



Friday, 11 October 1957,
 at 3 p.m.

NEW YORK

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Chairman: Mrs. Aase LIONAES (Norway).

AGENDA ITEM 12

Report of the Economic and Social Council (chapters VI and VII) (A/3613) (concluded)

1. Mr. MASSOUD-ANSARI (Iran) explained that he had not participated in the discussion of the draft resolutions because his delegation had no great objections to them. Nevertheless he had had certain reservations concerning operative paragraph 2 of the Czechoslovak draft resolution as first revised (A/C.3/L.610/Rev.1) and he had been grateful to the Czechoslovak delegation for accepting some of the Chilean amendments (A/C.3/L.616), thereby dispelling his doubts. He had voted in favour of the Chilean amendment calling for the insertion of the words "Members of the United Nations or of the specialized agencies" after the words "all States" and in favour of the draft resolution as a whole as amended.

2. He had also voted in favour of the draft resolution on the participation of women in community development (A/C.3/L.611 and Add.1) and on balanced and integrated economic and social progress (A/C.3/L.631).

3. He was glad that the sponsors of the draft resolution on seminars on the status of women had agreed to redraft their text and that the revised version (A/C.3/L.612/Rev.1) had been adopted almost unanimously. He had abstained from voting on operative paragraph 1 for the technical reasons mentioned by the representatives of France and the United Kingdom.

4. He thanked the representatives of Argentina, Bolivia, China, Indonesia, Israel, Italy, Pakistan, Turkey, the United Kingdom and Uruguay, who had spoken of his Government's efforts to abolish the cultivation of the opium poppy and drug addiction. His country hoped that, with international co-operation, it would be able to bring those efforts to a successful conclusion.

AGENDA ITEM 33

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/C.3/L.460, A/3525, A/3588, A/3621)

5. The CHAIRMAN reminded the Committee that it had begun to consider the draft International Covenants on Human Rights at the ninth session of the General Assembly. At the tenth session it had adopted the pre-

ambles of the draft Covenant on Economic, Social and Cultural Rights and of the Covenant on Civil and Political Rights, as well as article 1 of both Covenants. At the eleventh session, in 1956, the Committee had agreed to begin with the discussion of the substantive articles (articles 6 to 16) of the draft Covenant on Economic, Social and Cultural Rights and continue with the substantive articles (articles 6 to 26) of the draft Covenant on Civil and Political Rights. It had also agreed that once the substantive articles of both Covenants had been adopted, it would take up the general provisions (articles 2 to 5) of each Covenant. The Committee had been able, at the eleventh session, to adopt the texts of articles 6, 7, 8, 9, 10 and 13 and a combined text of articles 11 and 12 of the draft Covenant on Economic, Social and Cultural Rights. She therefore suggested that it should take up articles 14, 15 and 16 of the draft Covenant on Economic, Social and Cultural Rights and when it had finished those articles, the substantive articles of the draft Covenant on Civil and Political Rights.

It was so decided.

6. Mr. BAROODY (Saudi Arabia) said he would prefer the Committee to adopt the draft covenants in their existing form, but he knew that there was not general agreement on that subject. He therefore suggested, in order that the Committee should not fall into the same mistakes as at the previous session, that the Chairman should set a time limit for the submission of amendments to each article or group of articles.

7. If the work did not proceed satisfactorily, he would suggest that the task of preparing the final text of the Covenants should be left to a conference of plenipotentiaries, which would meet for six weeks or two months.

8. Mr. MOROZOV (Union of Soviet Socialist Republics) warmly supported the first of the Saudi Arabian representative's suggestions. He, too, had been disturbed at the slow pace at which consideration of the draft Covenants had proceeded at the previous session. The fact that the tenth anniversary of the Universal Declaration of Human Rights was fast approaching placed a particular responsibility upon the Committee, which should expedite its work. The setting of a specific time limit for the submission of amendments to articles 14, 15 and 16 - the last substantive articles - of the draft Covenant on Economic, Social and Cultural Rights would facilitate a more rational and more rapid examination of those articles. The time limit should not apply to sub-amendments.

9. His delegation would support article 14, for which it had voted in the Commission on Human Rights.

10. Mr. ROSSIDES (Greece) also deplored the fact that the Committee had not made sufficient progress at its eleventh session. He would support any proposal that would accelerate its work. It was to that end that, in 1956, his delegation had submitted a draft resolution on interim measures to be taken pending the entry into

force of the Covenants on Human Rights. With various amendments, the text had been adopted as resolution 1041 (XI), which provided that the Third Committee should complete its consideration of the draft Covenants, if possible by the end of the thirteenth session of the General Assembly. His delegation considered that the work could be finished even earlier. The Committee must not allow itself to be submerged by useless details. If it delayed too long its work would all have been in vain.

11. Mr. BRILLANTES (Philippines) asked whether a definite time limit should not also be set for the submission of new draft articles bearing on the material aspects of economic, social and cultural rights.

12. Mr. D'SOUZA (India) believed that the Committee had no authority to add new articles to draft Covenants. As the Commission on Human Rights had drawn up those articles, the Third Committee could only make certain changes in them.

13. Mr. BRILLANTES (Philippines) recalled that at its tenth session the Commission on Human Rights had adjourned the examination of certain questions *sine die* and particularly the question of property rights (A/2929, chap. VI, para. 195, footnote 100). The representative of the Philippines had asked at the thirteenth session if it would not be a suitable moment to study the possibility of inserting an article regarding property rights in the draft Covenants, and the representatives of the United Kingdom and India had pointed out that the Commission on Human Rights no longer had authority to study that question, which had become the responsibility of the General Assembly and more especially of the Third Committee. The Commission on Human Rights had agreed with that point of view.

ARTICLE 14 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, annex IA)

14. Miss MacENTEE (Ireland) said that the Irish delegation fully understood the urgency which attached to the issues raised by the discussion of the right to education. It was in a position to subscribe in full to the substance of article 14 of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex IA), but considered that the article in its existing form suffered from a disequilibrium. It laid stress solely on the right of access to education, without adverting to the complementary right to educate, which was no less a fundamental right. The most efficacious guarantee of the intellectual freedom and professional competence of teachers was the existence of free educational institutions side by side if need be with any State code which might be desirable. The Irish delegation accordingly proposed (A/C.3/L.617) the addition of a fourth paragraph to article 14 to read as follows:

"No part of this article shall be construed so as to interfere with the right of individuals or bodies to establish and control educational institutions, subject always to the requirement that every child shall receive that minimum of education established in the preceding paragraphs."

15. The education of children was primarily the responsibility of the parents. There was no entirely adequate substitute for parental care. It was therefore essential that parents who did not wish to delegate that responsibility should be in a position to bring up their children as they wished and in particular should be allowed to have them educated at home if such was

their desire. It was for that reason that the Irish delegation proposed that the word "liberty" in paragraph 3 of article 14 should be replaced by the word "right" and the word "schools" by the words "means towards education". The two suggested alterations would safeguard the rights of parents while respecting the rights of the children.

16. In conclusion, she stated that her delegation would support article 14, whatever decision the Committee might take regarding the amendments she had just proposed.

17. Mrs. QUART (Canada) considered that the Covenants should indicate the aims to be achieved and not the measures to be taken by individual States in achieving those aims since conditions varied in different countries. It was essential that covenants should be drawn up in such a way that the greatest possible number of States could accede to them and it was therefore necessary to take into account the difficulties which certain States might encounter in their implementation. Some of those difficulties might be met by a clause providing for progressive implementation, others by provisions taking into account the problems of applying the covenants to territories which, though non-self-governing, had achieved varying degrees of autonomy. Other difficulties could be met by a well-conceived reservation clause, while for others a federal State clause was required. In Canada, for example, legislative responsibility was divided between the central government and the provincial governments and it would therefore be impossible for Canada to accede to covenants in the absence of a satisfactory federal State clause. That remark was especially applicable to article 14 because, under the Canadian constitution, legislative jurisdiction relating to education was assigned specifically to the provinces.

18. She was in favour of the objects and principles set forth in article 14, but had a number of drafting changes to suggest. In the first sentence of paragraph 1 she suggested that the words "and recognize that education shall" should be replaced by the words "that will" and in paragraph 2 the words "it is understood" by a form of words similar to that adopted by the Committee for article 13. Alternatively the paragraph might begin as follows: "The States parties hereto agree to promote the achievement of the following objectives". She further wished to know the sense that should be attached to the words "fundamental education" appearing in paragraph 2 (d), whether it was intended to mean education on how to live, or education on how to read and write. As the same sub-paragraph dealt with persons who had not completed the whole of their primary education, she assumed that something in the line of supplemental education was envisaged and if that was so the use of the expression "fundamental education" was somewhat misleading. She was anxious to hear the opinion of the representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO). If the existing sub-paragraph was meant to apply to "supplemental" education and if the Committee considered it desirable to include provisions for fundamental education in the sense of education about how to live, she suggested that a separate sub-paragraph should be added to make that clear. Before submitting any formal proposals she was anxious to hear the views of the representative of UNESCO and of other delegations.

The meeting rose at 4.10 p.m.