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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SIX HUNDRED AND SIXTY-EIGHTH MEETING

Held at Headquarters, New York
on Monday, 20 February 1961, at 3.10 p.m.

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Adoption of the agenda (E/CN.4/805 and Add.1)(continued)

PRESENT:

<u>Chairman:</u>	Mr. JHA	India
<u>later:</u>	Mr. NEDBALLO	Ukrainian Soviet Socialist Republic
<u>Rapporteur:</u>	Mr. DELGADO	Philippines
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. AMADEO	Argentina
	Mr. ZENKER	Austria
	Mr. CHENG PAONAN	China
	Mr. MADSEN	Denmark
	Mr. CASSIN	France
	Mr. BHADKAMKAR	India
	Miss KAMAL	Iraq
	Mr. BEAUFORT	Netherlands
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. WYZNER	Poland
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mr. KLUTZNICK	United States of America
	Mr. ARRAIZ	Venezuela

Observer from a Member State:

Mr. NAGASHIMA	Japan
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Representatives of a specialized agency:

Mr. GJESDAL)	United Nations Educational, Scientific and Cultural Organization
Mr. BEHRSTOCK)	
Mr. SALSAMENDI)	

<u>Secretariat:</u>	Mr. SCHWELB	Deputy Director, Division of Human Rights
	Mr. DAS	Secretary of the Commission

ADOPTION OF THE AGENDA (E/CN.4/805 and Add.1) (continued)

Mr. ARRAIZ (Venezuela) drew the Commission's attention to the exceptional importance of item 6 (a) of the provisional agenda (E/CN.4/805). The freedom of religion and of religious practices to which that item referred was one of the individual freedoms which men held most dear. In many cases it had been secured at the cost of struggle and suffering and the winning of that freedom, which held an important place in history, had constituted the first step towards the winning of other freedoms.

While he was fully aware of the importance of the draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, paragraph 160, resolution 1 (XII), Annex), he thought that the time had not yet come for the Commission to study that text. The draft had been communicated to the Governments of States Members of the United Nations or members of the specialized agencies for observations on the substance of the draft principles and on the form in which they were to be presented. The Secretariat had already received a good many replies, but the majority of the Governments had not yet made their views known and ought to be allowed more time in which to do so. Furthermore, the Commission was meeting at a time when the Security Council was examining questions of major importance, while the later part of its current session would coincide with the resumed fifteenth session of the General Assembly. Many members would consequently have urgent obligations quite unrelated to the work of the Commission and would not be able to give the draft principles all the attention which they deserved. A premature examination might thus jeopardize the draft's future. All the relevant information should be assembled first, so that every delegation would have the material it required to be able to study the draft exhaustively. The question of freedom of religion and religious practices was an important question which was of lasting concern; the Commission would surely be in a better position to examine it the following year than it was at present.

He therefore proposed that the examination of item 6 (a) of the provisional agenda should be deferred to the Commission's eighteenth session and that the Commission, stressing the importance of the matter, should invite the Member States

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(Mr. Arraiz, Venezuela)

which had not yet done so to submit their observations on the draft as soon as possible.

Mr. AMADEO (Argentina) entirely agreed with the representative of Venezuela. His own delegation would be in a position to take part in a discussion of the draft principles, but it quite understood the reasons why deferment of the consideration of such an important item had been proposed. Furthermore, the present tension in international relations and particularly the difficulties with which the United Nations was confronted would not appear to be conducive to the serenity which the examination of such a text required. He therefore supported the Venezuelan's representative's proposal and expressed the hope that in 1962 the Commission, meeting in a more favourable atmosphere, would be able to give the draft principles the attention they deserved.

Mr. DELGADO (Philippines) said that his country, where there were several Christian denominations and a large Moslem minority, had not yet communicated its observations on the draft principles on freedom and non-discrimination in the matter of religious rights and practices, but would do so shortly. His delegation accordingly supported the proposal to defer consideration of item 6 (a) to the following session.

The CHAIRMAN asked if the Commission wished to adopt the Venezuelan representative's proposal to defer to the eighteenth session its consideration of item 6 (a) of the provisional agenda.

It was so decided.

The CHAIRMAN said that the Commission should discuss item 7, concerning freedom of information, at the beginning of its session, as the General Conference of UNESCO was going to take up the subject in April.

Mr. CHENG PAONAN (China) observed that no other item on the agenda was as urgent as item 7 and that it should therefore be given priority. His delegation felt that the Commission had been right to defer consideration of item 6 (a) to the next session; if the draft principles were to be given thorough consideration it was to be hoped that the eighteenth session would last more than four weeks.

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Mr. CASSIN (France) said that while he had no objection to giving priority to item 7, he was not sure that all delegations would be in a position to begin discussing it at the next meeting. It would therefore be preferable to begin with item 3 concerning advisory services in the field of human rights. He also noted that there was a connexion between item 4, concerning the study of the right of everyone to be free from arbitrary arrest, detention and exile, and item 8, concerning the recommendation of the Vienna seminar. Those two items should therefore be examined consecutively.

Sir Samuel HOARE (United Kingdom) thought that the Commission had done well to defer consideration of item 6 (a) to its eighteenth session, but that in view of the many replies already in hand and of those which the United Nations would probably receive subsequently it would be useful if the Secretariat would prepare for the next session a document summarizing the amendments and objections submitted.

He agreed with the French representative concerning the connexion between items 4 and 8. He noted that item 5, dealing with periodic reports on human rights and item 9, concerning the Yearbook on Human Rights, were also related and should be studied together, since the reports would be for the first time prepared in a new form, and for the first time a supplement to the Yearbook had been issued concerning specific rights or groups of rights.

Mr. SCHWELB (Secretariat) said that, in accordance with the Commission's wish, the Secretariat would inform the Governments of States Members of the United Nations and members of the specialized agencies which had not yet submitted their observations on the substance and form of the draft principles that the time-limit for their submission would be extended; the new date might, for example, be September 1961. After that date the Secretariat would prepare a summary of all the observations received to facilitate the Commission's work.

The CHAIRMAN asked if the Commission wished to accept the Secretariat's suggestion concerning the time-limit for the submission of observations.

It was so decided.

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The CHAIRMAN suggested that the Commission should confine itself for the moment to establishing the order in which it would examine the four priority items.

It was so decided.

The CHAIRMAN asked whether all members would be ready to take up item 7 of the provisional agenda at the next meeting.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) said that he too thought it would be advisable to consider item 7 of the provisional agenda at the beginning of the session. Nevertheless, in order to give the members of the Commission sufficient time to examine the documentation concerning that item, it would be preferable either to start with item 3 or to take up consideration of item 7 on the afternoon of the following day. In any case, he thought that item 6 (c) of the provisional agenda (report of the thirteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) should be examined next after items 7 and 3.

Mr. Nedbailo (Ukrainian Soviet Socialist Republic) took the Chair.

Mr. PAZHWAQ (Afghanistan) felt that if the members of the Commission were not ready to examine item 7 of the agenda at the next meeting it would be preferable to begin with item 3, as suggested by the French representative.

Mr. DELGADO (Philippines) said that, as he wished to know when he was to submit the report of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile (E/CN.4/813), he wondered if the Secretariat could indicate how long it would take to examine items 7 and 3.

Mr. SCHWELB (Secretariat) was unable to reply to that question, since the amount of time to be devoted to consideration of items 7 and 3 would depend entirely upon the members of the Commission themselves.

Mr. DELGADO (Philippines) suggested that the Commission should not take up item 4 until after it had examined items 5 and 9.

• The CHAIRMAN suggested that the Commission should first take up item 3, then item 7 and then items 5 and 9, deciding at a later stage the order in which it would examine the other items, including item 4.

It was so decided.