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COMMISSION ON HUMAN RIGHTS

Ninth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND TENTH MEETING

held at the Palais des Nations, Geneva,
on Saturday, 30 May 1953, at 3 p.m.

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Present:

Chairman: Mr. AZMI (Egypt)
Rapporteur: Mr. KAECKENBEECK (Belgium)

Members:

Mr. WHITLAM	Australia
Mr. DIAZ-CASANUEVA	Chile
Mr. CHENG PAONAN	China
Mr. ABDEL-GHANI	Egypt
Mr. CASSIN	France
Mr. HARFOUCHE	Lebanon
Mr. INGLÉS	Philippines
Mr. DRUTO	Poland
Mrs. RÖSSEL	Sweden
Mr. KRIVEN	Ukrainian Soviet Socialist Republic
Mr. MOROSOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. LORD	United States of America
Mr. PEROTTI	Uruguay
Mr. JEVREMOVIĆ	Yugoslavia

Representatives of non-governmental organizations:

Category A

World Federation of United
Nations Associations Mr. de MADAY

Category B and Register

International Federation
of Business and Professional Women Mrs. SCHRADER-RIVOLLET

Pax Romana Miss ARCHINARD

St. Joan's International
Social and Political Alliance Mrs. LEROY-BOY

World Union of Catholic
Women's Organizations Miss de LUCY-FOSSARIEU

Secretariat:

Mr. Humphrey	Representative of the Secretary-General
Mr. Das)	Secretaries to the Commission
Mrs. Bruce)	

1. PLACE OF NEXT SESSION

Mr. HARFOUCHE (Lebanon) proposed that the Commission recommend to the Economic and Social Council that the Commission on Human Rights meet in Geneva in 1954, for its tenth session.

The CHAIRMAN said that, though the decision itself lay entirely with the Council, such a recommendation would be in order.

Mr. MOROSOV (Union of Soviet Socialist Republics) supported the Lebanese proposal, and asked that it be put to the vote forthwith.

Mr. HOARE (United Kingdom) observed that the United Kingdom Government was always in favour of functional commissions of the United Nations meeting at New York. He would also draw attention to the fact that, under General Assembly resolution 694 (VII), relating to the four-year conference programme, one functional commission, and preferably not more than one, was to meet for five weeks in Geneva every year. The Commission had hitherto met alternately in New York and Geneva. Therefore, its chances of being selected to meet in Geneva in 1954 were slight. Moreover, if it did so the length of its session would be limited by the terms of the Assembly resolution.

Mrs. LORD (United States of America) doubted whether five weeks would be long enough. The cost of moving the Secretariat to Geneva should also be taken into account.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that exceptions to the arrangements laid down in the General Assembly resolution were always possible. The International Law Commission, which was also a functional body, met in Geneva every year, and for far longer than five weeks.

Mr. HUMPHREY (Secretariat) drew attention to the fact that, in the note on the calendar of conferences for 1954, prepared by the Secretary-General for the consideration of the Economic and Social Council, it was suggested that the Commission on Human Rights should meet in that year from 1 - 26 March, that was, for four weeks. As the Chairman had stated, the final decision, of course, lay with the Council.

The Lebanese proposal was adopted by 7 votes to 4, with 5 abstentions.

2. CONSIDERATION OF DRAFT REPORT OF THE NINTH SESSION OF THE COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL (item 22 of the agenda) (resumed from the previous meeting)

Chapter V - Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world; and annual reports on human rights.

The CHAIRMAN invited the Commission to consider chapter V of the draft report on its ninth session to the Economic and Social Council⁽¹⁾.

Paragraphs 1 and 2

Paragraphs 1 and 2 were adopted without discussion.

Paragraph 3

At the request of Mr. CASSIN (France),

a slight drafting change was made in the French text only of the United States draft resolution relating to annual reports.

Paragraphs 4 and 5

Paragraphs 4 and 5 were adopted without discussion.

Paragraph 6

Mr. JEVREMOVIĆ (Yugoslavia) pointed out that the Yugoslav amendment mentioned in paragraph 6 referred to the United States draft resolution in its original form; as the latter had been modified, consequential changes would have to be made in the Yugoslav proposal.

Paragraph 6 was adopted as amended.

Paragraphs 7 and 8

Paragraphs 7 and 8 were adopted without discussion.

Paragraphs 9 to 12

At the request of Mrs. LORD (United States of America),

paragraphs 9 to 12 were adopted in the more logical sequence: 11, 12, 9, 10.

Paragraph 13

Paragraph 13 was adopted without discussion.

(1) The Commission's draft report on its ninth session to the Economic and Social Council was circulated, for the use of those attending the session, as a working document with limited distribution. Chapter V appeared under the symbol E/CN.4/L.298/Add.5

Paragraphs 14 and 15

The RAPPORTEUR announced that the United States delegation had suggested that the word "goals" in the second line of paragraph 14 be replaced by the word "system".

The same delegation had also proposed a new text for paragraph 15, which he read out.

Mr. DIAZ-CASANUEVA (Chile) doubted whether the word "radical", in the second line of paragraph 14, truly reflected the views expressed. He proposed that it be deleted.

Mr. MOROSOV (Union of Soviet Socialist Republics) considered that paragraph 14 should be left as it stood. Though not very complete, it was accurate, and if it was proposed to amend it he would be obliged to request that the relevant summary records be consulted.

He had no objection to the alternative text proposed by the United States delegation for paragraph 15.

Mr. DIAZ-CASANUEVA (Chile) withdrew his proposal.

Mrs. LORD (United States of America) said that her delegation was prepared to accept paragraph 14 as it stood.

Paragraph 14 was adopted as drafted.

At the request of Mr. CASSIN (France),

it was decided to incorporate the following sentence in the new United States text for paragraph 15: "It was pointed out that since 1950 France had been making proposals with the same object in mind."

The United States alternative text for paragraph 15, as amended by the French representative, was adopted.

It read:

"In support of the proposals it was argued on the other side that they were not revolutionary since they were based on suggestions which had been made some time ago by the Secretary-General when he submitted his twenty-year programme for achieving peace. It was recalled that since 1950 France had been making proposals with the same object in mind. It was pointed out that the proposals had as a juridical basis Articles 55 and 56 of the Charter and that they consequently could not be said to violate Article 2, paragraph 7 of the Charter. It was also emphasized that the proposals were not intended to replace or detract from the value

of the Covenants, but to supplement them. The proposals were put forward at this time because the work of the Commission on the draft Covenants had been completed, and it was therefore necessary for the Commission to consider its future work programme. Adoption of the proposals would provide the Commission with the broad and constructive programme of the sort for which the Commission was originally intended. Several of the non-governmental organizations submitted memoranda containing comments on the United States proposals."

Paragraph 16

Mr. CASSIN (France) requested that a reference to Article 62, paragraph 2, of the Charter be made after the mention of Articles 55 and 56.

Mr. MOROSOV (Union of Soviet Socialist Republics), supporting the French representative, formally proposed that the words "and 62, paragraph 2" be inserted after the words "Articles 55 and 56"; that the word "and" occurring after the words "Articles 55" be consequentially deleted; and that the words "and would be inconsistent with Article 62, paragraph 2" be inserted after the words "paragraph 7, of the Charter".

Paragraph 16, as amended by the Soviet Union proposal, was adopted.

Paragraph 17

At the request of Mrs. LORD (United States of America), the sentence beginning "Other members" was amended to read:

"Other members held the view that the intention of the proposal was not that the Commission should sit in judgment on the governments submitting reports, but that these reports, based on the purposes of the Charter and on the standards laid down in the Universal Declaration of Human Rights ..."

At the request of Mr. JEVREMOVIĆ (Yugoslavia),

the words "or other" were inserted between the words "technical" and "assistance" at the end of the paragraph, and the following sentences were added:

"Some members argued that the purpose of the system of reports should be first and foremost the organization of full international assistance to States which needed it, rather than an attempt at international supervision of the observance by States of their obligations in the field of human rights. Such international assistance should not, however, violate the principles of Article 2, paragraph 7, of the Charter."

Paragraph 17 was adopted as amended.

Paragraphs 18 and 19

Paragraphs 18 and 19 were adopted without discussion.

Paragraph 20

The RAPPORTEUR said that, at the request of the United States Delegation, the words "had already been submitted to" had been substituted for the words "were already considered by" in the last sentence.

Paragraph 20 was adopted, as amended.

Paragraphs 21 and 22

Paragraphs 21 and 22 were adopted without discussion.

Paragraph 23

The RAPPORTEUR said that the United States delegation had suggested the insertion after the second sentence of paragraph 23 of the words:

"Others urged that 1 October be set as the date so that it might be possible for the General Assembly to consider the proposals at its next session".

Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that the balance would then have to be restored by making it clear that some members who thought that 1 October 1953 would be too early to enable governments to submit considered observations, accordingly considered there was no need for the question to be considered at the forthcoming session of the General Assembly.

Paragraph 23, as amended by the United States and the Soviet Union representatives, was adopted. It read:

"There was some discussion of the date. That of 1 October 1953 seemed to some members too early to enable governments to submit considered observations. Others urged that 1 October be set as the date so that it might be possible for the General Assembly to consider the proposals at its next session. Others thought that there was no necessity in insisting on the matter being considered by the General Assembly at its forthcoming session. It was suggested that the attention of the Council might be drawn to the desirability of discussing this matter as early as possible during its sixteenth session, so that the letters requesting the comments of governments and specialized agencies could be despatched."

Paragraphs 24 to 27

Paragraphs 24 to 27 were adopted without discussion.

Paragraph 28

At the instance of Mr. CASSIN (France),
it was decided to add the following passage after the sentence ending "forwarded to them?":

"Certain representatives indicated the particular difficulty of conferring on the Commission on Human Rights, composed of government representatives, powers which had been provided for the Human Rights Committee, composed of members acting in their personal capacity".

Paragraph 28 was adopted as amended.

Paragraph 29

The RAPPORTEUR said that the Philippine representative had proposed that paragraph 29 be amended to read:

"Some members of the Commission felt that an amended procedure for dealing with communications should be adopted before the Covenants came into force, since large numbers of communications were already being received and dealt with rather unsatisfactorily under resolution 75 (V) of the Council. Under existing rules, all communications were in fact being transmitted to the Governments concerned for comments. They thought that some screening process should be established so that action could be taken on serious cases. It was argued that the proposal came within the terms of reference of the Commission which empowered it to make proposals and recommendations on any matter concerning human rights. It was explained that the recommendations to be made by the Commission were only to enable the Council to act as it was the body vested by the Charter, concurrently with the General Assembly, to make recommendations to Member Governments relating to the observance of human rights.",

the last sentence remaining unchanged,

Paragraph 29 was adopted as thus amended.

Paragraph 30

Mr. HOARE (United Kingdom) said that in the interests of style, the word "take" after the words "prepared to" should be replaced by the word "accept".

Paragraph 30 was adopted as amended.

Paragraph 31

Mr. CHENG PAONAN (China) pointed out that paragraph 31 was incomplete; the words "amendments and" needed to be inserted after the words "together with the".

Paragraph 31 was adopted as amended.

Chapter V, as a whole and as amended, was adopted.

Chapter IV - Prevention of discrimination and protection of minorities
(resumed from the previous meeting)

The CHAIRMAN invited the Commission to resume its consideration of chapter IV on prevention of discrimination and protection of minorities⁽¹⁾.

(1) Chapter IV appeared under the symbol E/CN.4/L.298/Add.5; see footnote on page 4 above.

Paragraph 43

The RAPPORTEUR said that the United States delegation had proposed the addition of the following passage at the end of paragraph 43:

"Some concern was expressed that some parts of the proposed programme might duplicate the work of the specialized agencies. Objection was also voiced by some members to further consideration of the question of incitement to violence on the ground that action had already been taken by the Commission on the subject."

Paragraph 43 was adopted, as thus amended.

Paragraph 44

The RAPPORTEUR said that the United Kingdom delegation had proposed an addition at the end of paragraph 44, and a new paragraph 45, in the following terms:

"... and that the proposals for interim work by the special rapporteur confused the elements of preliminary planning with those of actual study.

45. The view was also expressed that the collection of existing measures on the protection of minorities was already covered by resolution D of the Sub-Commission, fifth session, and that the drafting of model legislation and administrative texts on this subject was not a function which the Sub-Commission was qualified to undertake."

Paragraph 44 was adopted as amended.

Paragraphs 45 - 81

Paragraphs 45 - 81 were adopted without discussion.

Paragraph 82

Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that the figures for the voting had been wrongly quoted in the Russian and French versions of paragraph 82.

Chapter IV, as a whole and as amended, was adopted.

The CHAIRMAN then put to the vote the Commission's draft report on its ninth session to the Economic and Social Council, as a whole and as amended.

The Commission's draft report on its ninth session to the Economic and Social Council, as a whole and as amended, was adopted by 11 votes to none, with 4 abstentions.⁽¹⁾

(1) The report, as adopted, was subsequently distributed as document E/2447.

Mr. MOROSOV (Union of Soviet Socialist Republics), explaining his vote, said that during the session the Soviet Union delegation had been pleased to vote for such of the provisions in, and additional articles to, the two draft covenants as it had found progressive and a constructive step towards international peace. Unfortunately, the Commission had not succeeded in completing all the work entrusted to it, a considerable amount of time having been spent on elaborating measures of implementation which, in his delegation's view, while they would do nothing to facilitate the implementation of the covenants, would constitute interference with the domestic affairs of States, and hence conflict with the terms of Article 2, paragraph 7, of the Charter. The Soviet Union delegation had therefore voted against those articles. It was also opposed to the division of the covenant into two separate instruments. It was those serious drawbacks that had led his delegation to abstain from voting on the draft report. However, he was convinced that the remaining difficulties could be overcome, and that an international agreement that would promote the protection of human rights in the full spirit of the Charter would eventually be concluded.

Mr. CHENG PAONON (China) requested that the report be made available in Chinese as soon as possible, and in any event not later than the opening date of the forthcoming eighth regular session of the General Assembly.

Mr. CASSIN (France) said that, for the first time in the eight years during which he had been taking part in the Commission's work, he had found himself obliged to abstain from voting on one of its draft reports. That did not, however, prevent him from paying a tribute to the brilliant work of the Rapporteur, or from welcoming the spirit in which all members of the Commission had worked together during the session. No one could deny that the Commission had made progress towards the goals it was ultimately hoped to reach, or that it had succeeded in improving the texts of the two draft covenants.

However, the closer the moment came at which the covenants were to be submitted to the General Assembly, the more necessary it was to be fully alive to the gravity of the difficulties to which certain faults of methodology might give rise. The French delegation still believed that the inclusion in the draft covenants of rights which were not proclaimed in the Universal Declaration of Human Rights would not

only upset the balance of the instruments, but also create serious difficulties with regard to measures of implementation.

The Commission had been unable to lay down the general rules governing the competence of the Human Rights Committee. It had agreed that the Committee, which had originally been conceived as an organ of conciliation, should, in certain cases, be empowered to receive not only annual reports from governments, but also petitions, not from individuals, but from political groups and relating to political issues. Such a conception of the functions of the Human Rights Committee, by which an institution which should be essentially apolitical would be empowered to deal with the gravest political problems in the world, could not fail to give rise to serious practical difficulties, which might make the General Assembly hesitate to adopt the covenants, and would in any event constitute an obstacle to their ratification by certain governments.

He hoped that, when the moment came to take the final decision on the two covenants, the Commission would not lose sight of those considerations.

Mr. PEROTTI (Uruguay) said that the Uruguayan delegation was well satisfied with the work done by the Commission at its ninth session. He was happy to be able to inform the Commission that all the principles incorporated in the two draft covenants were already enshrined in his country's Constitution and legislation.

Mr. HOARE (United Kingdom) explained that, although he had voted for the draft report, he was not in agreement with everything in it. He shared the general criticism of the draft covenants expressed by the representative of France.

Mr. WHITLAM (Australia) explained that the Australian delegation, too, was unable to identify itself with everything in the report. He had, however, voted for it with the more pleasure in that so much skill and judgment had gone into its drafting.

Mr. KAECKENBEECK (Belgium) had voted for the adoption of the draft report, although well aware that it contained a number of provisions in the drafting of which he had found it impossible to collaborate, or to which he was opposed. He wished to emphasize that, despite the way in which he had voted, he was in full agreement with the statement just made by the French representative, fearing, like him, that unless means were found of making certain of the provisions of the two draft covenants more

flexible, some countries would find it very difficult to accede to the instruments the preparation of which had cost the Commission so much in time and effort.

In conclusion, he wished to thank the Australian representative for his flattering words, and to emphasize that any success he might have achieved in the drafting of the report was in large measure due to the Secretariat, which had helped him with devotion and ability in equal measure.

3. CLOSURE OF THE NINTH SESSION

Mr. CASSIN (France) believed that he would be speaking for all members of the Commission when, as the oldest among them, he expressed his very sincere gratitude to the Chairman, and the hope that the Commission would be able to continue its work under his kindly but skilful leadership.

Miss ARCHINARD (Pax Romana), speaking at the invitation of the CHAIRMAN, said that she had been requested by all the non-governmental organizations that had been represented at the session to express their thanks to the Commission for having listened with such sympathetic attention to the statements made by the several organizations which had thought it their duty to bring to its notice the views of their countless members on the many problems concerning human rights. She was happy that such whole-hearted collaboration should exist, since it would bring home more clearly to everyone the grave menace which impended so heavily over human rights, and would also enable the non-governmental organizations themselves effectively to intensify their efforts to promote the recognition and observance of such rights throughout the world.

Mrs. LORD (United States of America), as a new member of the Commission, wished to say how enriching she had found attendance at the session, particularly in respect of new friendships made. She was particularly grateful to other delegations for the help they had given to the United States delegation and to her personally. She wanted, too, to express to the Chairman her delegation's appreciation of the indefatigability, patience and tolerance with which he had guided the Commission's work. The Commission was also much indebted to the Rapporteur for his excellent draft report, which had greatly lightened the closing stages of the Commission's labours. She also wished to thank all the members of the Secretariat who had helped to make the session run so smoothly.

Mr. MOROSOV (Union of Soviet Socialist Republics) thought that, despite the great length of the session and the pressure at which the Commission had been working, members might well feel - and, in his opinion, rightly so -, now that the time had come to leave Geneva, rather sad that more had not in fact been achieved. None the less, if the Commission had failed to do all that it might, that was certainly no fault of the Chairman's whom he wished to thank most sincerely for the patience, kindness and efficiency with which he had directed business at the session.

Naturally, delegations took different positions on the various problems and issues with which the Commission was confronted, but he was personally convinced that, given good will and a genuine desire to reach agreement, there was no problem or issue that could not be solved within the framework of the Commission's work.

He wished also to pay a special tribute to the Rapporteur for his brilliant draft report, to thank the two Vice-Chairmen for their services, and to associate himself with the other expressions of gratitude addressed to members of the Secretariat for their tireless work on the Commission's behalf.

Mr. DIAZ-CASANUEVA (Chile) said that he too, as another new member, had found the experience of working with the Commission most stimulating. He need not again stress how interested his country was in human rights and their protection, not only in Chile but throughout the world. For him personally, it had been most enlightening to move from the academic world of theoretical social reform to the practical realm of action in the field of human rights.

He wished to associate himself most warmly with the tributes paid to the Chairman, the Rapporteur, the two Vice-Chairmen and all members of the Secretariat.

Mr. HOARE (United Kingdom) said that it was his custom to leave the congratulatory speeches at the end of the session to those who could turn a phrase more elegantly than he. But he thought that on the present occasion, when the Chairman had presided with such skill over so long and arduous a session, he should abandon that practice. Not the least of the Chairman's feats was to have brought the Commission to the end of its work within the allotted time.

As to the Chairman's personal qualities, he would say only that he had presided over the discussions not merely with humour, but with good humour; that he had been

authoritative without being authoritarian; and that he had wielded all the weight necessary without lapsing into ponderousness.

He would also like to thank the first Vice-Chairman for the briskness and efficiency with which he had conducted the Commission's business when he had been in the Chair, and to congratulate the second Vice-Chairman on adapting himself so quickly and effectively to the exigencies of that exacting office. Finally, he must congratulate the Rapporteur on a first-class draft report, the fruit, no doubt, of much long and arduous personal labour.

In conclusion, he would like to thank all members of the Secretariat for their unflagging efforts on behalf of the Commission. The Division on Human Rights had always had a very high reputation within the Secretariat, and that reputation had been more than upheld by the work done at the present session.

The CHAIRMAN considered that, at the close of the ninth session, it was his duty as Chairman to draw his conclusions from the work done. He was sure that the work carried out in such an atmosphere of cordiality and good will, which had enabled the Commission to achieve effective results, could not fail to be a source of gratification to all. The Commission had succeeded in completing the most important items on its agenda, and, so far as the draft covenants were concerned, had drafted additional articles relating to questions which were both important and thorny, such as, for example, those dealing with equality of civil and political rights between men and women, questions relating to marriage and the family, and similar problems on which world opinion itself was still far from unanimous. As to the measures of implementation, the Commission had to its credit the drafting of the provisions setting up the Human Rights Committee, a step that would prove a landmark in the development of international law. Further, the Commission had shown wisdom in declining to take a decision on the federal State clause and the article relating to reservations, which, being political in character, called for clear-cut positions on the part of governments.

Again, the Commission had finally succeeded in completing its examination of the fourth and fifth reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had been postponed for the past three years.

It had also taken a decision concerning the Sub-Commission's future programme of work, and had elected its new members, thus enabling it to carry on its work in a field which commanded the lively interest of public opinion throughout the world.

As to the development of the work of the United Nations for widening the observance of, and respect for, human rights and fundamental freedoms throughout the world, the three draft resolutions submitted by the United States delegation (which, for lack of time to give them the serious and careful study they merited, the Commission had sent on to the Economic and Social Council) formed an interesting contribution to the study of means of developing the activities of the United Nations. And although the declaration made by the United States delegation at the opening of the session that its Government would not ratify the covenants on human rights had been received, if not with disapproval, at least with deep regret, that same delegation's active participation in the work of the session might, perhaps, be regarded as foreshadowing the review of a position which had possibly been dictated by domestic considerations.

Finally, even though, for lack of time, the Commission had been unable, as requested by the General Assembly, to draft recommendations on the right of peoples and nations to self-determination, it had nevertheless succeeded in including in part IV of the draft covenant on civil and political rights a provision relating to the implementation of that right.

In conclusion, he wished to pay a sincere tribute to the unfailing assistance given to the Commission by all members of the Secretariat.

He then declared the ninth session of the Commission on Human Rights closed.

The meeting rose at 5.20 p.m.