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MEETING**

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Chairman: Mrs. Lina P. TSALDARIS (Greece).

AGENDA ITEM 32

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/3525, A/3764 and Add.1, A/3824) (continued)

ORGANIZATION OF WORK (continued)

1. Mr. ROSSIDES (Greece) said that at the preceding meeting he had proposed that a time limit should be set for statements in the current debate because under General Assembly resolution 1041 (XI), paragraph 1 (a), the Third Committee had been requested to complete consideration of the draft International Covenants on Human Rights by the end of the thirteenth session. To comply with that schedule, the Committee would have to adopt two articles at every meeting. Although that was impossible, he had proposed a time limit in order to expedite the Committee's work so far as possible.

2. What was important was not so much the discussion of the draft Covenants as their adoption. Accordingly, although the text proposed by the Commission on Human Rights might possibly leave room for improvement, as little time as possible should be lost on the consideration of amendments. If the draft Covenants were not completed within the specified time, other methods of completing them would have to be found, such as convening a special conference or appointing an *ad hoc* committee. It should not be forgotten that there were also other important matters to be discussed, for example, interim measures pending the entry into force of the Covenants and the question whether non-governmental organizations should have the right to lodge complaints regarding violations of human rights.

3. Miss FAROUK (Tunisia) said that the matter raised by the Greek representative was worth taking into serious consideration, and that all representatives must impose upon themselves a rule. She declared that a time limit must be set for the interventions as requested by the representative of Greece but she left to the discretion of the Chair the length of time to allow each speaker, and the exceptions to be made in special cases; she appealed to delegations to facilitate the Chairman's task.

4. Mr. BARGODY (Saudi Arabia) agreed with the Tunisian representative. Delegations which were not members of the Commission on Human Rights should be given the opportunity of making their views known. Furthermore, the Committee should understand the difficulties of representatives whose mother tongue was not among the five official languages. The conduct of the discussion could safely be left to the Chairman's wise discretion.

5. Mr. MOROZOV (Union of Soviet Socialist Republics) said that it was not so much the length of the speeches that had held up the debate in the past as the large number of amendments which had been submitted to each article. He therefore proposed that a time limit should be set not for statements but for the submission of amendments. The Committee might decide at the current meeting or the next meeting on the time limit for the submission of amendments, to article 7 and on Monday fix the time limit for amendments to articles 8 to 11. The proposed procedure would not, of course, rule out the submission of sub-amendments.

6. Secondly, it would save a great deal of the Committee's time if the sponsors of similar amendments would consult with each other informally and produce a text acceptable to all of them. If, in spite of such consultations, several different proposals were submitted regarding the same article, the Committee could appoint working groups to prepare a combined text.

7. Although the desire to avoid delay was very understandable, it should not be forgotten that the Committee had a difficult and complex task to carry out. It was the first time that more than eighty Governments had debated an international instrument which would profoundly affect the political, social and economic organization of society. The adoption of a time limit could only hamper the discussion; it would be better if delegations voluntarily reduced the length of their statements. He therefore supported the Tunisian representative's remarks and expressed the hope that the Greek representative would withdraw his proposal.

8. Mr. MEZINCESCU (Romania) supported the USSR proposals.

9. Mr. BRILLANTES (Philippines) said that the draft Covenants, unlike most other items on the Committee's agenda, had not only humanitarian but important political and legal aspects. In proceeding with their monumental task, representatives must be free to express their views fully. He appealed to the Greek representative not to press his proposal, on the understanding that all speakers would make an effort to keep to the time limit suggested, except in special cases.

10. Mr. ROSSIDES (Greece) said that his only object in making his proposal had been to expedite the

Committee's work. He would not press for a vote, but he reserved the right to make other proposals to the same end at a later stage.

11. Mr. BRILLANTES (Philippines) supported the USSR proposal with regard to amendments to article 7, but suggested that the dead-lines for the submission of amendments to articles 8 to 11 should be fixed separately in each case, after two meetings had been devoted to each article.

12. Mr. MOROZOV (Union of Soviet Socialist Republics) accepted that suggestion.

13. Mr. ROSSIDES (Greece) remarked that all amendments should be submitted in writing.

The USSR proposals, as modified, were approved.

14. Mrs. LORD (United States of America) said that as her delegation had explained on past occasions, it was not the intention of the United States to sign or ratify the Covenants, since it did not regard such instruments as the best means of promoting human rights throughout the world. However, the United States Government was genuinely devoted to the cause of human rights and had consistently supported all efforts made to advance them; it differed only as to the best method of doing so, believing that more could be accomplished by persuasion and example than by the coercion inherent in the treaty approach.

15. It was her delegation's intention to consult with other delegations, to offer suggestions, and to participate in drafting the language of the Covenants, with a view to arriving at the best possible formulation of the various articles.

ARTICLE 7 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B)

16. Mrs. LORD (United States of America) remarked that the first sentence of article 7 of the draft Covenant on Civil and Political Rights (E/2573, annex I B) was completely acceptable to her delegation. The second sentence, however, was redundant, since the idea in it was already contained in the broad general sentence preceding it; she therefore suggested that it should be deleted.

17. Mr. TOSCANO (Italy) supported the suggestion. Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which had been adopted by the Council of Europe in 1950 and had already come into force, consisted of only one sentence identical with the first sentence of article 7.

18. Miss HAMPTON (New Zealand) and Mr. RIBEIRO DA CUNHA (Portugal) agreed that the second sentence was redundant and should be deleted.

19. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the United States suggestion was based on an approach to the draft Covenants with which he could not agree. Since the United States representative had not objected to the substance of the second sentence of article 7, it could only be inferred that in her view no illustrative examples should be included in any article. But the Committee had already set a precedent for including illustrative provisions in articles of the draft Covenants.

20. Whether a provision should be included or omitted should be decided on the basis of its substance. It

might well be possible to improve both sentences of article 7; but he objected to any deletion being made on purely formalistic grounds.

21. He agreed that the substance of the second sentence was generally implied in the first; but the Commission on Human Rights had decided to add to the first sentence because at the time when the article had been drafted the memory of the atrocities of the Second World War had still been fresh. The fact that they were now more remote was immaterial.

22. Mr. HU (China) said that his delegation was prepared to vote for article 7 in its existing form. The article contained three main elements. It provided, first, that no one should be subjected to torture; secondly, that no one should be subjected to cruel, inhuman or degrading treatment—and the word "treatment" seemed to have two connotations, the general one and the medical one—and thirdly, that no one should be subjected to cruel, inhuman or degrading punishment while under detention or serving a sentence. The Chinese delegation considered that the second sentence was a necessary and important amplification of the first, and was not redundant; concentration camps had continued to exist even after the Second World War. He hoped that the United States delegation would not submit a formal amendment.

23. Mr. KETRZYNSKI (Poland) said that his delegation had been painfully surprised by the United States suggestion; hundreds of people throughout the world were still suffering the effects of medical and scientific experiments carried out on their persons.

24. The subject of article 7 could not be covered in one laconic sentence. Moreover, as the records of the war crimes tribunals showed, the experiments referred to had allegedly been carried out for the good of mankind as a whole; they had not been acknowledged by their perpetrators to be torture or inhuman treatment. Perhaps the idea behind the United States suggestion was that such atrocities would not be repeated; it was indeed to be hoped that they would not, but the fact that they had been committed made it important to refer to them specifically in the draft Covenant.

25. The Polish delegation did not think that the draft Covenants should be unduly succinct, for they were not purely legal instruments, to be read only by lawyers, but also political and social documents, which should be understandable to a wide public. He hoped that no formal amendment for the deletion of the second sentence would be introduced.

26. Mr. MEZINCESCU (Romania) said that article 7 was acceptable to his delegation as it stood. The United States suggestion had serious implications, since the provision in question had been inserted on the basis of tragic experience, the repetition of which must be avoided at all costs. The Romanian delegation supported the existing text not because of its legal precision, but because it contained ideas of fundamental importance and met a real need.

27. He pointed out that the reference to free consent might be open to abuse, for such consent might be merely alleged to have been given; the provision could thus be strengthened, but his delegation would make no specific suggestion to that end for the time being. He hoped that the United States suggestion would not be moved as a formal amendment.

28. Mr. KASLIWAL (India) said that his delegation would support the article in its existing form. The second sentence was not superfluous, since it laid stress on a specific historical situation. The provision had been inserted, after long discussion in the Commission on Human Rights, in order to condemn an atrocity and to prevent its recurrence.

29. Miss MacENTEE (Ireland) supported the United States suggestion. Her delegation had some misgivings about the wording of the second sentence, particularly with regard to the phrase "involving risk", since even experiments involving no risk might nevertheless be highly repugnant. The first sentence covered the substance of the second, and the deletion of the latter would merely serve to remove an ambiguity.

30. Mr. BAROODY (Saudi Arabia) observed that representatives who had objected to the United States suggestion had referred to war crimes perpetrated during the Second World War; however, other types of experiment might be conducted in the future. He

agreed with the Romanian representative that it was difficult to define "free consent", particularly now that the art of persuasion had been developed to such a high degree. For that reason, persons drafted into the armed forces who were persuaded to volunteer for dangerous experiments should be able to have recourse to the Covenant. The second sentence of article 7 should be retained.

31. Mr. CALDERON PUIG (Mexico) said that the United States suggestion had provided the Committee with a starting-point for its debate. In his delegation's opinion, the suggestion had some merits, since the second sentence was a repetition of the first, and the fact that it began with the words "In particular" tended to weaken the article. He suggested that article 7 might consist of the first sentence only, and that the second sentence, without the words "In particular", might be embodied in a separate article. The importance of the subject-matter of the sentence warranted its inclusion in the draft Covenant.

The meeting rose at 1 p.m.