

Dual Distribution

Third session

VIOLATION BY THE UNION OF SOVIET SOCIALIST REPUBLICS OF  
FUNDAMENTAL HUMAN RIGHTS, TRADITIONAL DIPLOMATIC  
PRACTICES AND OTHER PRINCIPLES OF THE CHARTERReport by the Sixth Committee

Rapporteur: Mr. J. SPIROPOULOS (Greece)

1. By letter dated 27 May 1948 the permanent representative of Chile accredited to the United Nations requested the Secretary-General to place on the agenda of the Third Regular Session of the General Assembly the question of the "Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter" (A/560).
2. The General Assembly, at its 142nd plenary meeting held on 24 September 1948, referred this item to the Sixth Committee with instructions to consider and report on it.
3. The Sixth Committee heard a statement by the Chilean representative and proceeded to discuss the question at its 134th, 135th, 136th, 137th, 138th and 139th meetings.
4. Two draft resolutions (A/C.6/296 and Corr.1, A/C.6/316) and several amendments were submitted to the committee.
5. The Sixth Committee, after a discussion, adopted by 26 votes to 6 and 6 abstentions a draft resolution submitted by the Chilean representative (A/C.6/296) as amended by the representatives of Uruguay and France (A/C.6/319). By a vote of 13 to 9 and 12 abstentions, it rejected a draft resolution submitted by the Australian delegation (A/C.6/316) under which the International Court of Justice was to be asked for an advisory opinion on the legal questions raised by the Chilean proposal.
6. Accordingly the Sixth Committee submits the following resolution to the General Assembly for approval:

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THE GENERAL ASSEMBLY,

CONSIDERING the item proposed by Chile on "violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter", which violation has consisted in preventing the Soviet wives of citizens of other nationalities from leaving their country with their husbands or in order to join them abroad, even when they are married to persons belonging to foreign diplomatic missions, or to members of their families or retinue,

CONSIDERING that in the preamble to the Charter of the United Nations all the signatory countries resolved "to re-affirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women",

CONSIDERING that Article 1, paragraph 3, of the Charter binds all Members to encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion", and that in Article 55 (c) of the Charter the Members undertook to "promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion",

CONSIDERING that, finally, the Economic and Social Council, in pursuance of the powers conferred upon it by Article 62, paragraph 2, of the Charter, in its resolution 154 (VII) D, dated 23 August 1948, deplored the "legislative or administrative provisions which deny to a woman the right to leave her country of origin and reside with her husband in any other" and that the draft International Declaration of Human Rights, in its Articles 14 and 17 respectively, provides that everyone has the right to leave any country including his own and that men and women of full age have the right to marry without any limitation due to race, nationality or religion,

DECLARES that the measures which prevent or coerce the wives of citizens of other nationalities from leaving their country of origin with their husbands or in order to join them abroad, are not in conformity with the Charter; and that when those measures refer to the wives of persons belonging to foreign diplomatic missions, or of members of their families or retinue, they are contrary to courtesy,

to diplomatic practices and to the principle of reciprocity, and are likely to impair friendly relations among nations;

RECOMMENDS the Government of the Union of Soviet Socialist Republics to withdraw the measures of such a nature which have been adopted.

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