission.

Mr. MOROZOV (Union of Soviet Socialist Republics) preferred the Commission to decide first on his amendment, then on the Egyptian and French one.

The CHAIRMAN put to the vote point 1 of the USSR amendment (E/CI.4/L.45).

The amendment was adopted by 14 votes to none, with 4 abstentions.

/The CHAIRMAN

The CHAIRMAN put to the vote the Egyptian and French amendment that sub-paragraph (b) should read: "remuneration which provides all workers, as a minimum".

The amendment was adopted by 6 votes to 1, with 3 abstentions.

The CHAIRMAN invited the Commission to decide on the Uruguayan amendment (E/CN.4/L.50).

Mr. BONE (United Kingdom) wondered whether the text proposed by Uruguay and sub-paragraph (1) were compatible.

Mr. BELLO (Uruguay) felt that they were, as two distinct ideas were involved. The text proposed by his delegation related to the need for assuring an adequate standard of living for workers while sub-paragraph (1) dealt with the right of workers and their families to a decent living.

Mr. CASSIN (France) said that if the Uruguayan amendment were adopted and the deletion of sub-paragraph (b) (1) suggested on the grounds that it was incompatible with that amendment, he reserved the right to propose an amendment to the effect that sub-paragraph (b) (1) should be restored, particularly the word "families" which was of the utmost importance.

The CHAIRMAN put the Uruguayan amendment (E/CN.4/L.50) to the vote.

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

The CHAIRMAN invited the Commission to comment on sub-paragraph (b) (1) to which there were three amendments: the Yugoslav amendment (E/CN.4/L.53/Rev.1/Corr.1), point 2 of the USSR amendment (E/CN.4/L.45) and sub-paragraph 1 (b) (1) of the Chilean amendment (E/CN.4/L.52/Rev.2). He proposed to put the Yugoslav amendment to the vote first since it was furthest from the text of article 21, sub-paragraph (b) (1), then the USSR amendment and lastly, the Chilean amendment.

Mr. BORMYNSKI (Poland) requested that a separate vote should be taken on the words "and to the profits of the undertaking employing them".

Mr. VALENZUELA (Chile) supported that request, since he was prepared to accept the Yugoslav amendment with the exception of that phrase.

The CHAIRMAN

The CHAIRMAN explained that the Yugoslav amendment would be put to the vote in three parts, first, the words "with fair wages having regard to the cost of living", secondly, "and to the profits of the undertaking employing them" and thirdly, the rest of the amendment.

He put to the vote the first part of the Yugoslav amendment (E/CH.4/L.63/Rev.1/Corr.1).

The first part of the Yugoslav amendment was rejected by 6 votes to 5, with 7 abstentions.

Mr. JEVRENOVIC (Yugoslavia) pointed out that since the first part of the amendment had been rejected, the second part should read "with fair wages having regard to the profits of the undertaking employing them".

The CHAIRMAN put that phrase to the vote.

The second part of the Yugoslav amendment was rejected by 10 votes to 2, with 6 abstentions.

The CHAIRMAN asked the Commission to vote on the third part of the Yugoslav amendment (E/CH.4/L.63/Rev.1/Corr.1) which read as follows: "with fair wages in accordance with the principle of equal pay for equal work without distinction of any kind, and in particular without distinction between men and women workers".

Mr. CHUNG PAOLAN (China) asked for a separate vote on the phrase beginning with the words "with fair wages" and ending with the words "equal work". His delegation was prepared to vote in favour of that phrase but it was opposed to the rest of the amendment.

Mr. LYROU (Greece) asked the Chinese representative not to insist on a separate vote on the phrase to which he had just referred. He pointed out that the provisions on which the Commission was voting were in fact the same as those contained in sub-paragraph 1 (b) (1) of the Chilean amendment (E/CH.4/L.62/Rev.2)

Mr. HOJZE

Mr. HEARLE (United Kingdom) felt that there was a difference between the text of sub-paragraph 1 (b) (i) of the Chilean amendment in which fair wages and equal remuneration were simply juxtaposed and the Yugoslav amendment to sub-paragraph (b) (i) which made one concept dependent on the other.

Mr. MOROZOV (Union of Soviet Socialist Republics) thought that by rejecting the first part of the Yugoslav amendment the Commission had simultaneously rejected the three words "with fair wages" which should not be put to the vote again in the third part of the Yugoslav amendment.

The CHAIRMAN explained that in the Yugoslav amendment fair wages were defined in relation to three concepts, the cost of living, the profits of the undertaking concerned and equal pay for equal work. The first two concepts had been rejected by the Commission which was now called upon to vote on the third.

Mr. CASSIN (France) emphasized that the original text of article 21 of the draft covenant would be weakened by all the conditions with which the idea of fair wages was being hedged in.

Mr. JEVRENOVIC (Yugoslavia) was prepared to assist the Commission to overcome its difficulties by withdrawing the whole of his amendment except the phrase "without distinction of any kind, and in particular without distinction between men and women workers"; he proposed that that phrase should be added to sub-paragraph 1 (b) (i) of the Chilean amendment (E/CN.4/L.62/Rev.2).

The CHAIRMAN therefore put to the vote point 2 of the USSR amendment (E/CN.4/L.46).

Mr. MOROZOV (Union of Soviet Socialist Republics) requested a vote by roll-call.

/A vote



A vote was taken by roll-call on point 2 of the USSR amendment to article 21 (X/CH.4/L.46).

In favour: Chile, Egypt, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, India, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, China, France, Greece, Lebanon.

Point 2 of the USSR amendment was adopted by 8 votes to 5, with 5 abstentions.

The CHAIRMAN asked the Chilean representative whether he felt that it was necessary to put sub-paragraph 1 (b) (i) of his amendment to the vote in view of the fact that point 2 of the USSR amendment had been adopted.

Mr. VALENZUELA (Chile) pointed out that the USSR amendment was an addition to the original text of sub-paragraph (b) (i) of article 21 of the draft covenant, whereas the Chilean amendment modified the text of the sub-paragraph by introducing the idea of work of equal value, in order to bring that text into line with the Conventions of the International Labour Organisation.

Mr. JEVREMOVIC (Yugoslavia) withdrew the words "and in particular without distinction between men and women workers", retaining only the words "without distinction of any kind" which he proposed as an amendment to the Chilean text. He asked that the vote should be taken by roll-call.

A vote was taken by roll-call on the words "without distinction of any kind".

In favour: Chile, Egypt, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, France, India, Lebanon, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, China, Greece.

The words "without distinction of any kind" were adopted by 8 votes to 7, with 5 abstentions.

/The CHAIRMAN

The CHAIRMAN said that the Commission must next vote on sub-paragraph 1 (b) (i) of the Chilean amendment (E/CN.4/L.62/Rev.2) as amended by the addition of the words "without distinction of any kind"; the amendment now read "fair wages and equal remuneration for work of equal value, without distinction of any kind". . .

AMR Bey (Egypt) asked for a separate vote on the words "fair wages" and the words "equal remuneration for work of equal value".

The CHAIRMAN put to the vote the words "fair wages".

Those words were adopted unanimously.

The CHAIRMAN put to the vote the words "and equal remuneration for work of equal value".

Those words were adopted by 15 votes to 1, with 2 abstentions.

The CHAIRMAN put to the vote the whole of sub-paragraph 1 (b) (i) of the Chilean amendment "fair wages and equal remuneration for work of equal value, without distinction of any kind".

The whole of sub-paragraph 1 (b) (i) as amended was adopted by 10 votes to none, with 8 abstentions.

The CHAIRMAN said that the Commission must now vote on the complete text of article 21, sub-paragraph (b) (i) with the amendments and additions that it had adopted.

Mr. KOROZOV (Union of Soviet Socialist Republics) pointed out that the English text was not quite accurate since it omitted the words "in particular" which appeared in the Russian original.

The CHAIRMAN pointed out that it was the English text that had been adopted by the Commission.

Mr. KOROZOV (Union of Soviet Socialist Republics) stated that a mistake in translation should not be used to change the sense of the Russian text; since the Commission had not yet voted on the text as a whole, he asked that the words "in particular" should be put to the vote.

The CHAIRMAN said that, since the English translation was inaccurate, the Commission must accept the words "in particular" which appeared in the Russian text.

/He put

He put to the vote the whole of article 21, sub-paragraph (b) (1) with the amendments and additions adopted by the Commission which read as follows: "wit. fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work".

Mr. MOJZOV (Union of Soviet Socialist Republics) asked that a vote should be taken by roll-call.

A vote was taken by roll-call on the whole of article 21, sub-paragraph (b) (1) of the draft covenant, with the amendments and additions adopted by the Commission.

In favour: Chile, Egypt, Greece, Lebanon, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Abstaining: Australia, Belgium, China, France, India, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

The whole of article 21, sub-paragraph (b) (1) was adopted by 10 votes to none, with 8 abstentions.

Mr. KYROU (Greece) explained that he had voted in favour of the text but that he hoped that the Commission would have an opportunity to improve the wording.

Mrs. MEHTA (India) agreed with the principles proclaimed in the text but had abstained in the voting because she thought that the wording was confused and left much to be desired.

Mr. HOWE (United Kingdom) said that he had abstained from voting on the whole of the text because it was not properly worded and was merely a confused repetition of the provisions of paragraph 2 of article 1 adopted by the Commission. He regretted also that the Commission had adopted, without any discussion of its implications, an amendment proposed at the close of the debate by the Egyptian and French delegations which completely altered the sense of the text, and he thought that in such cases there should be discussion before the question was put to the vote.

/The CHAIRMAN

The CHAIRMAN admitted that the text just adopted by the Commission was not perfect but said that he was bound to put to the vote the texts proposed by delegations. The Commission was always free at a later date to decide by a simple majority vote to revise the texts that it had adopted.

Mr. WHITLAW (Australia) said that he had voted by mistake in favour of the inclusion of the words "as a minimum". He had not understood that the words were being voted on. He agreed that some provision should be made for those countries which had to rely on specifically "minimum wage" legislation but the inclusion of the words "as a minimum" after deletion of the word "minimum" from the same sentence seemed to him contradictory. He had abstained from voting on the whole of the article since he felt that the text contained less useless repetitions.

Mr. JUVIGNY (France), in reply to the United Kingdom representative, recalled the reasons which had led the Egyptian and French representatives to propose a new formula which placed States under the legal obligation to ensure a minimum, while leaving it open to them to exceed it. The French delegation had abstained on the text as a whole for reasons already explained.

The CHAIRMAN put to the vote article 21, sub-paragraph (b) (ii) of the draft covenant to which no amendment had been submitted.

The sub-paragraph was unanimously adopted.

The CHAIRMAN put to the vote point 3 of the USSR amendment (E/CN.4/L.46)

The amendment was adopted by 8 votes to 4, with 6 abstentions.

The CHAIRMAN put to the vote article 21, sub-paragraph (c).

The sub-paragraph was adopted by 13 votes to none, with 5 abstentions.

The CHAIRMAN put to the vote point 4 of the USSR amendment (E/CN.4/L.46)

The amendment was rejected by 9 votes to 5, with 4 abstentions.

The CHAIRMAN put to the vote point 2 of the Chilean amendment (E/CN.4/L.62/Rev.2).

The amendment was rejected by 7 votes to 7, with 2 abstentions.

The CHAIRMAN put to the vote article 21 as a whole.

The article was adopted by 12 votes to none, with 6 abstentions.

Mrs. MERTZ (India) explained that she had abstained in the vote on article 21 as a whole for reasons stated earlier.

/Mrs. ROSSEL

Mr. POSSSEL (Sweden) stated that she had voted in favour of the Chilean amendment concerning fair wages and equal remuneration for work of equal value, but against the sub-amendments to the Chilean amendment, because they were superfluous and confusing. Consequently she had abstained on the article as a whole.

Mr. MEROZOV (Union of Soviet Socialist Republics) noted that the text voted by the Commission was preferable to the one it had adopted at its seventh session. Nevertheless, he regretted that the text did not contain point 4 of the USSR amendment (E/CN.4/L.46); he hoped that the Economic and Social Council and the General Assembly would alter that decision.

Mr. SIMONIAN (United States of America) explained that his delegation had voted for article 21 as a whole, though it was opposed to sub-paragraph (b)(1).

Mr. KYRCU (Greece) said that he had abstained on the article as a whole because his delegation could not accept sub-paragraph (b)(1) which was very poorly drafted; he hoped that the text would be revised.

Mr. JUVIGNY (France) made it clear that he had voted in favour of article 21 because the article affirmed the principle of the right to work and to a fair wage, which his delegation considered essential; it was unfortunate that the formulae adopted might give rise to confusion. He objected to the repetition in sub-paragraph (b)(1) of clauses already contained in the general article.

Mr. WEITMAN (Australia) said that he had abstained on the article as a whole because he preferred the earlier text.

Mr. NISOT (Belgium) associated himself with the French representative's remarks.

Mr. KOWTYNGI (Poland) said that he had voted for article 21, even though certain important provisions had not been included. He thought that the text represented a step forward, and hoped that the Economic and Social Council and the General Assembly would further improve it.

/Mr. JEVREMOVIC

Mr. JEVREJEWIC (Yugoslavia) explained that he had voted in favour of article 21 because he supported the ideas it contained, in particular those in sub-paragraph (b) (1). He regretted that certain other ideas had been excluded.

The CHAIRMAN invited the Commission to discuss the Chilean proposal (E/CH.4/L.91), calling for the inclusion of another article after article 21.

Mr. VALENZUELA (Chile) formally introduced his delegation's proposal, the substance of which had already been discussed.

Mr. BORATYNSKI (Poland) suggested that in the English text the word "implement" should be replaced by the word "guarantee" which was closer to the word "garanti" in the French text.

Mr. EPARE (United Kingdom) opposed the contents of the new article. The implementation called for in that text was already laid down in article 1, while economic development and full employment were dealt with in article 20. Hence the text was superfluous; if, on the other hand the reference to implementation meant an immediate guarantee, that proposal had already been rejected by the Commission in connexion with article 20.

Mr. SENSARIAN (United States of America) endorsed the United Kingdom representative's remarks.

The CHAIRMAN put to the vote the amendment submitted orally by the Polish representative, to replace the word "implement" by "guarantee" in the English text.

The amendment was rejected by 11 votes to 3, with 3 abstentions.

The CHAIRMAN put to the vote the Chilean amendment (E/CH.4/L.91).

The amendment was rejected by 10 votes to 3, with 4 abstentions.

The CHAIRMAN invited the Commission to examine article 22 of the draft COVENANT, noting that three amendments had been submitted to it: one by the USSR (E/CH.4/L.47/Rev.1), one by Yugoslavia (E/CH.4/L.64/Rev.1) and one by France (E/CH.4/L.65).

/AZNI Bey

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Mr. EL BEK (Egypt) reminded the Commission that the question of social security in article 23 had already been fully discussed by it at its seventh session. As the text adopted on the basis of that discussion appeared to be satisfactory, he hoped that the delegations which had submitted amendments to it would withdraw them.

The CHAIRMAN noted some discrepancy between the French and English translations of the USSR amendment (E/CN.4/L.47/Rev.1): the French words conformement à la législation were not the same as the English "in accordance with the legislation in force". He asked the USSR representative if he could clarify the matter.

Mr. NERSTOV (Union of Soviet Socialist Republics) said that he would answer the Chairman's question at the following meeting, and moved adjournment.

The motion was adopted by 6 votes to 2, with 10 abstentions.

The CHAIRMAN announced that the Commission would hold a closed meeting the following afternoon to receive confidential communications addressed to it.

The meeting rose at 5.15 p.m.