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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (CHAPTER V)

Report of the Third Committee

Rapporteur: Mr. K. AZKOUL (Lebanon)

1. The Third Committee had before it at its 347th meeting a letter from the President of the General Assembly (A/C.3/561) communicating the decision taken by the General Assembly at its 342nd plenary meeting to allocate to the Third Committee, among other items on the agenda of the sixth session, the report of the Economic and Social Council (chapters IV, V and VI).^{1/}
2. The Committee decided (A/C.3/SR.347) to take chapter IV as the first item on its agenda; its report on this question is reproduced in document A/2009/Rev.1.
3. The Committee proceeded to discuss Chapter V, Section I of the report of the Economic and Social Council conjointly with item 2 of its agenda (Draft International Covenant on Human Rights); its report on this question is contained in document A/2112. The Committee then examined the other sections of chapter V of the report at its 411th to 417th meetings.

/Observance of human rights

^{1/} A/1884, Official Records of the General Assembly, Sixth Session, Supplement No.3.

Observance of human rights

4. The Committee had before it a draft resolution on observance of human rights submitted jointly by Chile, China and Colombia (A/C.3/L.234) under which the General Assembly, considering the frequent denials of certain human rights, especially the right to life, which had occurred since the promulgation of the Universal Declaration of Human Rights, and considering that it was the responsibility of the Members of the United Nations, individually and collectively, to see that those rights and freedoms were observed, recommended that Members of the United Nations should intensify their efforts to rectify past injustices and to stop such denials of human rights. This draft resolution which had been submitted in connexion with Assembly agenda item 29 (Draft International Covenant on Human Rights) was, at the request of its sponsors, transferred under item 11 (A/C.3/SR.411).

5. In submitting the draft resolution, its co-sponsors had stated that it was not directed against any particular State, but constituted an affirmation of a universally accepted moral principle, and that it was the General Assembly's duty to take a stand on the observance of human rights, by drawing the attention of public opinion to the alarming fact, indicated by the President of the Economic and Social Council in his introduction to the Council's annual report, that the world had made no appreciable progress in recent years in respect of fundamental human rights. The duty of each Member of the United Nations to see that such rights were observed derived directly from the Charter and must be reaffirmed without awaiting the final drafting of the Covenant on Human Rights.

6. The great majority of the delegations taking part in the discussion supported the principle underlying the draft resolution.

Some delegations, however, expressed the view that the language of the draft was over-elaborate and could be simplified with advantage and that the express reference in the text to the right to life was not justified. Other delegations pointed out that express reference to the report of the Economic and Social Council was necessary in order to stress the Committee's competence to discuss and vote on the draft; others, again, proposed that reference should also be made to other United Nations documents reporting denials of human rights.

7. Amendments to the joint draft resolution were submitted by Saudi Arabia (A/C.3/L.235) and New Zealand (A/C.3/L.236), and oral amendments were presented by France and Afghanistan. The proposals submitted by Afghanistan, France and New Zealand, together with part of the Saudi Arabian amendments, were subsequently incorporated in a new version of the draft resolution, of which France became a co-sponsor (A/C.3/L.234/Rev.1). This draft, worded in simpler language, referred to the report of the Economic and Social Council and to the other United Nations documents which indicated that human rights had been too often violated, and added, in the operative part, a reference to the spirit of the Universal Declaration of Human Rights.

The Saudi Arabian amendment proposed the deletion of the first paragraph of the preamble to the draft resolution and the substitution of the following text for the operative paragraph: "Recommends that Members of the United Nations intensify their efforts for the observance of human rights and freedom".

8. An amendment submitted by the Union of Soviet Socialist Republics to the Saudi Arabian amendment (A/C.3/L.235) proposed the addition, at the end of the operative part, of an express reference to the Non-Self-Governing and Trust Territories. This USSR amendment to the Saudi Arabian amendment (A/C.3/L.235) having been submitted after the closure of the debate, was ruled out of order by the Chairman. The appeal against her ruling on this point was put to the vote and rejected by 20 votes to 6, with 25 abstentions. The USSR representative formally protested against this ruling, which in his contention was a breach of the rules of procedure.

9. The New Zealand delegation having withdrawn its amendment, the Committee proceeded to vote on the amendment submitted by Saudi Arabia (A/C.3/L.235) and the draft resolution submitted jointly by Chile, China, Colombia and France (A/C.3/L.234/Rev.1). After various requests for votes by division and roll-call votes had been made and accepted, the results of the voting were as follows:

/Amendment submitted

Amendment submitted by Saudi Arabia (A/C.3/L.235)

(1) Paragraph 1, proposing the deletion of the first paragraph of the preamble to the draft resolution, was rejected, on a roll-call vote, by 22 votes to 22, with 8 abstentions.

In favour: Afghanistan, Argentina, Australia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Egypt, India, Indonesia, Iran, Iraq, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen.

Against: Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, France, Haiti, Honduras, Liberia, Netherlands, New Zealand, Norway, Panama, Philippines, United States of America, Uruguay.

Abstaining: Ethiopia, Greece, Israel, Lebanon, Mexico, Thailand, Turkey, Yugoslavia.

(2) Paragraph 2, which proposed a new text for the operative part, was adopted, on a roll-call vote, by 33 votes to 12, with 7 abstentions.

In favour: Afghanistan, Australia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Greece, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, France, Netherlands, New Zealand, Norway.

Abstaining: Argentina, Canada, Honduras, Israel, Panama, Philippines, Thailand.

/The joint

The joint draft resolution (A/C.3/L.234/Rev.1)

(1) First paragraph of the preamble

(a) The phrase "and other documents of the United Nations" was rejected, on a roll-call vote, by 36 votes to 6, with 10 abstentions.

In favour: Chile, China, Colombia, Cuba, France, Panama.

Against: Afghanistan, Argentina, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Greece, Haiti, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Abstaining: Bolivia, Brazil, Costa Rica, Dominican Republic, Honduras, India, New Zealand, Philippines, Thailand, Yugoslavia.

(b) The words "since the proclamation of the Universal Declaration of Human Rights" were adopted by 23 votes to 6, with 23 abstentions.

(c) The words "too often" were rejected by 18 votes to 13, with 19 abstentions.

(d) The words "the report of the Economic and Social Council indicates that" were adopted by 26 votes to 19, with 16 abstentions.

(e) The words "particularly the right to life" were rejected by 25 votes to 4, with 22 abstentions.

(f) The paragraph as a whole, as amended, was adopted by 36 votes to 8, with 7 abstentions.

(2) Second paragraph of the preamble

(a) The words "individually and collectively" were adopted by 25 votes to 9, with 14 abstentions.

(b) The words "throughout the world" were adopted by 29 votes to 6, with 15 abstentions.

(c) The second paragraph as a whole was adopted by 37 votes to 5, with 9 abstentions.

(3) The draft resolution as a whole, as amended, was adopted by 38 votes to 5, with 9 abstentions.

/10. The Third

10. The Third Committee accordingly recommends that the General Assembly adopt the draft resolution the text of which is annexed hereto (draft resolution I annexed).

Prevention of discrimination and protection of minorities

11. The Committee had before it a draft resolution submitted by Haiti (A/C.3/L.237) inviting the Economic and Social Council to reconsider its decision to discontinue the work of its Sub-Commission (resolution 414 B.I (XIII)). After a discussion on this point of order, the Committee decided by 14 votes to 12, with 12 abstentions, that it was not competent to consider and vote on the draft, which concerned the organization of the Economic and Social Council and its technical commissions and sub-commissions, that subject being dealt with in chapter I of the Council's report, and having been placed on the agenda of the Joint Second and Third Committee.

Freedom of information

12. The Committee then took up chapter V, part A, section V, of the Economic and Social Council's report (Freedom of Information) dealing with both the draft convention on freedom of information and the Sub-Commission on Freedom of Information and of the Press.

The Committee had before it a joint draft resolution submitted by Chile, Egypt, France, India, Lebanon, Mexico, Philippines and Yugoslavia (A/C.3/L.227/Rev.1) suggesting that the General Assembly, after expressing regret at having been unable at the present session to arrange for a detailed discussion of the problems of freedom of information and especially for a study of the draft convention on that subject, should decide to place the consideration of those problems on the agenda for its seventh session, and to give it priority.

13. The draft was introduced by the French representative, who outlined the history of the question, observing that, at its last session, the Economic and Social Council had taken no action on the recommendation of the special Committee on the Draft Convention on Freedom of Information and had decided not to convene a conference of plenipotentiaries to adopt and open for signature the draft convention which the special Committee had prepared. He stressed the urgency of the whole class of questions connected with freedom of information and suggested that a small group of eminent international authorities should be asked to study the situation with regard to the application of freedom of information throughout the world.

14. During the discussion, several delegations indicated their support of the draft resolution, while expressing regret that the Committee had been unable, for lack of time, to have an exhaustive discussion at the present session. It was pointed out, in particular, that, if the General Assembly did not take appropriate action at its next session, there would be no hope of achieving a convention.

15. Other delegations uttered a warning against excessive optimism as to the effects of a convention, which alone could not provide a solution for the problem of freedom of information. They also pointed to the need for limitations on the exercise of that right. Some delegations considered that the draft resolution was unacceptable and that the Committee should request the Economic and Social Council to convene the conference of plenipotentiaries and so carry through the task which had been assigned to it.

16. With regard to the Sub-Commission on Freedom of Information and of the Press, which the Economic and Social Council had decided at its thirteenth session to discontinue after the Sub-Commission's next session (resolution 414 B.I(XIII) of 18, 19 and 20 September 1951), several members reserved the right to raise the subject in the Joint Second and Third Committee during the discussion on the reorganization of the Economic and Social Council and its subsidiary organs. Others expressed regret at the Council's decision, since the Sub-Commission would be unable to complete its work in the single three weeks' session allotted to it.

17. Several delegations referred more especially to paragraphs 800 and 801 of the Council's report and to the Council's resolution 387 (XIII) B of 1 September 1951 concerning the status of foreign correspondents, and they strongly supported the recommendation and the appeal contained therein. Cases of violation of the freedom of the Press were mentioned in that connexion.

/These

These delegations cited as an example, among others, the case of the American journalist William Oatis, who, after being accused of espionage, had been imprisoned and sentenced by the Czechoslovak authorities. They maintained that Oatis had merely been engaged in the normal exercise of his profession of journalist and that his case constituted a flagrant violation of the right of freedom of the Press.

The Czechoslovak representative, supported by a number of others, stated that in the Oatis case the laws in force in his country had been regularly applied, that sentence had been pronounced in strict application of those laws, that the crime of espionage had been amply proved and that, furthermore, the charges brought against his country constituted gross interference in the domestic affairs of States Members of the United Nations.

18. The Committee had before it the following amendments to the joint draft resolution (A/C.3/L.227/Rev.1):

- (1) An amendment by Ecuador and Uruguay (A/C.3/L.239), to insert as the first operative paragraph a reaffirmation of the General Assembly's wish that the exercise of the right of freedom of opinion and expression of thought should be strengthened in all countries.
- (2) An amendment by Afghanistan (A/C.3/L.242/Rev.1) to the amendment of Ecuador and Uruguay, to add at the end of the text a reference to the encouragement and observance of the principle of the right of reply and correction.
- (3) An amendment by the Union of Soviet Socialist Republics (A/C.3/L.243) to the amendment of Ecuador and Uruguay, for the addition of a proviso that freedom of speech and of the Press should not be exploited for war propaganda, for the incitement of hatred among the peoples, for racial discrimination and for the dissemination of slanderous rumours.

/(4) An amendment

(4) An amendment submitted jointly by Afghanistan, Indonesia, Iraq, Pakistan, Saudi Arabia, Syria and Yemen (A/C.3/L.244) to the amendment of Ecuador and Uruguay, to add at the end of the text a reference to Non-Self-Governing and Trust Territories.

19. It also had before it a joint draft procedural resolution (A/C.3/L.245) to postpone until the seventh session of the General Assembly consideration of the points raised in documents A/C.3/L.242/Rev.1 and A/C.3/L.243, analysed above (paragraph 18).

20. The Chairman proposed that the vote should begin with document A/C.3/L.245. The Afghan representative having pointed out that in the form in which it had been presented the draft resolution did not contain a statement of reasons, a revised text (A/C.3/L.245/Rev.1) was submitted to the Committee, containing a preamble to the effect that owing to lack of time documents A/C.3/L.242/Rev.1 and A/C.3/L.243 could not be given the consideration that they deserved at the present session. A number of delegations asked why two of the amendments submitted to the Committee were mentioned in this text while others were not. During the discussion which followed several representatives pointed out that the amendment submitted jointly by Ecuador and Uruguay (A/C.3/L.239) and the joint amendment by Afghanistan, Indonesia, Iraq, Pakistan, Saudi Arabia, Syria and Yemen (A/C.3/L.244) contained only statements of generally accepted principles, and could therefore be adopted by the Committee without any need for a long debate. They therefore considered that only documents A/C.3/L.242/Rev.1 and A/C.3/L.243 should be mentioned in draft resolution A/C.3/L.245/Rev.1.

/The Mexican

The Mexican representative, however, who was one of the co-sponsors of draft resolution A/C.3/L.245/Rev.1, proposed that reference should be made in it to all amendments which had been submitted to the original draft resolution (A/C.3/L.227/Rev.1). A number of representatives asked for a vote to be taken by roll-call on the mention of each amendment in draft resolution A/C.3/L.245/Rev.1.

1. Inclusion in document A/C.3/L.245 of reference to document A/C.3/L.239.
The proposal was adopted by 29 votes to 12, with 9 abstentions.

In favour: Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Egypt, Ethiopia, France, India, Iran, Iraq, Israel, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Against: Afghanistan, Chile, Colombia, Cuba, Ecuador, Greece, Honduras, Philippines, Syria, Turkey, United States of America, Uruguay.

Abstaining: Argentina, Denmark, Dominican Republic, Indonesia, Saudi Arabia, Sweden, Thailand, Yemen, Yugoslavia.

2. Inclusion in document A/C.3/L.245 of reference to document A/C.3/L.244.
The proposal was adopted by 35 votes to 1, with 14 abstentions.

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Czechoslovakia, Dominican Republic, Egypt, Ethiopia, France, India, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Yemen.

Against: Australia.

Abstaining: Belgium, Cuba, Denmark, Ecuador, Greece, Honduras, Indonesia, New Zealand, Sweden, Syria, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia.

3. Inclusion in document A/C.3/L.245 of reference to document A/C.3/L.242/Rev.1
The proposal was adopted by 38 votes to nil, with 2 abstentions.

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Panama, Peru, Philippines, Poland, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay.

Against: Nil.

Abstaining: Australia, Belgium, Denmark, Norway, Pakistan, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

4. Inclusion in document A/C.3/L.245 of reference to document A/C.3/L.243.
The proposal was adopted by 36 votes to nil, with 14 abstentions.

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Honduras, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Netherlands, Panama, Peru, Philippines, Poland, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay.

Against: Nil.

Abstaining: Australia, Belgium, Denmark, Lebanon, New Zealand, Norway, Pakistan, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

The Chairman then put to the vote the draft resolution A/C.3/L.245/Rev.1 thus amended. The draft resolution was adopted by 37 votes to 1, with 13 abstentions (see draft resolution IIA annexed).

22. Having decided to refer to the next regular session of the General Assembly the various amendments to joint draft resolution A/C.3/L.227/Rev.1, the Committee proceeded to vote on that draft. The French representative, one of its co-sponsors, proposed that a minor change should be made in the text, by deleting in the operative part the words "and of this situation" and inserting the word "provisional" before the word "agenda".

/At the

At the request of the delegations of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic the draft resolution was put to the vote in parts and was adopted by the following vote:

paragraph 1; the phrase: "and especially to the study of the draft convention on freedom of information",
by 26 votes to 6, with 10 abstentions.

paragraph 2; the phrase: "Decides to place consideration of all these problems on the provisional agenda of its seventh regular session",
by 25 votes to nil, with 5 abstentions.

paragraph 2; the phrase: "and to give it priority",
by 26 votes to 11, with 12 abstentions.

The draft resolution as a whole: by 38 votes to 5, with 5 abstentions
(see draft resolution III B annexed).

Communications concerning human rights

23. The Committee then proceeded to consider section II of chapter V of the Report of the Economic and Social Council, dealing with communications concerning human rights.

The Committee had before it an Egyptian draft resolution (A/C.3/L.240) to the effect that the General Assembly, noting that the Economic and Social Council had taken no action with respect to the resolutions of the Commission on Human Rights on communications concerning human rights, should decide to invite the Economic and Social Council to give the Commission on Human Rights instructions for its ninth session with regard to such communications and to request the Commission to formulate its recommendations on them.

The draft resolution was introduced by its sponsor, who explained that his purpose was to put an end to the present situation whereby the mass of communications addressed to the Commission on Human Rights were being left to accumulate. The draft resolution mentioned the ninth session of the Commission in order to give the Economic and Social Council time to draw up instructions for the Commission and enable the General Assembly to examine those instructions at its seventh session. The USSR representative proposed that the draft resolution should be referred to the Commission on Human Rights, like the draft resolutions on the implementation of the covenant on human rights. The Egyptian representative rejected that proposal, and the Chairman having declared that the discussion on the Covenant on Human Rights was finally closed, the Egyptian draft resolution was put to the vote.

The United Kingdom representative objected to the phrase "and to request the Commission to formulate its recommendations on them", and asked that it should be put to the vote separately.

The phrase "and to request the Commission to formulate its recommendations on them" was adopted by 18 votes to 12, with 13 abstentions.

The draft resolution as a whole was adopted by 20 votes to 6, with 17 abstentions. (See draft resolution III annexed)

Status of women

24. The Chairman stated that part B of chapter V of the report of the Economic and Social Council had been discussed in the Joint Committee of the Second and Third Committee.

Since no one had asked to speak on that subject, she declared the question closed.

25. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Resolution I

OBSERVANCE OF HUMAN RIGHTS

The General Assembly,

Considering that the report of the Economic and Social Council indicates that since the proclamation of the Universal Declaration of Human Rights, human rights have been violated,

Considering that it is the responsibility of the Members of the United Nations, individually and collectively, to see that human rights and freedoms shall be enhanced throughout the world,

Recommends that Members of the United Nations intensify their efforts

Resolution II
FREEDOM OF INFORMATION

A

The General Assembly,

Recognizing that the consideration that they deserve cannot be given at the sixth regular session to the contents of documents A/C.3/L.239, A/C.3/L.244, A/C.3/L.242/Rev.1 and A/C.3/L.243,

Decides to postpone until its seventh regular session such consideration of the points raised in those documents relating to questions of freedom of information.

B

The General Assembly,

Regretting that the progress of the proceedings at its sixth regular session does not allow it to devote a detailed discussion to the problems of freedom of information, and especially to the study of the draft convention on freedom of information,

Decides to place consideration of all these problems on the provisional agenda of its seventh regular session, and to give it priority.

Resolution III
COMMUNICATIONS CONCERNING HUMAN RIGHTS

The General Assembly,

Noting that the Economic and Social Council has taken no action with respect to the resolution of the Commission on Human Rights (E/1992, Chapter IV) on communications concerning human rights,

Decides to invite the Economic and Social Council to give the Commission on Human Rights instructions for its ninth session with regard to such communications and to request the Commission to formulate its recommendations on them.
