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CONTENTS

Chairman: **Mr. Omar LOUTFI (Egypt).**

AGENDA ITEM 28

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1 and 2, A/2910 and Add.1 to 5, A/2929, A/2943, chapter VI, section I, A/C.3/L.460 and Corr.1, A/C.3/L.466, A/C.3/L.472, A/C.3/L.483, A/C.3/L.484/Rev.1, A/C.3/L.485) (*continued*)

ARTICLE 2 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, ANNEX I) (*continued*)

1. Mr. KOPECKY (Czechoslovakia) said that he wished to make some comments on article 2 of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I).

2. That article was to play an important part, both in guaranteeing rights and in ensuring their realization. It was essential that apart from the specific provisions regarding implementation, the covenant should include a statement of principle showing the spirit in which the articles would be given practical effect. Paragraph 1 fulfilled that requirement and seemed, therefore, perfectly satisfactory. His delegation would consequently support it.

3. The text of paragraph 2, which laid down the principle that the exercise of rights must be guaranteed without distinction of any kind, was wholly acceptable and had been appropriately included at the beginning of part II. Czechoslovakia was well aware of its value, for it was convinced that discriminatory measures constituted one of the greatest obstacles to the realization of human rights. It was especially well qualified to hold that opinion, since it recognized and applied all the rights enunciated in the covenants.

4. The amendment proposed by the Netherlands (A/2910/Add.3) would do more than amend the form of the article; it would really change the meaning. The existing wording required each State party to the covenant to put an end to discriminatory measures practised in its territory; it also imposed on States the obligation to give every person, without distinction of any kind, the advantages of any new right which the State might recognize. The Netherlands amendment, on the other hand, sought to extend the idea of progressive achievement, as expressed in paragraph 1, to the elimination of discriminatory measures. It would be a gradual, rather than an immediate, elimination and there was reason to fear, as the USSR representative had pointed out, that the process might take a very long time.

5. The Czechoslovak delegation could not agree with the Netherlands representative that paragraph 2 was inconsistent with paragraph 1. Paragraph 1 referred to States in which all human rights had not yet been recognized and imposed on Governments the duty to take steps, with a view to achieving progressively the full realization of the rights enunciated in the covenants. Paragraph 2 provided for the case of States which decided to recognize a new right; it required them to put that right into effect without distinction of any kind. That being so, the two paragraphs could hardly be regarded as contradictory.

6. He found the arguments adduced in support of the Netherlands amendment artificial and unconvincing. It had been said, for instance, that countries in which discrimination was practised would be unable to accept article 2. That hardly seemed a reason for refusing to include in the covenants the fundamental principle of non-discrimination. It was a fact that discriminatory measures were applied by numerous States; it was also a fact that the United Nations had long sought to reduce those measures both in number and scope. That was the background against which paragraph 2 of article 2 had to be viewed. By adopting that provision, the Committee would define the duties of States, help to give the covenants some practical value and demonstrate its belief in the humanitarian task of the United Nations. Article 2 should consequently be retained as it stood.

7. Mr. RIPHAGEN (Netherlands) said that he wished to reply to the representatives who had stated the views of their delegations on the Netherlands amendment (A/2910/Add.3).

8. In the first place, he would re-emphasize a point which he had stressed when presenting his text (655th meeting): some forms of discrimination, such as those based on colour or religion, could never be justified; others were attributable to the fact that the exercise of at least one economic, social or cultural right was not yet fully guaranteed. So long as all the rights enunciated in the covenants were not fully effective, some persons would enjoy rights denied to others. That seemed to be the ineluctable implication of article 2.

9. The representatives of some States had consequently come to the conclusion that the text proposed by the Commission on Human Rights did not prohibit every form of distinction and inequality but only the most odious forms of discrimination. In their opinion, the text made a distinction between forms of discrimination which should be absolutely forbidden and others

which were temporarily permissible. That, however, did not seem to be the purport of article 2. Paragraph 2 spoke of rights exercised "without distinction of any kind" and prohibited discrimination based on "other status". It thus seemed to apply to every conceivable form of distinction. Whatever the juridical standard applied, there was nothing in the existing wording to justify the conclusion that the paragraph authorized some forms of distinction while condemning others. Accordingly, even assuming that the representative of El Salvador was right in contending that measures restricting the right of foreigners to work were not based on the fact of national origin, it had to be admitted that such measures set up a distinction and as such were unequivocally prohibited under paragraph 2.

10. The Lebanese representative had said that the text as it stood covered every possible inequality, even including distinctions ensuing from the ultimate implementation of the rights recognized in the covenants. He seemed to think that such distinctions, if tolerated by any State, would be condoned by the other signatories. Such an interpretation of article 2, paragraph 2, was inadmissible. If the Netherlands signed such a provision, it would consider itself bound to abolish every distinction, of any kind, as soon as the covenants came into force.

11. The Lebanese representative had shown that he understood how difficult it would be to draft a text stating which distinctions were permitted and which were forbidden; he had consequently suggested that the States parties to the covenant should be allowed a certain degree of discretion to decide whether or not, in their view, a particular distinction tolerated in any State represented a breach of the covenants. Article 2, paragraph 2, did not appear to give States such discretionary powers; the idea was nevertheless very interesting and helpful.

12. The amendment proposed by the Netherlands was expressly designed to allow States some discretion. If the Netherlands amendment was read in conjunction with articles 17 and 18 of the draft Covenant on Economic, Social and Cultural Rights, it would be seen that States had to submit to the Economic and Social Council reports concerning their progress in the field of human rights and to indicate "factors and difficulties" affecting the degree of fulfilment of their obligations under the covenant. It was thus clear that the obligations assumed under article 2, as amended in accordance with the Netherlands proposal would require States to indicate why their "resources" had not enabled them to eliminate certain forms of distinction. States and specialized agencies would be able to submit observations on those reports, in accordance with the procedure prescribed in part IV. Thus there would undoubtedly be sufficient data available to make it possible to determine which instances of discrimination were wholly unjustified and which were attributable to a State's condition or to the inadequacy of its resources. It seemed that the final result would be akin to that envisaged by the Lebanese representative.

13. He went on to reply to a statement the Yugoslav representative had made at the preceding meeting, to the effect that article 2, paragraph 2, was similar to article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms adopted by the Council of Europe. Perhaps he had been trying to show that the Governments which, like the Netherlands Government, had signed that Convention would be contradicting themselves if they opposed article 2 as it stood. In fact, however, there was no contradiction whatever: the European Convention covered only civil and political rights, while the Netherlands amendment referred exclusively to economic, social and cultural rights. The Netherlands delegation had proposed the amendment before the Committee solely because the draft Covenant on Economic, Social and Cultural Rights envisaged a progressive realization of those rights. Such an amendment would have no justification with regard to civil and political rights, for which the relevant covenant prescribed immediate implementation. The confusion seemed to derive partly from the fact that the Third Committee was simultaneously examining analogous provisions in the two draft covenants.

14. Turning to the joint amendments (A/C.3/L.484/Rev.1), he said that he was prepared to support the amendment to the draft Covenant on Civil and Political Rights. As far as its substance went, he was favourably disposed towards the amendment to the draft Covenant on Economic, Social and Cultural Rights but he found it difficult to accept it as it stood, because in the text proposed by the Netherlands the two paragraphs of article 2 would be merged into one. In view of the concern evinced by the authors of the joint amendment, his delegation was willing to insert the words "membership of a national minority" in its own amendment after the words "national or social origin".

15. Mr. FERNANDEZ ESCALANTE (Argentina) said that the rules enunciated in article 2 of the draft covenants were in perfect harmony with the letter and spirit of Argentine law. As an illustration, he read out articles 27 and 28 of the present Constitution, the provisions of which had already figured in the first constitution of 1853. The articles in question established equality among all inhabitants of Argentina. The law made no distinction between them, imposed no restriction on the basis of nationality and allowed aliens the same civil rights as citizens. Aliens accordingly enjoyed the right to work, on the same footing as Argentine nationals, and could even hold public appointments. That being so, his delegation could have no objection to article 2 of the draft Covenant on Economic, Social and Cultural Rights.

16. With regard to article 2 of the draft Covenant on Civil and Political Rights, his Government attached great importance to the provisions of paragraph 2, which safeguarded the sovereignty of States by respecting the constitutional processes peculiar to each State. With reference to paragraph 3 of the article, he quoted passages from the Argentine Constitution which made express provision for the very remedies guaranteed in the paragraph. Thus there was a considerable analogy between the fundamental rules of his own country and the principles enunciated in article 2, towards which, accordingly, the Argentine delegation could not but be favourably inclined.

17. In connexion with the various amendments which had been submitted, he expressed the view that the best formula would be one which would represent an advance on the original text from the legal standpoint but which, at the same time, would not make it impossible for the majority of States to sign the covenants. It should be borne in mind that the covenants would not be effective unless they were ratified

by a large number of Governments. There was no point in drafting either an ideal but over-rigid formula, which only a few States would be able to accept, or one that was too general and that would constitute a retrograde step for many nations. The members of the Committee should, therefore, agree on a text which, while marking a step forward, would take into account the *de facto* position of many States and their concern to avoid assuming obligations that would run counter to the principles of their legislation or which might place their legal and political structure in jeopardy.

18. The Argentine delegation would support any amendment which did not depart from the substance of the existing text and which could win the approval of a large number of States. It was therefore in favour of the joint amendments (A/C.3/L.484/Rev.1), as indeed of any amendment inspired by like considerations.

19. Mr. ABDEL-GHANI (Egypt) said that, if facts were faced, there was no denying that enjoyment of the rights enunciated in the draft Covenant on Economic, Social and Cultural rights could not be ensured immediately. No State, however wealthy and developed, could guarantee to all its citizens effective enjoyment of the right "to adequate food, clothing and housing" (article 11), "to just and favourable conditions of work" (article 7), or "to take part in cultural life" and "to enjoy the benefits of scientific progress and its applications" (article 16). However justifiable the desire to enjoy them might be, the rights enunciated in the covenant could not, in the existing circumstances, be either claimed or enjoyed by all at a moment's notice. It was out of regard for that basic consideration that the Commission on Human Rights had seen fit to make the implementation of the provisions of the draft covenant a progressive process. Of the various considerations which could be advanced in support of that view, he would cite only those two which struck him as particularly cogent. The first was to be found in article 2, paragraph 1, the so-called "umbrella" clause, which did not impose upon the States parties to the covenant an obligation that was to be fulfilled forthwith but only bound them to take steps towards the realization of the rights recognized in the covenant. In other words, the obligation was not absolute in character, since its fulfilment depended on the States' available resources, the volume of which might increase, decrease or remain stationary for a certain time. The second consideration related to the machinery which was to ensure international respect of the rights set forth in the covenant and which had been worked out with an eye to the gradual nature of the process of implementation. While under article 17 the States parties to the covenant undertook to submit reports concerning the progress made in achieving the observance of the rights recognized in the covenant, article 18 provided for the reports to be furnished in stages, in accordance with a programme to be established by the Economic and Social Council after consultation with the specialized agencies concerned. It was precisely because it was anticipated that the rights in question could not be implemented overnight that due allowance was made in article 18 for the factors and difficulties which might prevent the States parties to the covenant from fulfilling their obligations under the covenant.

20. Thus, on the basis of those two considerations alone, it could be seen that the process of giving effect to the rights recognized in the draft Covenant on Economic, Social and Cultural Rights could not be other than gradual. That, incidentally, was what distinguished the instrument in operation from the draft Covenant on Cvil and Political Rights, which must be put into full effect immediately, failing which the acts or omissions of the defaulting State would come within the purview of an international legal organ, namely, the Human Rights Committee the establishment of which was contemplated in part IV of the draft covenant in question.

21. Clear though the distinction was between the ways of giving effect to the rights recognized in the two draft covenants — automatic implementation in one case and progressive implementation in the other — there was one provision in each of the instruments which constituted an exception. In the draft Covenant on Civil and Political Rights, the exception occurred in article 22, paragraph 4, and concerned the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution, where the commitments of States were, very wisely, made contingent upon the progress of their legislation towards equality. In the draft Covenant on Economic, Social and Cultural Rights, the exception was to be found in article 2, paragraph 2. It was open to question whether that clause, inspired by the laudable desire to ensure to all persons enjoyment of all the rights recognized in the covenant, on an equal footing and without distinction of any kind, was realistic and applicable in practice. He would hasten to say that his country would experience no real difficulty in accepting the clause on non-discrimination in its existing form. Situated as it was at one of the great crossroads of the world, Egypt was a country where races and colours had mingled in the course of its long history and where race and colour prejudices were unknown. Language presented no problem, either. As to religion, there were few countries where the Christian and Jewish minorities were so intimately associated with the life of what was a predominantly Moslem population, whose rights, no less than whose duties, they shared. Finally, there was no law in Egypt establishing any distinction between men and women in regard to enjoyment of the economic, social and cultural rights recognized in the draft covenant. Even the status of aliens, since the abolition of the system of capitulations, did not differ from that of nationals except for the slight distinctions which became necessary for economic or historical reasons.

22. As to the right to work, while no modern State passed laws forbidding the employment of aliens, international practice made it incumbent on the State to specify the terms under which aliens might work in its territory. It could, for example, stipulate that certain professions were reserved exclusively for its nationals or that a certain percentage of appointments in other professions was reserved for them. There being, therefore, an accepted "international rule" in that field, Egypt could, in that matter too, subscribe without difficulty to the non-discrimination clause in article 2, paragraph 2, of the draft Covenant on Economic, Social and Cultural Rights. In view of the nature of the covenant, however, it would not be wise to lay down an absolute obligation which would ignore the facts of the existing situation. The wisest course would be to keep the obligation within certain limits, in line with the main objective of the covenant.

23. For the reasons he had given, he was inclined to support either the Netherlands amendment (A/2910/Add.3) merging the two paragraphs of article 2 into one or the Lebanese proposal (A/C.3/L.485) that the word "guarantee" should be replaced by the words "take the necessary steps to ensure".

24. Mr. BAKHTIAR (Pakistan) said that he had listened with interest to the observations some delegations had made on the amendment proposed by his delegation (A/C.3/L.483). He was aware that the difficulties he had mentioned at the 656th meeting in regard to his own country applied to a good many other States. Article 2 laid down an ideal which could not be achieved at once, praiseworthy as was the desire that it should be. At that meeting, the Pakistani delegation had given the reasons why it could not accept that article in its existing form without certain reservations. It had therefore reluctantly proposed an amendment (A/C.3/L.483). Since, however, many delegations appeared to be in favour of a separate article on the fundamental question of reservations, and in the hope that Chile and Uruguay would not press their proposal (E/2573, annex II, A) in that connexion, the Pakistani delegation would withdraw its amendment.

25. With regard to the other amendments to article 2, the Pakistani delegation reserved its position for the time being.

26. Mr. MASSOUD-ANSARI (Iran) pointed out that the Committee's aim was to prepare a text which would be acceptable, if not to all, at any rate to the great majority of the Member States of the United Nations. In other words, the covenants on human rights would have no real meaning except in so far as the States which approved them were able to put them into practice. In the case of the Covenant on Economic, Social and Cultural Rights, that would not be possible unless provision were made for the progressive implementation of its provisions. According to most of the delegations which had made their views known during the debate, the draft of that covenant included provisions which were incompatible with the legislation of the States concerned and the strict application of which would call for an amendment, not only of the laws proper but also of the Constitutions of those countries. Amendments to constitutional law, however, could not be made from one day to the next and in order to take the actual facts into account the process must be gradual. The Iranian delegation would therefore support the Netherlands amendment (A/2910/Add.3), which would introduce the concept of progressive implementation into article 2, paragraph 2, of the draft covenant.

27. The Iranian delegation would vote in favour of article 2, paragraph 1, in which that concept was already embodied.

28. Mr. HSUEH (China) found article 2 of the draft Covenant on Economic, Social and Cultural Rights generally acceptable; his delegation would therefore support it.

29. Paragraph 1 of that article stressed the progressive nature of the realization of the rights enunciated in the covenant. Provision for progressive implementation was made, moreover, in other clauses, in the mention, for example, of "programmes, policies and techniques to achieve steady economic development and full and productive employment" (article 6); of "the right of everyone to the enjoyment of the highest attainable standard of health" and of "the reduction of infant mortality" (article 13); and of the "progressive implementation... of the principle of compulsory primary education free of charge for all" (article 15). It was thus recognized, under article 2, paragraph 1, that the full exercise of the rights concerned could not be guaranteed immediately but that States must constantly endeavour to ensure that everyone would enjoy those rights to an ever increasing degree until they were fully realized. The Chinese delegation found that paragraph satisfactory and was prepared to accept the United Kingdom amendment (A/2910/Add.1), on the understanding that "legislative" and "other means" should not be mutually exclusive.

30. Turning to paragraph 2, which had been the main topic of the debate, he stated that his delegation was able to proclaim its attachment to the principle of non-discrimination particularly since the Chinese Constitution and legislation accorded it complete recognition. The Chinese Government considered that there should be no discrimination in the exercise of the rights enunciated in the draft covenants, particularly economic, social and cultural rights. It deplored the fact that the excessive nationalism of certain countries had led them to enact measures which clearly discriminated against foreigners, even those who had long since acquired the right to reside in those countries and had made a valuable contribution to their economic development. He was anxious to make it clear that his last remark referred to a situation which was not the same as that which had prompted the Netherlands amendment (A/2910/Add.3). The Chinese delegation was aware of the difficulties that the Netherlands amendment was designed to overcome. By introducing the idea of progressive implementation into the non-discrimination clause, it succeeded in retaining non-discrimination as the ultimate goal to be attained in the full realization of the rights enunciated in the covenant. That aspect of the amendment, as the Netherlands representative had remarked, became still clearer if the proposed text were regarded in the light of article 17 of the covenant. For those reasons the Chinese delegation would be disposed to support the Netherlands amendment; nevertheless, two important considerations made it hesitate to do so.

31. The first was that the preamble to the covenant, which stated, in its fourth paragraph, the principles on which the other provisions were based and which had been adopted by the Committee (640th meeting), mentioned the obligation of States under the Charter of the United Nations to promote universal respect for human rights and freedoms. It was in that very matter that the Charter called upon States to adhere to the principle of non-discrimination. Articles 1 and 55 of the Charter were categorical on that point. Consequently, States which acknowledged in a covenant that there could be exceptions to the principle of non-discrimination might well appear not to be complying fully with the obligation the Charter imposed upon them. Furthermore, the Universal Declaration provided (article 2) that "everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind".

32. The second consideration was that the articles of part III of the draft covenant concerned the rights of "everyone"—in other words, of every individual, without distinction of any kind. Consequently, paragraph 2

of article 2 was, in sum, only a synopsis of the provisions of the following part of the covenant. Even if that paragraph were deleted, its effect would still be felt in all the articles containing the word "everyone". Moreover, if the concept of progressive achievement were introduced into that paragraph by merging it with paragraph 1, doubts would inevitably arise concerning the meaning to be given to the word "everyone" in the other articles.

33. The Chinese delegation therefore hesitated to vote in favour of the Netherlands amendment. It recognized the reasons that had prompted it and the difficulties which it took into account and it thought the Committee should endeavour to solve those difficulties. Consequently, before adopting a final stand, the Chinese delegation would like to make a careful study of all the proposals and suggestions which might be put forward to that end, including the Lebanese amendment (A/C.3/L.485) which had just been circulated.

34. As far as the joint amendments presented by Costa Rica, Denmark, Norway and Sweden (A/C.3/L.484/Rev.1) were concerned, he considered that the text of article 2 already provided for the situation the amendment was designed to cover. Nevertheless, his delegation yielded to the arguments of the Danish representative concerning the application of the covenants to countries parties to the Convention for the Protection of Human Rights and Fundamental Freedoms adopted by the Council of Europe.

35. In conclusion, he proposed a Chinese text for the translation of the words "membership of a national minority", subject to revision if the Secretariat linguists found any better version.

36. Mr. McCLURE-SMITH (Australia) thought that, to obviate the procedural difficulties which were causing considerable embarrassment to some delegations, it would be wise to fall in with the Belgian representative's suggestion that the vote on part II of the covenant should be postponed until the Committee had finished considering part III. Most members of the Committee appeared to be growing more and more aware of the difficulties resulting from the decision which had been taken (636th meeting) on the order of consideration of the various articles. To subscribe to the provisions included in part II was tantamount to an undertaking to implement rights whose number and content were as yet undetermined, since the exact text of the articles which would constitute part III was still unknown.

37. He agreed with the United Kingdom and Netherlands representatives that there was some incompatibility between paragraphs 1 and 2. That question had already been considered in detail at the eighth session of the Commission on Human Rights[1] and it would be pointless to repeat all the arguments adduced at that time. Paragraph 1 was the enunciation of a principle which must apply to all articles in the covenant, namely the progressive achievement of the rights. The degree of achievement would vary widely in different countries; for many States it would be impossible to ensure the full exercise of all the rights within a short time; that was the reason for the introduction of the idea of progressiveness into that clause. On the other hand, paragraph 2 imposed on the parties an immediate and absolute obligation in the matter of non-discrimination. That obligation would give rise to serious difficulties, for in most States there were distinctions which affected the implementation of certain rights and the immediate elimination of which those States could not guarantee. Attention had been drawn in particular to the difficulties which would ensue from the quite legitimate restrictions which some States imposed on the employment of aliens. In his delegation's view, the Netherlands amendment (A/2910/Add.3) would eliminate the inconsistency between the two paragraphs, without changing the substance of their provisions, by linking the principle of non-discrimination with that of progressive implementation. If, as the Lebanese representative had admitted, it was natural that States should practice certain legitimate distinctions, that fact should be recognized in article 2.

38. With regard to the question of reservations, he was pleased to note that the delegation of Pakistan had withdrawn its amendment (A/C.3/L.483). The desired end would be more surely attained by means of a general clause. The Commission on Human Rights had unfortunately been unable to agree on the text of an article and had submitted four different drafts to the General Assembly (E/2573, annex II, A and B). That question should therefore be given thorough study but it could not logically be considered in the context of article 2.

39. Mr. PAZHWAK (Afghanistan) said he would support the United Kingdom amendment (A/2910/Add.1) and would like to know whether it would be submitted in the form of an amendment to the Netherlands amendment (A/2910/Add.3), in which case the Netherlands representative might perhaps decide to accept it.

40. He reserved his delegation's right to explain its views later with regard to article 2 and the other amendments before the Committee.

41. Mr. GONZALEZ CAMACHO (El Salvador) had an amendment to suggest which he hoped might reconcile the divergent points of view that had been expressed. It had been said that paragraph 2 was inconsistent with paragraph 1; it had been asked how States would be able to guarantee to all, without distinction, the exercise of the rights enunciated in the covenant, when they had previously undertaken to take steps to achieve progressively the full realization of those rights. In his delegation's opinion, that inconsistency was only apparent; from the legal point of view the provision in paragraph 2 was conditional, States not being bound to discharge the obligation to guarantee to all, without distinction, the exercise of the various rights until they had taken the necessary steps to achieve their full realization in accordance with the provisions of paragraph 1. It was therefore merely in order to dispel the fears which had been expressed that his delegation proposed the addition of the words "in accordance with the provisions of the preceding paragraph" after the words "will be exercised" in paragraph 2.[2]

42. Mrs. KRUTIKOVA (Ukrainian Soviet Socialist Republic) recalled that the Commission on Human Rights had adopted article 2 by a large majority,[3] after

[1] See *Official Records of the Economic and Social Council, Fourteenth Session, Supplement No. 4*, paras. 107 to 109.

[2] The amendment was subsequently issued as document A/C.3/L.486.

[3] See *Official Records of the Economic and Social Council, Fourteenth Session, Supplement No. 4*, para. 109.

a thorough study of the question. The provisions of that article were particularly important. Paragraph 1 imposed on States the obligation to take the steps necessary to achieve the realization of the rights enunciated in the covenant; that obligation was essential, for to proclaim human rights was not sufficient: steps must be taken to implement them, for it was one of the principal duties of the State to guarantee fundamental rights. Paragraph 2 bound States to guarantee the exercise of those rights to all, without distinction. That provision would therefore help to ensure the implementation of a whole series of important provisions of the United Nations Charter. The General Assembly had already taken several important decisions in connexion with that matter, especially in resolutions 103 (I) and 532 B (VI), of which she cited certain provisions. The importance which the nations attached to the elimination of all discrimination was further confirmed by the resolution which twenty-nine States had adopted at the Asian-African Conference held at Bandung and in which they had condemned racial policies that denied the fundamental values of civilization and the dignity of the human being. Her country had achieved complete equality of rights among its citizens but it felt concern for the claims of peoples that were asking for the elimination of discrimination where it still existed. It therefore associated itself with those who endorsed the provisions of article 2.

43. Some delegations had stated that they recognized the principle of non-discrimination but they had expressed doubts concerning the possibility of applying it. The United Kingdom Government, for example, had stated in its observations on that article (A/2910/Add.1) that distinctions between men and women were inevitable in all countries where the realization of certain rights was not yet complete. That argument was unconvincing, for the fact that some rights were not yet applied in many countries did not mean that the obligation to bring about true equality of rights between men and women, in all fields, should not be included in the covenants. On the contrary, that fact argued in favour of the adoption of such a provision, in order that equality might be achieved in accordance with the provisions of the Charter and that States might be compelled to change their legislation, if need be, and to abandon unfair practices and deplorable prejudices. If delegations acknowledged the need to implement human rights, it might be asked why they were willing to accept delays in the realization of those rights, as would inevitably be the case if the Netherlands amendment (A/2910/Add.3) were adopted. Her delegation agreed with the USSR delegation that the Netherlands amendment was not merely a change of form; it considerably weakened the value of article 2. Paragraphs 1 and 2 were connected yet independent, paragraph 1 providing for the progressive extension of the implementation of the various rights and paragraph 2 guaranteeing to all the enjoyment of the rights already realized. Article 2 thus meant that all discrimination should be eliminated immediately, no matter to what extent the various rights had been realized.

44. Her delegation could not accept the Netherlands amendment. She supported the provisions of article 2 as they appeared in the draft covenant (E/2573, annex I) before the Committee and she reserved her delegation's right to express its opinion on the other amendments later.

45. Mr. HOARE (United Kingdom) was prepared to submit his delegation's amendment in the form of an amendment to the Netherlands amendment. He would be very glad if the Netherlands delegation could accept it.

46. He wished to make it clear that in the observations it had submitted (A/2910/Add.1), his Government had simply stated that in all countries where the right of men and women to equal pay for equal work was not yet fully realized, a distinction based on sex was inherent in the fact that the right was not fully realized. Under the provisions of the Netherlands amendment (A/2910/Add.3), that distinction would have to be eliminated progressively. One of the General Assembly resolutions which the Ukrainian representative had cited emphasized, moreover, that the abolition of discrimination was a goal to be attained; the Netherlands amendment was consistent with that conception.

47. Mrs. KRUTIKOVA (Ukrainian Soviet Socialist Republic) said that she had been able to refer only to the Russian translation of the United Kingdom Government's observations. She maintained, nevertheless, that the inequality resulting from the non-application of the principle of equal pay for equal work ought to be eliminated as speedily as possible wherever it existed.

The meeting rose at 5 p.m.

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