

GENERAL ASSEMBLY

SIXTH SESSION

Official Records



Tuesday, 18 December 1951, at 10.30 a.m.

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Chairman : Mrs. Ana FIGUEROA (Chile).

Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.180, A/C.3/L.182, A/C.3/L.186 and Add.1, A/C.3/L.189) (continued)

[Item 29]*

GENERAL DEBATE (continued)

1. Mr. YU TSUNE-CHI (China) urged that in considering the principles to be incorporated in the draft covenant on human rights, the contemporary widespread violation of those rights should be borne in mind. He agreed with the United States representative (360th meeting) that it was shocking that such violations had come almost to be taken for granted, and also that all States Members of the United Nations had a responsibility, individually and collectively, to see that human rights were not so diminished that they might in certain areas become totally extinct.

2. The basic right was the right to life, as it was equally applicable in all circumstances to every human being. On the mainland of China, article 3 of the Universal Declaration of Human Rights, which guaranteed that right, had been violated on an unprecedented scale. According to the Free China Anti-Communist Atrocity Association, which had compiled information on mass executions from various sources, including the official Chinese communist newspapers and broadcasts, 15,672,050 persons had been killed in the greater part of China in the two years before 17 August 1951; no detailed information was available from Tibet, Mongolia and Ninghsia.

3. The Czechoslovak representative's view (366th meeting) of the improved situation on the mainland of

China was wholly false. Many human rights besides the right to life were being violated by the current régime. Denunciation was encouraged, as the newspaper *Le Monde* of Paris had shown in articles published from 7 November to 11 November 1951, inclusive. Forced labour had been instituted, according to the *New York Times* of 10 October 1951. Freedom of religion had been violated, according to statements published in the 11 August and 29 September 1951 issues of that newspaper. Freedom of information and of the Press was virtually non-existent. In fact, it might be said that almost every article of the Declaration had been violated on the mainland of China during the two preceding years. On the other hand, the Kuomintang, as disciples of Sun Yat-Sen, had brought to the Chinese people representative government, political, social and economic rights, justice and the rule of law such as they had never previously enjoyed.

4. Nevertheless, the fact that the violation of human rights was so widespread should not discourage the attempt to draft an international covenant for their eventual protection. The proper balance of society required equal respect for political, civil, economic, social, cultural and other rights. The Chinese delegation had voted at the seventh session of the Commission on Human Rights¹ against the proposal that there should be more than one covenant, but at the thirteenth session of the Economic and Social Council² had supported resolution 384 (XIII), section C, inviting the General Assembly to reconsider its decision in favour of the single covenant, because section C of that resolution was merely procedural, because the draft articles on the economic, social and cultural rights were far from satisfactory both in drafting and in substance, and because the discussion had shown that different measures of implementation were required for the two categories of rights.

¹ See document E/CN.4/SR.248.

² See *Official Records of the Economic and Social Council, Thirteenth Session, 525th meeting*.

* Indicates the item number on the General Assembly agenda.

5. As his delegation had originally favoured the single covenant, it might have been prepared to support the Chilean draft resolution (A/C.3/L.180), but it had been convinced that the amendments submitted jointly by the Belgian, Indian, Lebanese and United States delegations (A/C.3/L.184 and A/C.3/L.185), proposing the simultaneous drafting and opening for signature and ratification of two covenants, was a happier solution. It would be more logical to separate rights which could almost immediately be incorporated into legislation and rights which could be achieved only through the gradual advancement of social welfare. Moreover, the inclusion of the social, economic and cultural rights might have impeded rapid ratification and have limited the number of signatories. The existence of separate covenants for the two categories of rights would also make it easier to draft subsequent separate instruments dealing with ethical and moral rights.

6. In reconsidering the economic, social and cultural articles, the Commission on Human Rights should correct some errors both of drafting and of substance in the existing text (E/1992).³ Article 20, concerning the right to work, was redundant and the right was not satisfactorily defined, since work was not confined to working for a livelihood, but might also imply, for example, working for some altruistic purpose. Article 23 was inadequate; under-developed countries recognized the need for the statement of the right to food and clothing as well. The provisions relating to the right to education were far too detailed in comparison with those relating to economic rights; the balance should be restored.

7. The Chinese delegation would whole-heartedly support any proposals for writing into the covenant an article guaranteeing the right to self-determination. That right had kindled popular imagination throughout the East; China had frequently supported expressions of it, and it had been one of the main principles advocated by Sun Yat-Sen.

8. Mr. ACRITAS (Greece) felt obliged, in view of his country's age-old tradition of democracy, to reply to certain allegations made at the 366th meeting by the Czechoslovak representative. Greece had dealt the first decisive blow against the Axis forces in the Second World War and had always defended its independence and integrity. The annulment of the election of certain candidates had been ordered legally by courts at Athens, because those candidates were serving heavy sentences; nevertheless, an equal number of communist candidates would take their places, and no restrictions were imposed upon the Communist Party in Greece.

9. With regard to the examination of the draft covenant, he thought that only one aspect of the work

could be regarded as new and effective: that was the concept of the establishment of international guarantees of respect for and full application of human rights. The task of the United Nations was not to fill gaps in national constitutions, but to guarantee the application of those instruments. The Commission on Human Rights should therefore draw up an article on the functioning of democracy, to oblige States to carry out free elections by secret ballot at regular intervals.

10. The Commission on Human Rights might improve the existing articles on economic, social and cultural rights, and his delegation would therefore support the joint draft resolution to that effect submitted by Ecuador and Guatemala (A/C.3/L.189).

11. The provisions for the implementation of civil and political rights were not satisfactory. In the first place, the proposed human rights committee would not have adequate authority and powers to render decisions with a full knowledge of the facts, unless it had the right to conduct inquiries on the spot. His country would be fully prepared to have such investigations undertaken in its territory, provided that other States parties to the covenant would agree to do the same. In the second place, the procedures for implementation in their existing form might be used for subversive and propaganda purposes by States which might cause artificial disturbances by alleging violations. In that connexion, he suggested that States which did not apply all the provisions of the covenant should not be entitled to take proceedings against other States.

12. In view of the fact that the implementation of economic rights depended not only on the goodwill of the governments concerned, but also on factors which had no immediate bearing on human rights, he thought that the system of reports on such implementation would effectively enable the United Nations to follow developments in that field.

13. He thought that it should be made clear, with regard to the question of the right of self-determination, that the problem at issue was that of national majorities, and not of minorities. Moreover, the question of countries which were allegedly unprepared for complete political emancipation should be studied in close connexion with the question of the right of self-determination. In that regard, he referred to the case of Cyprus, where the predominantly Greek population had voted for union with Greece by an overwhelming majority in the 1950 plebiscite.

14. With regard to the question whether one or two covenants should be drafted, his delegation felt that, although no distinction should be made between the importance of the two categories of rights, certain practical problems had to be faced, and if more rapid progress could be made by adopting two covenants, that course should be taken.

The meeting rose at 12.40 p.m.

³ *Ibid.*, Supplement No. 9.