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Chairman: Mr. Hermod LANNUNG (Denmark).

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.3/532, A/C.3/L.538, A/C.3/L.541, A/C.3/L.542, A/C.3/L.542/Rev.1, A/C.3/L.543 to 548) (*continued*)

ARTICLE 7 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, ANNEX I A) (*continued*)

1. Mr. BAHADUR (Nepal) said that his delegation was in favour of the Guatemalan amendment (A/C.3/L.546), but reserved its position on the other amendments to article 7 of the draft Covenant (E/2573, annex I A).

2. Miss MAÑAS (Cuba) said that her delegation would prefer the original text of article 7 of the draft Covenant (E/2573, annex I A) to be retained; but that did not mean that it would not vote in favour of amendments which improved the text. Some of the amendments presented, however, ran counter to the legitimate rights acquired by women over the years, especially since the establishment of the United Nations. Cuba was represented on the Commission on the Status of Women and had actively supported the Commission's efforts to secure women's rights. The Cuban Constitution provided for absolute equality of rights and any discrimination was punishable by law. Her Government had specifically instructed its representative on the Third Committee to oppose any attempt to nullify the rights that women had acquired after an energetic struggle.

3. Mr. RIVAS (Venezuela) observed that it was difficult for delegations to give their views on all the amendments that had been submitted, as Governments had based their instructions on a careful scrutiny of the original text and on the observations of Governments as circulated (A/2910 and Add.1 to 6). The right of every delegation to submit amendments could not be denied, but proposals for the deletion of substantive provisions created difficulties for delegations which had precise instructions. Moreover, an assembly of sovereign States should draft the Covenants according to the instructions of Governments and was not

obliged to take into account the suggestions of the secretariats of specialized agencies, even in matters within the competence of those agencies.

4. The Polish amendment (A/C.3/L.532, point 2) represented an addition to the original text and therefore did not give rise to any such difficulty. The Venezuelan delegation would therefore vote in favour of that text.

5. The Spanish amendment (A/C.3/L.538) constituted a substantive addition to the article and had to be considered in the light of national legislation. He could vote in favour of the amendment, because the system in Venezuela provided for some legal holidays, and encouraged employers to grant remuneration for national and other holidays, within the framework of general measures for improving the standard of living of workers. The overwhelming majority of Venezuelan workers received such remuneration.

6. He could not support the Netherlands amendment (A/C.3/L.541) calling for the deletion of the words "a decent living for themselves and their families". The phrase related not only to remuneration properly so called, but also to State provision for the health and well-being of workers. In Venezuela, compensation for work was not limited to monetary wages, but also included such benefits as cheap housing, hospital treatment, schools, health centres, profit-sharing and paid holidays. Accordingly, the amendment was contrary to his country's legislation and practice.

7. He shared the doubts expressed by the Chilean representative (715th meeting) concerning the Afghan amendments (A/C.3/L.542). In States which were organized on the basis of freedom of work and protection of investments, some citizens lived on their income from investments. Point 1 of the Afghan amendments was therefore too far-reaching. The original text rightly applied the provisions of the article specifically to workers, in the sense of people who lived by their wages or salaries. Point 2 of the amendments was consequent on point 1; he would therefore vote against the amendment as a whole.

8. His delegation opposed the deletion proposed by Afghanistan and the Netherlands (A/C.3/L.543), both on the ground of its incompatibility with the Venezuelan Constitution and legislation and from the pragmatic point of view. Discrimination against women in labour problems would not only be unfavourable to women, but would eventually hinder the improvement of the general standard of living, through the lowering of the average wage level.

9. While his delegation did not doubt the good intentions of the representatives of Greece and Uruguay, some essential points of the original article would be omitted if their amendments (A/C.3/L.545) were adopted. He could vote for points 1 (a), (b) and (c) of the amendments; point 1 (b) provided for a guar-

ments, particularly to a text which was the product of years of painstaking work. Furthermore, the United Nations must no longer delay placing before the world Covenants designed to promote and safeguard in the fullest sense the life, liberty and happiness of man. He had therefore made a careful selection among the many amendments presented to article 7. Since his Government had already put into practice the principle of full pay for public holidays, and hoped that other Governments would do the same, he would vote for the Spanish amendment (A/C.3/L.538). He would also support the Afghan amendments (A/C.3/L.542) for reasons he had already stated. The acceptance of the other amendments would, in his view, weaken the text and he would therefore have to abstain on them.

31. Mr. BRATANOV (Bulgaria) said that amendments should be submitted only when the original text was gravely defective. His delegation felt that, although there were general implementation provisions in part II of the draft Covenant, more specific implementation measures should be included in some articles and it therefore found the text of article 7 as it stood satisfactory. However, it would support any amendments which would improve the wording without altering the meaning. Article 7 laid down measures which Governments should take to increase the real income and raise the living standard of their working population. Bulgaria had already applied the principles of equal pay for equal work and of equality between men and women. It had done even more than was specified in article 7 by taking special measures to educate women to take their place in the community on an equal footing with men. Restaurants, rest-homes and other facilities were provided for the workers by the State and the trade unions.

32. He supported the amendments submitted by Poland (A/C.3/L.532, point 2), Afghanistan (A/C.3/L.542) and Guatemala (A/C.3/L.546) but was opposed to the Netherlands amendment (A/C.3/L.541) and the joint amendment submitted by Afghanistan and the Netherlands (A/C.3/L.543). He was not sure that the changes proposed in the amendments submitted by Greece and Uruguay (A/C.3/L.545) would improve the text.

33. Mr. RIVAS (Venezuela) welcomed the inclusion of the word "minimum" in the text proposed in point 2 of the amendments submitted by Greece and Uruguay (A/C.3/L.545). The words "as a minimum" in the original text established an important principle and he could not have agreed to its omission from the new text. He asked whether point 2 of the amendments submitted by Greece and Uruguay referred to paragraphs (b) and (b) (i) or only to paragraph (b) (i).

34. Mr. BRENA (Uruguay) said that he had intended point 2 of the amendments to cover both paragraphs of the draft.

35. Mr. RIVAS (Venezuela) said that in that case he would vote against that point of the amendments.

36. Mr. THIERRY (France) suggested that the word "independence" in the text proposed in point 1 (c) of the amendments submitted by Greece and Uruguay (A/C.3/L.545) should be replaced by the word "freedom".

37. Mrs. BILAI (Ukrainian Soviet Socialist Republic) said that her delegation was opposed to substantive changes in the original text of the draft

Covenants, which was the fruit of many years of strenuous effort. However, it would support any amendments which improved the wording. She therefore supported the Polish amendment (A/C.3/L.532, point 2). She could not accept the amendment submitted by Afghanistan and the Netherlands (A/C.3/L.543). The draft Covenants should, as far as possible not only establish equal rights for men and women but also prevent discrimination. Although the principle of equal rights was recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and the ILO convention on equal remuneration for work of equal value, discrimination against women was still common. Those who wished to exclude any mention of women's rights from article 7 maintained that their amendments were merely drafting changes, but they were much more than that; they were an attempt to side-track the substantive issue of women's rights. Paragraph (b) (i) of article 7 would make the Covenants more effective and ensure wider support for them. It was difficult to understand why some Member States, which recognized the principle of equality between men and women enshrined in the Charter, did not wish to see it spelled out in the draft Covenants. In the Ukrainian SSR, not only did women enjoy the same rights as men, but mothers benefited from special protective measures. As her Government had always supported the principle of equal pay for equal work, she would vote against all the amendments to paragraph (b) (i). She had no objection to some of the changes proposed in the amendments submitted by Greece and Uruguay (A/C.3/L.545), but she could not support the text proposed in point 2 as it stood: she would therefore vote for the Dominican sub-amendment (A/C.3/L.548) to it.

38. Mrs. SHOHAM-SHARON (Israel) said that her delegation had no objection to the inclusion of specific implementation clauses in different articles, provided that the draft Covenants were reviewed as a whole after the adoption of all the articles and unnecessary repetition removed. On that understanding, she supported the Polish amendment (A/C.3/L.532, point 2). Although she had some sympathy with the motives underlying the Spanish amendment (A/C.3/L.538), she thought it would introduce unnecessary details and she would therefore abstain on it. Although paragraph (b) (ii) of article 7 duplicated article 12 to some extent, she could not support the deletion proposed in the Netherlands amendment (A/C.3/L.541). Any repetition could be removed when the draft Covenants were reviewed as a whole. She was opposed to the Afghan amendments (A/C.3/L.542 and A/C.3/L.542/Rev.1), which did not improve the original text. She strongly opposed the amendment submitted by Afghanistan and the Netherlands (A/C.3/L.543); although there had been many achievements in the field of women's rights, discrimination against women was still widespread, particularly in the field of labour. She strongly supported the Dominican representative's remarks on that point. A specific reference to women's rights should therefore be included in article 7.

39. Referring to the amendments submitted by Greece and Uruguay (A/C.3/L.545), she pointed out that the original text (E/2573, annex I A), which dealt first with working conditions and then with the remuneration for the work accomplished, was logically built up. The change of order proposed in the amendments was therefore unnecessary. She supported point 1 (a) of

the amendments, which would bring article 7 into line with article 6. She had no strong feelings about point 1 (b), on which she would abstain but she would vote against point 1 (c), as it introduced considerations which were out of place in article 7. She supported the text proposed in point 2, as amended by the Dominican Republic (A/C.3/L.548).

40. The original text of article 7 (E/2573, annex I A) was preferable to the one proposed by Greece and Uruguay, and she would abstain in the vote on the latter. However, if the text proposed by Greece and Uruguay was to be adopted, she felt it would be improved by replacing the words "a decent living", in paragraph 2, by the words "an adequate standard of living", as proposed by Australia. She asked whether the Australian representative had formally moved that amendment.

41. Although she appreciated the Guatemalan representative's intentions, she would abstain on the Guatemalan amendment (A/C.3/L.546), as such detail was unnecessary, and seniority and competence were not the only considerations which might be taken into account in the matter of promotions.

42. She supported the Uruguayan representative's proposal that a sub-committee should be set up to deal with amendments. She suggested that it should be an *ad hoc* body appointed by the Chairman for each article. It should comprise not only the sponsors of amendments but representatives of countries which had not yet had an opportunity to express their views and a representative of the Division of Human Rights. There should

be no vote on article 7 until a combined text had been prepared by such a sub-committee.

43. Mr. BRENA (Uruguay) welcomed the Israel representative's suggestions regarding the sub-committee.

44. Mr. BAROODY (Saudi Arabia) thought that the sub-committee should include representatives of countries which had participated in the drafting of the original text.

45. Mr. MACCHIA (Italy) supported the Uruguayan proposal and the suggestions made by Israel.

46. Mr. MARRIOTT (Australia) said that it would be better to postpone the decision with regard to the sub-committee until all the speakers on article 7 had been heard.

47. Mr. MOROZOV (Union of Soviet Socialist Republics) supported the Australian representative. It would be wiser to vote directly on the amendments after hearing the remaining speakers than to vote on a new text, which might lead to lengthy discussion. However, the sponsors of amendments might be asked to meet informally to concert their views. If they could not do so, it was doubtful whether a sub-committee would be more successful. Furthermore, there were many questions connected with the proposed sub-committee which might lead to a long discussion and so delay the Committee's work. He therefore formally opposed the establishment of the sub-committee proposed by Uruguay.

The meeting rose at 1.20 p.m.