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COMMISSION ON HUMAN RIGHTS

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND SEVENTY-THIRD MEETING

Held at Lake Success, New York,
on Thursday, 27 April 1950, at 2.30 p.m.

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Chairman: Mr. CHANG China

(18 p.)

Members:	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
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	Mr. SORENSON	Denmark
	Mr. RAMADAN	Egypt
	Mr. CASSIN	France
	Mr. KYROU	Greece
	Mrs. MEHTA	India
	Mr. AZKOUL	Lebanon
	Mr. MENDEZ	Philippines
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mr. SIMSARIAN	United States of America
	Mr. ORIBE	Uruguay
	Mr. JEVREMOVIC	Yugoslavia
Also present:		
	Mrs. GOLDMAN	Commission on the Status of Women
Representatives of non-governmental organizations:		
Category A:	Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
Category B:	Mr. HALPERIN	Co-ordinating Board of Jewish Organizations
	Miss TOMLINSON	International Federation of Business and Professional Women
	Miss GARTLAN	International Union of Catholic Women's Leagues
	Mr. GROSSMAN	World Jewish Congress
Secretariat:		
	Mr. SCHWELB	Acting Director, Division of Human Rights
	Mr. LIN MOUSHENG	Secretary of the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS (continued) Article 20 (E/1371, E/CN.4/353/Add.10, E/CN.4/353/Add.11, E/CN.4/358, E/CN.4/365, E/CN.4/418, E/CN.4/447/Rev.1, E/CN.4/451, E/CN.4/455, E/CN.4/456) (continued)

1. The CHAIRMAN invited the Commission to proceed with its consideration of article 20.

2. Mrs. GOLDMAN (Commission on the Status of Women) referred to the statement made by the Chairman of the Commission on the Status of Women before the Commission on Human Rights (E/CN.4/418) and stressed that in many countries women were not considered as persons before the law. It was therefore extremely important to include the word "sex" to eliminate the possibility of discrimination against women because of their sex. The United States amendment (E/CN.4/451) marked some progress in that direction.

3. It must also be remembered that identity of treatment did not necessarily indicate equality of treatment. In the case of women, maternity care and other services had also to be taken into consideration.

4. The Commission on the Status of Women was disturbed at the Chilean proposal to omit "other status". That expression should be retained because it covered changes in marital status which were especially important in determining questions of nationality. The Commission on the Status of Women also felt that the word "birth" should be retained because of its relevance to the problems of women.

5. Above all, however, the Commission on the Status of Women felt strongly that article 20 lacked force because of its position and should be moved nearer to article 2. The transfer of the anti-discrimination article would greatly strengthen the entire covenant. If, on the other hand, the United States amendment to delete articles 21 and 22 were adopted, article 20 would then become the last article of the covenant and would thus be in a position of emphasis.

6. Miss TOMLINSON (International Federation of Business and Professional Women) stated that in the opinion of her organization article 20 as drafted would not ensure equality before the law to women in all countries. Article 20 was designed to protect the rights defined in the covenant and it was therefore

/essential that

essential that protection and right should be closely associated in the same paragraph. Provisions ensuring the "right to equality before the law" were to be found in different parts of the covenant: the preamble, article 2, and article 20, paragraph 2. The International Federation of Business and Professional Women felt that the text on equality before the law should be interlocked with article 2, paragraph 1, by which States parties to the covenant undertook to ensure that right to all individuals within their jurisdiction. Unless the two texts were brought into close proximity, Governments would have a loophole for defaulting or discriminating on any pretext which might suit their purpose.

7. Countless instances of gross discrimination against women provided constant reminders that rights should not only be specifically stated but that at the same time protection for ensuring the observance of those rights must be equally specific.

8. The International Federation of Business and Professional Women suggested a drafting change in paragraph 1 of article 20 in order to provide adequate safeguard of the equality of all individuals before the law by adding to the words of paragraph 1 the guarantee that States which were parties to the covenant undertook to ensure that right to all individuals within their jurisdiction, without distinction as to race, colour, sex, religion, etc.

9. Mr. MENDEZ (Philippines) expressed support of the Australian suggestion that article 15 and paragraph 1 of article 20 should be combined. Article 15 was a repetition of article 6 of the Universal Declaration of Human Rights and did not imply the obligation that was proper to a covenant. With the suggested change, in the form of an addition or a separate paragraph, article 15 would bear the impress of a covenant.

10. If paragraph 2 of article 20 were retained in its present position, the text should make it clear that while States were committed not to practice discrimination, they could not force individuals or groups not to discriminate. It must be recognized that discrimination whether in the selective sense or in the derogatory sense was to some degree inevitable.

11. The Philippine delegation favoured the elimination of paragraph 3 of article 20 and felt that paragraph 2 should include provisions for economic and educational opportunity.

/12. Mrs. MEHTA

12. Mrs. MEHTA (India) felt that articles 15 and 20 dealt with different concepts and should be kept separate. Article 15 dealt with juridical personality while article 20 dealt with non-discrimination in enactment and enforcement of law.

13. Superficially, paragraph 2 of article 20 appeared to be similar to article 2 but the two texts should be kept separate to avoid confusion of their separate ideas. Paragraph 2 of article 20 should be reworded to make it clear that the central idea was non-discrimination. She presented an amendment (E/CN.4/455) which read: "In the enjoyment of rights and freedoms there shall be no discrimination against anyone on grounds only of race, colour, sex, language, religion, political or other opinion, national or social origin, property,birth or other status."

14. Mr. CASSIN (France) agreed fully with the drafting change suggested by the representative of Belgium for the two complementary ideas in paragraph 1. He stated that although he felt that a text following the form of the Proclamation of the Rights of Man of 1789 was preferable, he would not press the point in deference to the views of the Lebanese delegation which preferred the statement of rights beginning with "Everyone" or "All".

15. He could not agree with the representative of the United States of America who had expressed the view that paragraph 1 was lacking in force.

16. Regarding the relationship between articles 15 and 20, he thought those texts closely allied but not identical. Article 15 was more modest in scope and merely tried to prevent Governments from denying legal identity to persons. While the two articles might be combined, article 15 might more appropriately be incorporated in article 20.

17. He wished to commend the Chilean delegation for its significant amendments to paragraph 2 and felt that while the amendment might not be accepted at once, Chile had made a valuable contribution in stressing the lack of scientific foundation for the concept of race.

18. He felt that the concern regarding the lengthening of the list of possible grounds for discrimination was unfounded and pointed out that "notamment" was a most significant word in the French text of paragraph 2. He felt that it might be advisable to reconsider the wisdom of a reference to discrimination against minorities since almost invariably one or the other of the grounds already listed would cover the case.

/19. The word

19. The word "birth" should be maintained because it referred to such matters as the social status of parents.

20. He felt that the proposal of the representative of India deleting the words "defined in this covenant" might have serious repercussions and might even cause bloody revolution. Even the best intentioned Government could not be expected to agree to a text which accorded all rights and freedom rather than those defined in the covenant alone. The implications of such a sweeping step were incalculable. Aliens, for example, would become eligible for the highest public offices. Such drastic changes were impossible to effect without careful and painstaking preparation.

21. He agreed that paragraph 2 was related to article 2 which dealt with implementation but felt that the two might be brought close together without actually being combined.

22. In spite of the general lack of sympathy for paragraph 3, which admittedly was imperfect, that paragraph should be maintained because incitement was an important factor in the provocation of discrimination. The text made no requirements for police measures or penal laws involving limitation of freedom. It merely said that any possible victim of discrimination was entitled to equal protection against incitement, and in a sense it constituted a warning that outbreaks of discrimination must be carefully prevented. Recalling the failure of democracies to give adequate attention to that problem in pre-war days, the representative of France stressed the importance of education and the need for a sense of responsibility on the part of journalists and public officials. He urged the adoption of paragraph 3, possibly in proximity to articles 20 or 21 or perhaps as part of the article on discrimination, as in the case of the Universal Declaration.

23. The CHAIRMAN, speaking as the representative of China, stressed the fact that article 20 was not an article on law but rather an article dealing essentially with equality. Human rights almost always involved comparison and questions of equal treatment. Although it was difficult to put article 1 of the Universal Declaration into legal terms, the covenant could at least provide for the essential of equality before the law.

24. The representative of China stated that the long discussion had not affected his support of the Commission's text of article 20.

/25. Mr. KYROU

25. Mr. KYROU (Greece) expressed support of the original wording of paragraph 1 with the slight drafting change proposed by the representative of Belgium.

26. While he understood the fears expressed by the delegations of the United States and the United Kingdom, he hoped that if the explanations provided by the representatives of Belgium and Denmark were inserted in the record, the United States and United Kingdom might agree not to press for a vote on their amendments.

27. He expressed preference for the Commission's draft of paragraph 2 and agreed with the statement of the representative of France that the deletion suggested by the Indian delegation was undesirable and might serve as a rallying point for opposition to the covenant. The representative of Greece would give consideration to the proposal that paragraph 2 of article 20 be linked with article 2 although he was aware that article 2 dealt with implementation. Even if paragraph 2 of article 20 were maintained in its present position, a general phrase might be inserted in article 2 to meet the point raised.

28. He agreed with the representative of France that the Chilean amendment, although admittedly scientific, might be premature at the present stage.

29. The representative of Greece felt that paragraph 2 should be deleted, since it would weaken the text, and pointed out that in his opinion it would be unwise to include a negative text in the opening part of the covenant where positive articles should be sought.

30. Mr. RAMADAN (Egypt) expressed support of paragraph 1, as modified by the Belgian drafting amendment. He opposed the United Kingdom amendment because it prejudiced the concept of equality and called for unnecessary enumeration.

31. He agreed with the representative of France that paragraph 2 might more appropriately be maintained in article 20 than transferred to article 2.

32. He admitted that from the scientific point of view the Chilean amendment was sound, but pointed out that it would encounter serious juridical obstacles.

33. The Egyptian delegation favoured the deletion of paragraph 3 of article 20.

/34. Mr. JEVREMOVIC

34. Mr. JEVREMOVIC (Yugoslavia) accepted paragraph 1 with the Belgian drafting change. He could not, however, agree to the unnecessary and redundant United Kingdom amendment. Clearly the law could not be applied equally to all, and different treatment must be given to criminals, minors, persons of unsound mind, etc. He also considered the United States amendment as unacceptable and pointed out that the proper procedure was to work out fundamental principles first and proceed with details later.

35. He thought the Commission's text of paragraph 2 the best. He agreed with the representatives of Chile and France that race was not a scientific concept but pointed out that much discrimination had taken place on the basis of that erroneous concept. The enumeration in the covenant must cover all possible grounds for discrimination. He proposed that the words "defined in this covenant" should be replaced by the words "defined in the Universal Declaration".

36. He concurred in the view that the text did not fully cover equality of men and women and indicated his willingness to support any text guaranteeing such equality.

37. He shared the opinion of the representative of France regarding the importance of incitement but felt that paragraph 3 had no place in article 20. That provision might be more appropriate in article 21 or elsewhere in the covenant. The Commission might also wish to consider a general article covering provocation and incitement.

38. Mr. AZKOUL (Lebanon) considered the first sentence of article 20 absolutely indispensable. With the slight change in structure suggested by Belgium, it had almost limitless force. Even if all the other parts of the article were deleted, it was enough to ensure adequate protection before the law to all persons on a basis of equality.

39. The concept expressed in paragraph 2 had already been put positively and more generally in article 2 of the draft covenant. In article 20, however, it was stated that discrimination should be eliminated. Even if that statement were retained there, and at the risk of redundancy, it should be added to article 2. In article 20, it might be drafted in two parts, the second of which might emphasize that, where not already provided by law, the State assumed responsibility for enacting measures to protect fully the rights and freedoms it recognized.

/Thus, the

Thus, the Indian suggestion to extend the scope of those rights beyond those "defined in this Covenant" had great merit, but Mr. Azkoul reserved his position on it until it had been further clarified. While the Chilean proposal to replace the words "race, colour" by "ethnic origin" was basically sound, it was to be feared that the latter phrase might open the way to abuse by authorities acting in bad faith.

40. It would be difficult to define what constituted "incitement to such discrimination" so that Governments clearly understood their obligations under paragraph 3. Retention of the phrase would not prevent States from taking penal or police measures to punish what they considered to be "incitement to such discrimination". Even if the interpretation given by the representative of France could be accepted, it would be wiser to delete paragraph 3, with full confidence that the individual would be adequately protected against incitement to discrimination under the terms of paragraph 1.

41. Mr. SIMSARIAN (United States of America) withdrew his amendment to paragraph 1 (E/CN.4/451) because he was satisfied with the assurance given by several members of the Commission that "equality" did not preclude certain reasonable classifications of persons who were legally disabled, from a purely procedural point of view. It was therefore unnecessary to specify the exceptions in the United Kingdom amendment; all categories could not be enumerated. Paragraph 1, as modified by Belgium, and with the words "shall be" in the English text of the first clause, was entirely acceptable.

42. He could not support the Indian suggestion to extend the application of paragraph 2 to rights other than those defined in the Covenant. Such factors as diplomatic status, taxation, social security systems and political party systems necessarily delimited some rights, and a certain amount of discrimination had to be practised in according them. On the other hand, the phrase "any ground" seemed to include the additional Philippine limitations, economic opinion and educational attainment. He hoped the Philippine delegation would not press its amendment.

43. Mr. Simsarian approved the deletion of paragraph 3. It had already been stated in article 2 that States must take responsibility for full protection of the individual. Paragraph 3 might limit freedom of expression and afford a pretext for totalitarian measures.

/44. Mr. VALENZUELA

44. Mr. VALENZUELA (Chile), speaking on his amendment to paragraph 2, pointed out that it was directed not only to destroy the theories of racism and racial discrimination which had served as a principal weapon of fascism, but to eliminate from existing democratic regimes all manifestations of those unscientific and undemocratic concepts. Many of the democratic States which had fought the war against fascism still practised some form of racial discrimination; it would be a signal achievement for the United Nations to help to root out every vestige of such practices. It was not too early for the United Nations, which was most competent to do so, to take the initiative in ridding the democracies of the deep-rooted, traditional prejudices which divided people into first and second-class citizens and permitted them to be treated as something less than human beings. Only States which were not prepared to perfect their democratic systems could maintain that the terms "ethnic origin" would permit discrimination on grounds of race or colour. The Chilean amendment was not merely directed against a possible resurgence of fascism; its adoption would represent an important advance in positive democratic thinking. Equality of all persons must be safeguarded; measures such as quota systems for admission to schools must be rescinded; all classifications of persons which presumed the existence of inferior and superior groups must be eliminated.

45. The Commission obviously agreed on that principle; views differed only on the opportuneness of giving it effect in the covenant. It must reject the idea that the covenant should retain the same language as earlier international instruments, even at the risk of including concepts which had been proved to be unscientific and prejudicial to the development of a democratic society. Each new international convention must recognize the advances made by the international community and adapt its language accordingly. For those reasons, Mr. Valenzuela would press his proposal to replace the words "race, colour" by "ethnic origin".

46. Mrs. MEHTA (India) emphasized that the retention of the phrase "defined in this Covenant" in paragraph 2 narrowed the scope of the protection afforded. Citizens of most States enjoyed many more rights and freedoms than the covenant listed; the Indian amendment (E/CN.4/455) was intended to ensure that those rights would not be prejudiced. To meet the objections raised by the representatives of France and the United States, the word "only"

/had been

had been added before the enumeration of grounds for discrimination. Clearly, a certain measure of discrimination must be permitted: aliens need not be allowed to vote or run for public office; certain categories of persons, like minors or those of unsound mind referred to in the United Kingdom amendment, could not be expected to receive equal treatment with all other members of society. But generally, discrimination was practised on the specific grounds enumerated and it was to protect the minorities likely to be subjected to it that the Indian amendment had been considered necessary.

47. Mrs. GOLDMAN (Commission on the Status of Women) thought that the phrase "without discrimination" should definitely be retained in paragraph 2. She was grateful to the representative of Greece for his suggestion that a non-discrimination clause might be added to article 2 of the covenant, thus linking the concepts of equality and non-discrimination from the outset. She fully understood the scope of the word "birth" in paragraph 2; all the implications of that word were of great concern to women. She welcomed the emphasis placed on equality by the representative of China; unfortunately, the words "persons" and "individuals" were not always understood to include women.

48. Mr. CRIBE (Uruguay) considered it imperative to adopt the Chilean amendment to replace "race, colour" by "ethnic origin" in a legal instrument like the covenant. Racism and racial theories had no scientific basis and no place in an international convention; the new phrase was a welcome innovation.

49. Mr. Oribe agreed with the representative of India that equal treatment should not be restricted to rights and freedoms stated in the covenant and that the phrase "defined in this Covenant" should be deleted.

50. The Declaration of Human Rights was a more comprehensive document than the covenant and proclaimed a number of rights which were omitted in the legal instrument. Equality was a fact and condition which extended to all the rights in the Declaration. The emphasis in the covenant should be rather on equal treatment or equal protection than on the principle of equality itself. All types of discrimination violated that principle and were equally inadmissible; the covenant should make non-discrimination general and categorical. It should not imply that rights not explicitly stated might be subject to discrimination.

/The fear

The fear expressed by the representative of the United States that non-discrimination might be extended to the freedom to accede to public office was unfounded inasmuch as that was a specific political right with which the Commission was not currently concerned. On the other hand, it would be disastrous if, for example, the protection of trade union rights were not recognized on the grounds that those rights were not specifically guaranteed in the covenant. Citizens enjoyed many other social and economic rights which had not been included in the covenant; the impression must not be given, by limiting protection by law to those defined in that instrument, that violation of those unspecified rights was permissible. Since the signing of the United Nations Charter, many gains had been made in the application of the principle of equality; they must not be minimized by the restrictive phrase "defined in this Covenant".

51. Whatever might be the merits of concording article 20 with articles 2 or 15, that article should be placed at the beginning of the section of the covenant in which it appeared. Moreover, paragraph 2 should be identical with paragraph 2 of article 2 of the Declaration of Human Rights.

52. Mr. HOARE (United Kingdom) accepted the Lebanese interpretation of paragraph 1. The United Kingdom amendment, however, had in mind the case of minors and persons of unsound mind which did not fall within that interpretation; it attempted to achieve not equal rights, but equal protection for individuals. If he became convinced that the original text was wide enough to cover those two groups, he would withdraw the amendment. He asked whether the phrase "or other status" in paragraph 2 might not be construed to permit Governments to discriminate against minors and lunatics.

53. On the other hand, the Indian amendment would also preclude the system of having special discriminatory legislation for minors and lunatics. The phrase "defined in this Covenant" might be narrower than the Commission would wish, but it had the advantage of stating precisely which rights and freedoms were affected. The general terms of the Indian amendment also covered the controversial matter of discrimination in private and social relationships which by their very nature were outside the law. It laid upon States the obligation to ensure that such discriminatory practices should be prohibited by law. Many States would have great difficulty in accepting such an obligation.

/54. He understood

54. He understood the Indian representative's view but for reasons of logic and practical expediency he would support the original text.

55. With regard to the Chilean proposal he admitted that the phrase "ethnic origin" was a more scientific term than "race" or "colour". There might be some advantage, however, when dealing with discrimination based on popular misconceptions, to describe that discrimination in the terms on which the misconceptions were based. Moreover the terms "race" and "colour" had a long history and perhaps should be retained for that reason.

56. The French representative had forcefully defended paragraph 3, but Mr. Hoare thought it invited misinterpretation. Such a declaratory text offered little real protection to the individual, and a State acting in bad faith could construe it as a sanction of restrictions on freedom of speech and expression. For those reasons, it would be better to delete the paragraph.

57. Mr. MENDEZ (Philippines) thought that paragraph 1 of article 20 should be inserted in article 15, which was inadequate as it stood.

58. He agreed with the United Kingdom representative that all persons were not equal before the law, but most legislations took that fact into account. Paragraph 2 had been drafted to deal with the very question of the individual's status before the law.

59. He favoured the Chilean amendment which would substitute precise legal phraseology for the vague terms of the original text.

60. In reply to the CHAIRMAN, he said he would not press his amendment as the question could be discussed during the second reading.

61. Mr. WHITLAM (Australia) agreed that the purpose of article 20 was to promote equality. The Indian amendment had much to commend it, but the words "there shall be no discrimination" seemed to raise difficulties. They clearly imposed an obligation upon the State to legislate on intangibles which the law could not reach. Discrimination would have to be eliminated through education, not legislation. Moreover, he feared that, in practice, the Indian amendment would not achieve the same degree of protection as the original text.

/62. The phrase

62. The phrase "defined in this Covenant" should be retained because a legal instrument should clearly set forth its limitations.

63. He thought the United Kingdom amendment was unnecessary. The law recognized the particular requirements of minors and persons of unsound mind and attempted to accord them full protection by seeing that full justice was done them through agents or guardians competent to defend their interests. Paragraph 2 in his opinion was sufficient to allay the misgivings of the United Kingdom.

64. He also considered that the individual would be more fully protected if paragraph 3 were deleted.

65. Mr. JEVREMOVIC (Yugoslavia) said that the racial theory which had a lengthy history, had no scientific basis, but it had persisted for many centuries and had caused untold harm and bloodshed. The word "race" was still current and the dangers of a rebirth of the racial theory had not disappeared. For those reasons, the article should retain the word "race".

66. He thought the covenant should adhere to the wording of the Declaration, and should prohibit discrimination with regard to any of the rights set forth in that document. He proposed therefore that paragraph 2 should be amended to read "Everyone shall be accorded all the rights and freedoms defined in the Universal Declaration of Human Rights without distinction of any kind, such as race, colour....." (E/CN.4/456).

67. Mr. SIMSARIAN (United States of America) supported the concise revised Chilean amendment. The Indian amendment, however, was too broad and did not meet the objections he had raised earlier. He pointed out that if the phrase "defined in this Covenant" were deleted, the right to nationality, political affiliations and immigration would be affected. To do away with discrimination on any grounds would lead to great difficulties.

68. Mr. CASSIN (France) observed that the Belgian amendment to paragraph 1 had been supported by a majority.

69. With regard to paragraph 2, he said that the United Kingdom representative was experiencing the same doubts he himself had felt as to whether equality meant identity of treatment or equality of treatment. He had been

/assured

assured that it meant only equality of treatment. In those circumstances if the United Kingdom amendment were adopted, it would imply that article 20 referred to identity of treatment as well. He asked the United Kingdom representative, therefore, to withdraw his amendment.

70. He supported the Yugoslav and the Chilean amendments.

71. He opposed the Indian amendment because he thought it was impossible for any State to compel territories under its control to abandon their traditions. The Declaration proclaimed the ideal which States should strive to achieve, but that goal could not be reached overnight. The phrase "defined in this Covenant" should be included in paragraph 2, and the United Nations should then hasten to draft covenants to cover other human rights.

72. The non-discrimination clause, however, should be limited to each covenant. In that way, the Commission could proceed in an orderly manner and would be less likely to suffer overwhelming defeats which might destroy everything it had accomplished.

73. He pointed out that the word "uniquement" taken in conjunction with the phrase "or other status" in the Indian amendment might vitiate the very purpose of the text.

74. In conclusion, with regard to paragraph 3, he said that States were bound to recognize all the rights which were proclaimed in the covenant. The question of discrimination was of transcendental importance, however, and warranted a special recommendation. He thought, therefore, that paragraph 3 should be retained.

75. Mr. KYROU (Greece) supported the Yugoslav amendment.

76. Mr. NISOT (Belgium) endorsed the Chilean amendment for he saw no reason to perpetuate an erroneous term. Like the United States representative, he considered the Indian amendment much too broad: it would lead to the abolition of distinction between nationalities and therefore to nationality itself. He thought no State would ratify the covenant if the Indian amendment were adopted.

77. Mr. ORIBE (Uruguay) wondered what was the scope of each paragraph of article 20.

/78. He would

78. He would vote for the original text of the article, with the essential phrase "defined in this Covenant".

79. Mrs. MEHTA (India) pointed out that the original text was unduly narrow. If adopted in such restricted form, the covenant would not be according equality, and discrimination against other rights could persist. Article 20, in her opinion, should proclaim that the rights granted to any citizens of a State should be enjoyed by all without distinction.

80. If her amendment was rejected, she would support the Yugoslav amendment.

81. Mr. HOARE (United Kingdom) withdrew the United Kingdom amendment.

82. The CHAIRMAN, speaking as the representative of China, suggested that the Chilean amendment might give rise to misunderstandings. To avoid any idea that the Commission took a less severe view of the matter than it had in the past, the words "race, colour" should be retained, ill-defined though they might be.

83. Mr. VALENZUELA (Chile) pointed out that there could be little misunderstanding of the Commission's intentions, as the records of the meetings were available to the public.

84. Mr. SIMSARIAN (United States of America) was opposed to the Yugoslav amendment for the same reason as he had objected to the Indian suggestion. Furthermore, the Commission had not reviewed the Declaration in the light of article 20 and there was therefore no reason to include all the rights it proclaimed in that clause of the covenant.

85. Mr. JEVREMOVIC (Yugoslavia) pointed out that the word "colour" could not be rejected on scientific grounds.

86. In reply to Mr. ORIBE (Uruguay), Mr. CASSIN (France) thought it was clear that paragraph 1 proclaimed the general principle of equality. Paragraph 2 defined the narrower field of application by restricting the article to the rights and freedoms "defined in this Covenant" and although

/he sympathized

he sympathized with those who wished to broaden the scope of paragraph 2, that was impracticable. Paragraph 3 in turn was limited by the provisions of paragraph 2.

87. In the light of the French representative's explanation, Mr. ORIBE (Uruguay) moved that article 20 should be divided into two separate articles, one stating the general principle laid down in paragraph 1, and the other setting forth the ideas contained in paragraphs 2 and 3. To maintain article 20 as it stood could only lead to confusion and misunderstanding.

88. The CHAIRMAN thought that the Commission could vote on the text of article 20 and consider the point raised by the Uruguayan representative at the second reading.

89. Mr. ORIBE (Uruguay) asked that the debate should be borne in mind when the covenant was drafted in final form.

90. Mr. AZKOUL (Lebanon) asked the Commission to postpone voting on article 20. Many amendments had been introduced during the course of the afternoon which should be considered at length. The point raised by the Uruguayan representative was not a formal question but a matter of far-reaching import and in his opinion should not be acted upon hastily. Neither should the Commission defer its decision on the matter until the second reading.

91 His delegation wished to present an amendment to the Indian amendment which might reconcile the Commission's views on the text. As matters stood, there was a wide gulf between the original text and the Indian suggestion, but the substance of the matter was of fundamental importance and should not be acted upon until every possibility of achieving a compromise had been exhausted. The Commission should have time to weigh those matters carefully and therefore should not proceed to the vote until the following morning.

92. Mr. ORIBE (Uruguay) and Mr. NISOT (Belgium) preferred to vote on article 20 without delay.

93. Mr. KYROU (Greece) moved that the meeting should be adjourned.

/94. The CHAIRMAN

94. The CHAIRMAN put to the vote the motion to adjourn.

That motion was rejected by 7 votes to 6, with 2 abstentions.

95. In reply to Mr. ORIBE (Uruguay), the CHAIRMAN explained that the debate was not closed and that the Lebanese amendment could be admitted.

96. Mr. SORENSON (Denmark), with the history of the article in mind, wondered whether the English translation of the first part of the Yugoslav amendment (E/CN.4/456) should not read: "without discrimination of any kind, such as ...".

97. The CHAIRMAN too reminded the Commission that the word "discrimination" had been chosen as the best translation for the word "distinction" in the French text.

98. Mr. JEVREMOVIC (Yugoslavia) accepted the word "discrimination".

99. Mr. AZKOUL (Lebanon) again urged the Commission to postpone its vote on article 20 until the following day. The Indian amendment raised extremely controversial issues and if adopted, might prevent many countries from adhering to the covenant. He hoped that the Lebanese amendment, which he did not have in writing at that time, would eliminate many of the objections to the Indian text. In view of the dangers inherent in a hasty decision and in the hope of reaching a satisfactory solution to so vital a question, he repeated his request that the Commission should defer its vote on article 20.

100. Mr. KYROU (Greece) proposed that, except for the discussion of the Lebanese amendment, the debate on article 20 should be closed, and that the vote on article 20 should be taken the following day.

That proposal was adopted by 9 votes to none, with 7 abstentions.

The meeting rose at 5.50 p.m.