

ECONOMIC
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SOCIAL COUNCILCONSEIL
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8 August 1947

ORIGINAL: ENGLISH

TRANSFER TO THE UNITED NATIONS
OF THE FUNCTIONS AND POWERS PREVIOUSLY EXERCISED
BY THE LEAGUE OF NATIONS UNDER THE INTERNATIONAL CONVENTION
OF 30 SEPTEMBER 1921 FOR THE SUPPRESSION OF THE TRAFFIC IN
WOMEN AND CHILDREN, THE INTERNATIONAL CONVENTION OF 11 OCTOBER 1933
FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN OF FULL AGE
AND THE INTERNATIONAL CONVENTION OF 12 SEPTEMBER 1923
FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC
IN OBSCENE PUBLICATIONS

REPORT OF THE WORKING GROUP

The Drafting Committee established by the Social Committee of the Economic and Social Council appointed at its first meeting on 7 August 1947 a Working Group consisting of the Delegates of France, United Kingdom and the United States. This Group was requested to consider the proposals made by the Secretariat, contained in Document E/444 and the comments to these proposals made by the United Kingdom (Document E/509) and by the United States (Document E/482).

The Working Group held a meeting at 3:20 p.m. on Thursday 7 August 1947. The following were present:

Chairman:	Mr. Veysey	(United Kingdom)
	Mr. Royer	(France)
	Mrs. Simons	(United States)

After having considered the appropriate documents the Working Group decided to make the following recommendations to the Drafting Committee:

- I. DRAFT RESOLUTION FOR SUBMISSION TO THE ECONOMIC AND SOCIAL COUNCIL
It was recommended that the first paragraph on page 13 of Document E/444 should read as follows:

"REQUESTS the Secretary-General to inform the Members of the United Nations of this recommendation in order that their representatives at the next Session of the General Assembly may be given authority to sign the Protocols; and to transmit a copy of this recommendation to the non-member States which are Parties to the above mentioned Conventions."

The Working Group considered that the above change would be advisable in order that also the non-member States which are Parties to the Conventions in question might be informed in advance of the steps contemplated by the United Nations for amending the Conventions.

/II. DRAFT

II. DRAFT PROTOCOL TO AMEND THE CONVENTIONS FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN, CONCLUDED AT GENEVA ON 30 SEPTEMBER 1921 AND 11 OCTOBER 1933. (Document E/444, page 14):

The following changes were recommended:

1. For the sake of accuracy of reference the Title should read:
"Draft Protocol to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921 and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933."
2. The same complete reference to the Conventions in question should be made throughout the Protocol.
3. The term "Parties" should be substituted for the term "States Parties" throughout the Protocol.
4. In accordance with the United Kingdom proposal contained in Document E/509, page 2 it was recommended that Article II of the Protocol should be omitted and Article III should read:

"The Secretary-General shall prepare texts of the Conventions as revised in accordance with the present Protocol, and shall send copies for their information to the Governments of every Member of the United Nations and every non-member State to which this Protocol is open for signature or acceptance. He shall also invite Parties to any of the instruments to be amended by the present Protocol to apply the amended texts of those instruments as soon as the amendments are in force, even if they have not yet been able to become Parties to the present Protocol."

The above change was considered more concentrated and more logical than the original proposal. Naturally the revised texts of the Conventions have to be prepared before the Parties are invited to apply these revised texts.

5. It was recommended that Article IV of the Protocol should read:

"The present Protocol shall be open for signature or acceptance by any of the Parties to the Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children or the Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, to which the Secretary-General has communicated a copy of this Protocol."

The above change was considered to be a clarification to avoid the misunderstanding that the article referred only to States which are Parties to both Conventions.

6. It was recommended that paragraph 2 of Article VI (Document E/444, page 15) should read as follows:

/"The amendments

"The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Convention when a majority of the Parties thereto have become Parties to the present Protocol, and consequently any State becoming a Party to either Convention after the amendments thereto have come into force, shall become a Party to the Convention as so amended."

7. It was recommended that the final paragraph of the Protocol (Document E/444, page 16) should read:

"In witness whereof the undersigned being duly authorized thereto by their respective Governments signed the present Protocol on the date appearing opposite their respective signatures."

III. DRAFT PROTOCOL TO AMEND THE CONVENTION OF 12 SEPTEMBER 1923
FOR THE SUPPRESSION OF THE CIRCULATION OF AND TRAFFIC IN
OBSCENE PUBLICATIONS: (Document E/444, page 18)

The following changes were recommended:

1. The term "Parties" should be substituted for "States Parties" throughout the Protocol.

2. Article II should be omitted, and Article III should read:

"The Secretary-General shall prepare the text of the Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications as revised in accordance with the present Protocol, and shall send copies for their information to the Government of every Member of the United Nations and every non-member State to which this Protocol is open for signature or acceptance. He shall also invite Parties to the aforesaid Convention to apply the amended text of this instrument as soon as the amendments are in force, even if they have not yet been able to become Parties to the present Protocol."

3. It was recommended that paragraph 2 of Article VI (Document E/444, page 20) should read:

"The amendments set forth in the Annex to the present Protocol shall come into force when a majority of the Parties to the Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications have become Parties to the present Protocol, and consequently any State becoming a Party to the Convention after the amendments thereto have come into force shall become a Party to the Convention as so amended."

4. It was recommended to change the final paragraph of the Protocol in accordance with II, 7, above.

IV. THE ANNEXES

1. In accordance with the proposal of the United States contained in Document E/482 it was recommended that the first paragraph of Article 7 of
/the Convention

the Convention of 1933 for the Suppression of the Traffic in Women of Full Age (Document E/444, page 18) and the first paragraph of Article 9 of the Convention on Obscene Publications (Document E/444, page 21) should read:

"Members of the United Nations may accede to the present Convention. The same applies to non-member States to which the Economic and Social Council of the United Nations may decide officially to communicate the present Convention."

The change is recommended in order to bring these articles in accordance with Article 10 of the Convention of 1921 for the Suppression of the Traffic in Women and Children (Document E/444, page 16) and thereby make it clear that the Economic and Social Council makes the decision to communicate a copy of the Conventions, but the actual transmission of the copy should be done by the Secretary-General.

2. It was recommended to delete the reference to the Economic and Social Council as follows:

(a) Convention of 1921 on Traffic in Women and Children:

Article 9, line 5 (Document E/444, page 16)

Article 10, paragraph 2, line 3.

Article 12, paragraph 2, line 5.

Article 13, line 5.

(b) Convention of 1933 on Traffic in Women of Full Age:

Article 6, line 5 (Document E/444, page 18).

Article 7, paragraph 2, line 4.

Article 10, fourth paragraph, line 3.

(c) Convention of 1923 on Obscene Publications:

Article 8, line 5 (Document E/444, page 21)

Article 9, paragraph 2, line 5.

Article 12, second paragraph, line 4.

Article 14, line 5.

It was considered that the actual transmission of copies of the Conventions involved should be performed by the Secretary-General, and the former wording appeared to indicate that the depository functions to be assumed by the United Nations may actually be performed by more than one organ of the Organization.

3. It was recommended that the terms "adhere" and "adhesion" should be substituted with "accede" and "accession" in Articles 9, 10, 13, 14 and 16 of the Convention of 1923 on Obscene Publications and in Articles 1 and 14 of the Convention of 1921 on Traffic in Women and Children.

The meeting rose at 5:15 p.m.