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**Chairman: Mr. Hermod LANNUNG (Denmark).**

***Tribute to the memory of Gabriela Mistral***

1. Mr. MONTERO (Chile) informed the Committee that the Chilean nation had suffered a great loss in the death of Gabriela Mistral, who had been not only a glory of Spanish letters and winner of the Nobel Prize in poetry, but a woman whose lofty spirit, ardent humanitarianism and deep belief in the work of the United Nations, in which she had herself taken part, had made her a citizen of the world.

2. The CHAIRMAN, speaking on behalf of the Committee, asked the Chilean representative to convey to the Government and people of Chile the heart-felt sympathy of all delegations. He paid a warm tribute to Gabriela Mistral, both as a distinguished poet and as a person deeply devoted to the principles of the United Nations and the cause of human rights.

3. Mr. BRENA (Uruguay), Mr. PONCE (Ecuador), Miss MAÑAS (Cuba), Mrs. GERLEIN DE FONNEGRA (Columbia), Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic), Miss BERNARDINO (Dominican Republic), Mrs. RÖSSEL (Sweden), Mrs. LORD (United States of America), Mrs. QUAN (Guatemala), Mr. TOWNSEND EZCURRA (Peru), Mr. PAZHWAQ (Afghanistan), Mr. ANEGAY (Morocco), Mr. PEREZ MATOS (Venezuela), Mr. BASAVILBASO (Argentina), Mr. AYALA MERCADO (Bolivia), Mr. SAGAZ (Spain), Mr. AZKOUL (Lebanon), Mr. MENDES DE ALMEIDA (Brazil), Mr. SUTANTO (Indonesia), Mr. PAULUS (India) and Mr. CHAUDHURI (Pakistan) associated themselves with the Chairman's remarks.

**AGENDA ITEM 31**

**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 6, A/2929, A/3077, A/C.3/L.460, A/3149, A/C.3/L.528, A/C.3/L.532, A/C.3/L.556 to 558) (*continued*)**

**ARTICLE 9 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, annex I A) (*continued*)**

4. Mr. PAULUS (India) said that his delegation was entirely satisfied with the text of article 9 as drafted

by the Commission on Human Rights (E/2573, annex I A). Since social security in India rested on a tripartite system, the worker, the employer and the State each contributing their share to the necessary funds, he would be unable to accept the USSR amendment (A/C.3/L.556), even with the words which the Syrian representative had proposed (726th meeting) for addition.

5. Mr. SAGAZ (Spain) said he too would prefer article 9 as it stood, especially in view of what the process of amendment had done to the preceding article.

6. He was opposed to the suggestion made by the Italian representative at the preceding meeting that the word "everyone" should be replaced by "workers", for the same reasons as those given by the representative of the International Labour Organisation (ILO) and other speakers; the benefits of social security should also extend to persons who could not properly be described as "workers". Equally unacceptable was the Italian representative's suggestion that the idea of social security should be defined in more specific terms; as the ILO representative had rightly remarked, that would not strengthen the article in any way.

7. The USSR representative had said (726th meeting) that the tripartite system of social security was not progressive, and had accordingly submitted an amendment (A/C.3/L.556) under which the costs of social security schemes would be borne by the State or the employer, or both, to the exclusion of the worker. He could not agree to that amendment. In many countries the tripartite system was already in operation; moreover, workers should not be debarred from voluntary participation in social insurance schemes, by means of which they could make better provision for their old age, face with greater confidence the hazards of illness and disablement, or retire at an earlier age. The USSR representative was entitled to his own views; but he could surely be the last to deny other delegations the right to decide for themselves which of the two texts before them was the more progressive.

8. Mr. MONTERO (Chile) said that the original text of article 9 was simple and unencumbered with restrictions, and should remain unaltered. Any amendments would only limit its scope and cause controversy, and would thus discourage States from acceding to the Covenant. Article 9 should be a simple statement of principle, which could be applied according to the varying legal, economic and other conditions obtaining in the different countries.

9. It had been clear from the debates on the text of article 9 in the Commission on Human Rights that countries were divided in their views with regard to the proper amount of State participation in social security schemes. It would be unwise to attempt to impose any single rule. The important thing was to ensure that the right to social security should be recognized; it was for States to decide how to apply that principle.

10. In the Latin American countries, the development of social security had been very rapid in recent years. The tendency had been to give the State a protective role, in conformity with the general policy of the Latin American States. The right to social security was usually written into the Constitution, and social security itself was extended to cover as many people and as many contingencies as possible. The ILO had played a very important part in the development of social security in Latin America through its Convention (No. 102) concerning Minimum Standards of Social Security, its regional labour conferences and its technical assistance programme. The provisions of International Labour Convention No. 102 had become part of the legislation of most Latin American countries, with the result that most social security contingencies were covered. Chile would have had no objection to those contingencies being specified in article 9 in accordance with International Labour Convention No. 102; but it would be better to avoid all amendments and to adopt a principle which could gain universal recognition.

11. Chile had been the first Latin American State to introduce a social security system, and had considerable experience in that field. Health insurance had been introduced in 1924; and in 1952 all the experience gained in the intervening years had gone into the drafting of a new and comprehensive social security law; and under the same law a national health department had been established and made responsible for preventive and curative medicine. In 1955 the Chilean social security scheme had numbered 1,150,000 contributors, representing with their families half the population. One of the characteristics of the Chilean scheme which had attracted interest in many other countries was the system of preventive medicine established in 1939, under which all contributors to the social security scheme underwent a compulsory medical examination annually. The Chilean Government was continually trying to improve its social security system, which it recognized to be an inherent right of all its citizens.

12. The amendment submitted by the Soviet Union (A/C.3/L.556) dealt with the financing of social security, one of the most important aspects of the question. In Chile and most of the other Latin American countries, social security schemes were financed partly by contributions from participants, which were kept as low as possible in order not to reduce unduly the workers' net pay. The Chilean delegation was therefore opposed to the Soviet amendment, which would, if adopted, have disastrous consequences in the Latin American countries. In those countries, where capital was scarce, the Governments could not afford to bear the entire cost of social security; and if employers were forced to do so, a slackening of economic activity would result. The contributory principle was one of the most solid foundations of social security, and distinguished it from social assistance: social security should not become a form of charity. However, workers could not pay the full cost out of their own earnings, and consequently all social security schemes were bipartite or tripartite. Moreover, the ILO had endorsed the contributory principle.

13. The social security system he had described could hardly be considered unprogressive, as the Soviet representative seemed to think. What would be unprogressive would be to launch schemes which would bankrupt the State without achieving their purposes.

14. Mr. CHAUDHURI (Pakistan) said that the basic objective of the Covenants was to secure freedom for all people; but political freedom was not possible without economic security, in which social security played a very important part. Workers must be free from the threat of want, unemployment and insecurity, or they became will-less nonentities, little better than slaves. The importance of social security to the individual and to society could not be over-emphasized. Any community, whatever its politics, must protect itself against such individual and social risks as sickness, accident and death or the results of world economic crises. The best way to solve the problem at the smallest possible cost to the community was to provide adequate social security; efficient social security schemes reduced the need for public assistance.

15. Many countries had already instituted unemployment insurance, which was a form of social security; but there was no reason for restricting social security to that field. There had been many different types of social security schemes; for example, compulsory contributory social insurance, State-financed social insurance, social assistance and voluntary social insurance. Social security was a flexible concept, which could be interpreted according to the needs and circumstances of each country. There must inevitably be a great difference between the type of scheme suitable for a highly developed country like the United States of America and the type appropriate for an under-developed area; but the general tendency was to extend the scope of social security progressively. Under most social insurance, public service or social assistance schemes, unemployment insurance and medical care were provided, administered either by autonomous bodies responsible to the State or directly by the State. The general trend in such schemes towards simplification and administrative centralization could not fail to be beneficial from the point of view of both economy and efficiency.

16. Article 29, paragraph (c), of the Constitution of Pakistan recognized the right to social security, which the State undertook to provide for all persons in the service of Pakistan or of private concerns, by means of compulsory social insurance or otherwise. The Government was taking steps to widen the scope of its schemes. In view of the importance of social security, he felt that participation in such schemes should be compulsory. They should be organized by the State, and should be universal and non-profit-making, but the State could not shoulder the entire financial burden. Social security schemes could be financed from the contributions of the insured persons, or by employers or the State, or by means of a combination of all three methods. The most usual method was tripartite financing, and there could be no doubt that it worked satisfactorily. He did not wish to be dogmatic on that point, but he would be unable to support the Soviet amendment (A/C.3/L.556), because tripartite financing was the basis of social security in Pakistan.

17. Mr. SUTANTO (Indonesia) said that like many of the speakers who had preceded him, he favoured the original text of article 9, which was clear and concise and should be acceptable to the various States. It was also in line with article 36 of the Indonesian Provisional Constitution.

18. The important thing was to guarantee to everyone the right to a decent living and to social security; how

the costs were to be distributed was a secondary matter which should be left to the discretion of the signatory States. He would therefore have to abstain on the USSR amendment (A/C.3/L.556). He was also unable to accept the Italian representative's suggestion (726th meeting) that the word "everyone" in article 9 should be replaced by "workers"; persons who were not workers should not for that reason be excluded from the benefits of social security.

19. Miss BRUUN (Denmark) said that her delegation was prepared to vote for article 9 as drafted by the Commission on Human Rights.

20. Denmark had enacted social security legislation in the nineteenth century, and since then additional laws had been passed. All Danes could receive aid from social insurance or public funds when they needed it. Her delegation could therefore fully support article 9; but it could not agree to the first part of the USSR amendment (A/C.3/L.556), which mentioned "social insurance" specifically. As several delegations and the ILO representative had already pointed out, the term "social security" in the sense it had acquired in recent years, was used in the International Labour Conventions and in article 22 of the Universal Declaration of Human Rights. Some countries had chosen to cope with the problems resulting from unemployment, sickness, disability, widowhood and old age by means of social insurance and other countries had found other solutions. The Committee was dealing with a field which was undergoing constant changes and development; article 9 should not bind countries to the use of social insurance in that field if other solutions were more appropriate.

21. With respect to the second part of the USSR amendment (A/C.3/L.556), which dealt with the method of financing social insurance, she did not believe it appropriate for an international covenant to state how security schemes should be financed in the countries concerned. A clause laying down that the cost of social insurance should be borne by the State or the employer might retard social development in the under-developed countries. Experience with the technical assistance schemes had shown that social development was closely connected with economic development. It would take many years to provide the entire population of an under-developed country with a modern social security system. In Denmark the process had taken about a hundred years, but she hoped that it would be accelerated in countries now starting the work. If a country lacked funds to provide social security for its population, there was no reason why the population itself should not pay part of the cost in order to start the programme. She mentioned the possibility of mutual benefit societies.

22. Mrs. LEIVO-LARSSON (Finland) said she agreed with those speakers who had expressed the view that article 9 should enunciate the right to social security as a principle only, leaving each country to work out the details in accordance with its own legislation.

23. In Finland the concept of social security covered a wide field, embracing charity activities carried out by private organizations as well as welfare work carried on by the municipal and rural communities and by the State. In addition, there was a comprehensive statutory social security programme. In some fields of welfare work the State gave financial support and the communities carried out the practical measures.

24. The social insurance programme was less developed in Finland than in some other countries, but premiums on workers' accident insurance were paid by the employer alone. On the other hand, old-age insurance and disability insurance were financed by employers' and employees' contributions; but the State and the communities paid the cost of a supplementary pension granted to needy persons in addition to the regular pension. Poor persons were exempted from paying premiums, whereas self-employed persons, such as farmers, had to pay the entire premium themselves.

25. The USSR amendment (A/C.3/L.556) would be difficult to implement in Finland in view of the economic structure of the population and the self-government exercised by municipal and rural communities, and would not be acceptable to Finnish public opinion. Her delegation felt that the original text of article 9 of the draft Covenant (E/2573, annex I A) fully met the requirements of article 25 of the Universal Declaration of Human Rights. Any additions would therefore impair, rather than improve, the original text. Since the concept of social security was wider than that of social insurance, the USSR amendment would restrict the scope of article 9 and might also cause difficulties in countries with economic systems different from that of the Soviet Union. Her delegation would therefore vote for article 9 in its original form.

26. Mr. VLAHOV (Yugoslavia) asked the Italian representative not to press his proposal, made at the previous meeting, to replace the word "everyone" in article 9 by the word "workers"; that would be a restrictive and retrograde step. He endorsed the views of the ILO representative on that point. He was not in sympathy with the Italian representative's second proposal, concerning the addition of the phrase "particularly in the case of accident, sickness, disability, old-age and involuntary unemployment", but as it had been supported by several representatives he would not labour the point.

27. The Soviet amendment (A/C.3/L.556) would restrict social security merely to social insurance, which was undesirable. Furthermore, although the financing of social insurance by the State or the employer or by both jointly might be the final stage in the development of many schemes, it might prove an obstacle if it were made a prior condition for them. The financing of social security was still in process of development; in some countries, it might be a step forward for the State to undertake the responsibility; in others it might not, but whatever the method chosen, States must be left to choose for themselves the type of financing which suited them best. They alone could decide on the degrees of participation required from the State, the employers and the employees, and no hard and fast rule should be laid down in the Covenant. Nations which were initiating social security schemes but had not reached the same stage of development as some other countries might be unable to shift to the new system proposed in the Soviet amendment, because the State could not undertake the financial burden involved. The Covenant would then be holding up the development of social security rather than encouraging it. It would be preferable to express the principle in a form which would allow of flexible interpretation. He would therefore support the original text. The rigidity of the Soviet amendment (A/C.3/L.556) as amended by Syria (726th meeting) might possibly be reduced by adding

some such phrase as "in accordance with the laws of each country" at the end, after the words "or by both of them jointly", but even so, the problem would not really be solved. He would therefore be obliged to abstain in the vote on that amendment. The Soviet delegation might perhaps consider the desirability of withdrawing its amendment, which appeared to have little support.

28. Mrs. BILAI (Ukrainian Soviet Socialist Republic) said that article 9 was closely connected with articles 6, 7 and 8, which dealt with inalienable rights. However, the text of article 9 as drafted by the Commission on Human Rights was purely declaratory. It was inadequate, and the USSR amendment (A/C.3/L.556), which related the right of social security to the responsibilities of States in connexion with social security, was indispensable. The cost of social security should be borne by the State or the employer; workers should not bear any burden in connexion with social security funds. Her delegation felt that the workers' right to social security should be stated clearly and that the need for its implementation should be stressed; it would therefore vote for the text of article 9 as amended by the Soviet Union (A/C.3/L.556) and by Syria (726th meeting).

29. Mr. DELHAYE (Belgium) said that article 9 had been drafted by the Commission on Human Rights in very general terms, and was open to the objection that it imposed few specific obligations on Governments. Nevertheless, it was no doubt best for the Covenant—which stood half way between the Universal Declaration of Human Rights and specialized conventions—to use general formulations of such a kind and leave it to Governments to implement them progressively.

30. The term "social security" was sufficiently broad and explicit, and covered social insurance. For that reason, he could not support the USSR amendment (A/C.3/L.556) as amended by Syria (726th meeting).

31. Belgium had achieved an extensive system of social security, many parts of which were of long standing.

32. The CHAIRMAN suggested that all proposals or amendments to article 9 should be submitted in writing to the Secretary of the Committee by 5 p.m. on 10 January 1957.

*It was so decided.*

33. Mr. PAZHWAQ (Afghanistan) said that his delegation's position was close to that of the Yugoslav representative. Article 9 of the draft Covenant on Economic, Social and Cultural Rights could only be interpreted in the light of article 22 of the Universal Declaration of Human Rights. As his delegation believed that the word "everyone" meant any member of society, it could not support the Italian proposal (726th meeting) to replace that word by "workers". Everyone had the right to social security, and was entitled to enjoy that right. He could not agree with the USSR representative that the text of article 9 as it stood was purely declaratory. The right to social security should be realized through national effort in accordance with the organization and resources of each State, as proclaimed in article 22 of the Universal Declaration of Human Rights.

34. His delegation felt that article 9 was acceptable as it stood; it could not vote in favour of the USSR amendment (A/C.3/L.556). The addition sponsored by Syria (726th meeting) merely represented an improvement on a text which he could not support.

35. He formally proposed that the following words should be added at the end of article 9: "in accordance with the organization and resources of each State". He preferred that version to the wording suggested by the representative of Yugoslavia.

36. Mrs. GERLEIN DE FONNEGRA (Colombia) said her delegation would vote for article 9 as drafted by the Commission on Human Rights. The USSR amendment (A/C.3/L.556) was inconsistent with the social security system established by labour legislation in Colombia, where the State paid 50 per cent of the costs, the employer 25 per cent and the worker 25 per cent. That was an equitable distribution; the burden on the worker was not excessive. She felt that article 9 was clear, concise and comprehensive.

The meeting rose at 1 p.m.